How is Oakland Living?
A Tenure Diversity Analysis
Anna Cash

This report describes a new type of housing analysis, tenure diversity analysis. Tenure diversity analysis aims to describe the state-of-housing in a determined geography, delineating between different types of legal housing arrangements (tenure types), and the protections connected to each tenure type. Tenure diversity analysis is by definition broad and inclusive; fifty-five tenure types were included as part of this analysis. This report describes the process of piloting this tenure diversity analysis in Oakland, California, and the preliminary findings of this work, with a focus on gaps in protection. When we bring protections to light, unprotected spaces and people also come to the fore.
Acknowledgments

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This report is for Oakland and all its residents. A more equitable Oakland is possible.
Part I. Introduction

Summary

The goal of this new framework for analysis is to bring to light the gaps in protections for a diversity of housing tenure types, in order to better enable policymakers to close those gaps, and better enable housing advocates and organizers to push for reforms. The analysis is motivated by the idea that virtually all tenures can be made less risky and more protected – when the goal is to keep people housed.

We are in the midst of a national eviction epidemic, where a household is evicted every four minutes in the United States (Desmond, 2018), and a regional displacement crisis, where 62% of low-income neighborhoods are at risk of or undergoing gentrification or displacement in the Bay Area (Zuk and Chapple, 2017). We need tools to assess the strength of the legal relationship between people and their dwelling – housing tenure. While the 3 P’s mantra of protection, preservation, and production, has become common parlance in the California housing policy world, assessment tools are often geared toward production. This analysis is oriented toward protection of residents, and preservation of the spaces they live in.

The Oakland application of the framework spans five categories of housing tenure, and fifty-five tenure types, quantifying the scale of each, and outlining the legal protections, as well as political advocacy underway to improve the rights of each tenure type.

Motivation

The “3 P’s” Are Overly Siloed, and Not Reflective of Full Tenure Diversity

As noted above, the 3 P’s mantra of protection, preservation, and production, has become an important framework in the California housing policy world. However, there can sometimes be a tendency to see each of the P’s – protection, preservation, production – on its own, instead of breaking the silos to develop more holistic strategies for equitable housing. Additionally, in current prevalent conversations on each of the three P’s, many of the tenure types discussed in this report are left behind.

The conversation around preservation mostly emphasizes maintaining existing affordable housing stock, and renewing or acquiring buildings with expiring affordability contracts to preserve affordability. In CASA, the Metropolitan Transportation Commission’s regional housing taskforce, there are production and protections working groups; preservation is supposed to be addressed by both groups, without having its own dedicated focus. In general,
preservation can sometimes take a back seat to other housing foci. This report will show that conversations around preservation need to be expanded, in part to include taking a closer look at substandard housing and code compliance reform, as well as supports for low-income homeowners.

Production, on the other hand, dominates many conversations about the housing crisis. This is especially true with the entrance of YIMBYs, a political group with a “yes in my backyard” mantra that pushes for the production of more housing at all levels as the answer to the housing crisis. In general, production conversations ostensibly revolve around the production of both market-rate and affordable housing, though sometimes market-rate production is preferred in air time, not acknowledging the stark existing production imbalance. From 2007-2014, the Bay Area built less than one-third of its Regional Housing Needs Assessment (RHNA) allocation for very low, low, and moderate income households, while meeting 99% of its RHNA requirements for above moderate households (ABAG, 2014). In Oakland, from 2007 - 2014, the city only met 28% of its RHNA goals (ABAG, 2014).

Production is certainly needed to address the housing crisis. However, we cannot ‘build our way out’ of the housing crisis with market-rate production alone. In particular, the filtering of market-rate housing should not be relied upon as a critical affordable housing strategy; while market-rate housing production in the Bay Area in the 1990s resulted in lower median rent in 2014, it also led to higher cost burden for low-income renters. Notably, subsidized affordable housing produced in the 1990s had twice the impact as market rate housing in mitigating displacement (Zuk and Chapple, 2016).

Been et al, 2017 conclude that new market-rate construction is indeed critical to prevent currently affordable housing from “filtering up” to higher income households given limited supply. Additionally, their research suggests that some of this new market-rate housing will eventually “filter down” to buyers at lower price points; but as Zuk and Chapple, 2016, find, that process can take decades, and will still not reach people at lowest income levels (Been et al, 2017). According to the California Legislative Analyst’s Office, San Francisco would have to increase its annual housing production by more than 600% to keep pace with the housing market, let alone to cause rents to fall. The scale of new production needed cannot be easily achieved within a short time frame (LAO, 2015). As Been et al conclude, these findings suggest

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1 However, it is worth noting that, broken out by income category in that time period, Oakland did meet 67% of its Very Low Income (0-50% Area Median Income (AMI)) RHNA goal, but only 18% of its Low Income (50 - 80% AMI) RHNA goal. For Moderate Income (80% - 120% AMI) housing, Oakland dramatically underperformed, only producing 1% of the RHNA goal from 2007-2014. Oakland produced
the need for more inclusionary housing, subsidies, and preservation of existing affordable housing.

There is also a need to stabilize people in place, not just preserving housing stock or producing more affordable housing, but also protecting existing residents from displacement pressures. In order to protect tenants today, there has been a push to focus on protections, led by a growing renters’ movement. While only 4% of California cities have rent stabilization and/or Just Cause for Evictions protections, the movement for renters’ rights has been growing in recent years, particularly in the Bay Area. According to Urban Habitat, there are tenant rights’ movements in at least 23 Bay Area cities (Urban Habitat, 2018).

While protections are more present in this region than elsewhere, renters’ movements are focused on expanding rent stabilization and Just Cause for Evictions protections to new cities, strengthening protections and closing loopholes where protections already exist, and reforming or repealing Costa-Hawkins (which places limits on rent stabilization), as well as expanding other protections for renters, at the state level.

Expansion of renter protections was particularly active in the 2016 elections; in the Bay Area, Alameda, Mountain View, Oakland, and Richmond gained new protections, though Alameda’s protections were quickly revoked due to lobby of the powerful apartment owners’ association. Even where campaigns were waged and protections not won, movements were strengthened for future fights (Roshan Samara interview, 2018). In Oakland, protections were strengthened by pushing the Just Cause for Evictions protections ‘new construction’ cutoff date back to 1996, thus expanding coverage to 12,000 new units. (Prior to Measure JJ, only units approved for occupancy before October 14, 1980 were covered.)

As mentioned, at the state-level, there is a push to reform or repeal Costa-Hawkins, which exempts single-family rentals from rent stabilization, as well as units built before 1996 (or whenever a city’s rent stabilization ordinance was passed, in Oakland’s case in 1983). Other state level protections bills currently under consideration include AB 2925, Statewide Just Cause for Evictions; AB 2343, Tenant Protection Act to address evictions protocols by means of extended noticing periods, extended time to file response, strengthened anti-retaliation provision; AB 2219, Landlord Tenant Payments, which would require landlords to accept third party payments, eg from municipal or county rental assistance; AB 2364, extended notice for

2 AB 2219 (Ting) would require landlords to accept third-party rent payments that are made on behalf of a tenant, so long as accepting the third-party payment does not require a landlord to enter into a new contractual relationship in order to receive the payment. It is important to note that this bill would not
Ellis Act evictions; and AB 2618, which proposes a mandatory landlord education certification program.

However, the current conversation around protections leaves out many of the tenure types that this report discusses. For example, the tenant rights community is still getting up to speed on non-conforming housing; decriminalizing homelessness is a separate conversation entirely; and protecting Housing Choice Vouchers is not necessarily seen as the domain of those focused on protections, nor of affordable housers. Additionally, protections conversations could better incorporate components that reflect the shifting tenure landscape today, such as specific protections for those doubling up in Just Cause Evictions ordinances.

**Housing Assessments Need to Include More Than Just Production**

While the state mandates assessments of housing production (the Regional Housing Needs Assessment, or RHNA), taking into account income levels of the current and projected population and their housing needs, this approach falls short for a few reasons. For one, as described, production very rarely matches the needs as assessed, and, furthermore is one piece of a broader overall picture.

To address the shortfall of production, policy has been proposed to improve the enforceability of RHNA, including last year’s SB 35, which streamlines permitting processes in jurisdictions that have not met their fair share housing goals, as well as policy currently under consideration by regional taskforce CASA to condition Metropolitan Transportation Commission funding on RHNA compliance, or establish a regional appeals board for development projects based on Fair Housing principles, amongst other ideas.

Beyond the failure of RHNA to have the intended impact on housing production, it is insufficient as the core way of addressing the region’s housing needs. Production is an important piece of the picture in the housing crisis, and thinking about how we can prospectively house people is critical. **However, the Bay Area’s current residents are living in a variety of arrangements today, and we also must think about assessments that move us toward better protecting these residents, and preserving types of housing that allow residents to stay in place safely and affordably.**

apply to Section 8 Housing Choice Vouchers or other similar programs (Western Center for Law and Poverty, 2018).
Recognizing the need to broaden the toolkit beyond production strategies, several cities, including Oakland, have begun to experiment with new kinds of housing assessments, which use neighborhood-level analysis to guide policy and investment decisions. For example, as a companion to the Environmental Impact Statement (EIS) prepared to evaluate its Comprehensive Plan update, the Seattle Office of Planning & Community Development prepared a Growth and Equity Framework (City of Seattle Department of Planning and Development, 2015) to analyze impacts of the growth strategy on Seattle’s marginalized populations. The framework, for example, collects a series of indicators to assess both displacement risk and opportunity, classifying each neighborhood by its place on a displacement risk and opportunity level matrix.

Seattle’s 2015 framework actually dialogued with a Housing Equity Roadmap created in 2015 by the City of Oakland Department of Housing & Community Development’s Strategic Initiatives Unit and PolicyLink, with demographic analysis and mapping by the Urban Strategies Council. The Housing Equity Roadmap was the subject of a recent case study by Margareetta Lin, Daniel Lindheim, and Minkah Eshe-Smith, which outlines the development of the Roadmap, which was intended to be a “Housing Action Plan,” and the ultimate limitations on its political viability. Indeed, the Roadmap identified nine anti-displacement strategies it estimates would prevent the displacement of over 40,000 households.

These anti-displacement strategies include: amend the condominium conversion ordinance; require seismic retrofitting of more than 14,000 soft-story housing units coupled with tenant protections; increase funds for housing first and rapid rehousing subsidies and services to identify housing appropriate for homeless households; address bad faith evictions and evictions of long-term residents, develop a standard city tenant relocation policy, and fund city program operations; enhance support for place-based community revitalization and anti-displacement initiatives; establish a distressed mortgage notes purchase program; develop new regional home-preservation low-interest loan fund or grant programs; incentivize private landlords to participate in a state tax-exemption program to convert market-rate rental housing into long-term affordable housing; research strategies to mitigate market-force displacement from large-scale housing projects and study the conditions that are leading to the displacement of Oakland families with children to address their housing needs.
Since the publication of this report, the city has made major strides toward achieving its affordable housing goals, particularly with the passage of Measures KK and A1, and the major accomplishment for tenant protections has been Measure JJ, a grassroots ballot measure campaign to improve Oakland’s rent stabilization law (Cappio, Byrd, Hood, 2017). According to the authors, without additional protective anti-displacement regulations, an estimated 29,000 rental units are potentially at risk of being lost to condo conversions, or an estimated 14,000 units to a major earthquake (Lin, Rose, 2015). In addressing the lack of implementation of anti-displacement policy, in the case study on the Roadmap, Lin et al recommend the creation of a state framework that, through the passage of new state laws, would require cities to implement anti-displacement actions.

Both Oakland’s Roadmap and Seattle’s Framework serve as examples for moving toward assessing housing situations as they currently exist with an eye toward improving not just housing production, but also protections and preservation. Substantively, the Seattle framework models ways to build in both displacement risk (which includes indicators on housing stock) and opportunity (focused on local resources). The Oakland Roadmap demonstrates how spatial assessments of protection coverage and loopholes can be built into policy recommendations, underscoring the importance of connecting the specifics of local protections to actual tenure composition in order to prioritize policy action. However, the experience of the Roadmap also highlights the importance of accountability structures for implementation.

Such frameworks are state-of-housing assessments that address needs in terms of improved protections. The following analysis implies ways to deepen such frameworks, principally by expanding what is contemplated when we assess housing and tenure, including making connection to more informal housing types, such as the varied and expanding forms of homelessness. As the report will demonstrate, in some places, data is better on homelessness than other tenure types; this information on scale of homelessness, for example, could be incorporated into protection-focused state-of-housing assessments.

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3 Measure KK is a ballot measure $600 million bond that passed in Oakland in 2016 to improve city infrastructure and preserve and construct affordable housing. Measure A1 is a $580 million ballot measure bond in Alameda County to build new affordable housing.
Project Context

The project is built upon a new form of housing tenure analysis that is occupant-centered and seeks to move past a “double impasse” of housing policy. In their paper, “Breaking the Double Impasse: Securing and Supporting Diverse Housing Tenures in the United States,” Jake Wegmann, Alex Schafran, and Deirdre Pfeiffer describe this double impasse in US housing policy debates, with advocates for rental or ownership on one side, and advocates for Third Way or mixed-tenure solutions on the other. They write that,

“breaking this impasse requires disengaging from conceptions of an idealized form of tenure and instead advocating making virtually all tenures as secure and supported as possible, so that diverse households are able to live in homes that best fit their changing needs over their life cycles.”

Wegmann, Schafran, and Pfeiffer assessed tenure types on the criteria of control (right to occupy, use, transfer, sublet, but also degree of control occupants exert over how dwelling is managed); wealth-building potential (how much occupants can build their wealth via a home’s transfer value); subsidy (extent to which the unit is privileged by U.S. governmental, financial, and legal institutions); and risk (how protected occupants are from the rental market (for example, from rent increases and evictions)).

This paper builds on that work in three key ways: (1) by expanding upon the risk component to do a deeper dive on different forms of vulnerability to displacement, (2) expanding the list of tenure types to attempt a more inclusive list, and (3) grounding it locally in the Oakland context. Local conditions and regulations of course greatly impact the circumstances of each tenure type; as Wegmann et al write, “an unsubsidized, privately owned rental in a jurisdiction with strong tenant protection laws is more secure than in one without. Some states have stronger housing subsidy programs than others, as do some counties and cities (Wegmann et al, 2016).”

This report represents a first phase in the pilot of local housing tenure diversity analyses. Schafran and Wegmann have partnered with local organizations to conduct this analysis at different scales, here in Oakland at the city-level, in Denver at the neighborhood scale, and in Florida at the state level. In Oakland, the local partner is Oakland Community Land Trust (OakCLT); Executive Director, Steve King, has provided local knowledge on various tenure types.

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4 “These include community land trusts, mutual housing associations and other forms of housing occupancy that directly challenge the [rent/own] dichotomy, or accessory dwelling units (ADU) and other forms which accommodate both renting and owning on the same property (Wegmann et al, 2016).” (For purposes of this analysis, however, ADUs have been separated out as rental tenures and owner tenures depending on whether the resident is renting the ADU or owns the primary structure).
types, guidance to the project approach, and context and contacts for housing advocates in Oakland. OakCLT has also played the role of convener; the research described below culminated in an April 2018 convening with housing advocates present from several organizations, in order to solicit their feedback for a final report. See Appendix A for a list of convening attendees.

Why Oakland?

Oakland is an ideal place to conduct a pilot version of this protections-focused tenure diversity analysis. For one, Oakland is an incredibly diverse place, and the same can be said for the breadth of housing arrangements present here. Furthermore, the displacement crisis is touching so many parts of Oakland as the city undergoes rapid change. Parts of Oakland may have been overdue for some investment, but as displacement pressures mount, the question becomes revitalization for whom, or rather, who gets to stay to benefit from increased investment and resources?

Disinvestment and Reinvestment

In order to understand the changes in Oakland today, it is important to turn to history. In the words of Peter Moskowitz, “the more disinvested a space becomes, the more profitable it is to gentrify (Moskowitz, 2017).” Oakland’s history is a racialized history, in which African-Americans migrated to Oakland en masse, many whites emigrated out, and neighborhoods home to communities of color were left out to dry, experiencing cycles of disinvestment and destruction, most recently manifest in the foreclosure crisis that resulted from predatory lending disproportionately targeting these communities (Reid et al, 2016). These shifts help to understand some of the dynamism and complexity of today’s housing tenure landscape in Oakland. Additional tenure data disaggregated by race will be added to future versions of this work in order to help unpack some of these relationships.

In the 1930s, 27% of Oakland, largely in the flatlands, was redlined or given a “hazardous” rating that indicated it was the riskiest kind of neighborhood for investment (Nelson et al, 2018). Redlining is a process in which the Home Owners’ Loan Corporation (HOLC), a federal agency, gave neighborhoods ratings, largely based on racial demographics to guide investment. NCRC research shows that Oakland’s legacy of redlining is even more dramatic than the national averages; 77% of Oakland neighborhoods that were rated “hazardous” in the 1930s remain low-to-moderate income today, and 99% of Oakland’s neighborhoods that were rated “best” in the 1930s are middle-to-upper income today (Mitchell and Franco, 2018).
During what is sometimes referred to as “the second Great Migration,” in particular, which began in 1940, Oakland received many new Black residents, who were seeking jobs in the defense industries during the second World War, and in some cases fleeing racial terror in the South (Mock, 2015). From 1940 to 1950, Oakland’s Black population grew by over 500 percent (from 8,462 to 47,562) and by 1960, it reached 83,618. These new Black residents largely concentrated in flatland industrial areas that had been redlined (Montojo, 2017).

As in other cities in the US, large swaths of Oakland only grew more disinvested as post-World War II subsidies encouraged the construction of suburban subdivisions that drew whites out of the city, but had restrictive covenants excluding people of color. Oakland’s white population steadily decreased in the 1950s, dropping from 86% of the population to 59% by 1970 – or 115,285 fewer residents, and a good proportion of the city’s tax base (Montojo, 2017). Urban renewal projects responded to this, intending to bring revitalization, but wreaking havoc on Oakland’s communities of color by cutting through communities and displacing families through eminent domain. These projects served to consolidate disinvestment.

Finally, in understanding disinvestment in Oakland, it is important to confront the subprime lending and foreclosure crisis. Oakland was majority people of color by 1980 (Montojo, 2017), and working class flatland neighborhoods had become important concentrations of African American homeownership. In the foreclosure crisis, over 11,000 homes were lost in Oakland, from 2007 to 2013, largely concentrated in these communities (Lin et al, 2017). By October 2011, investors had acquired 42% of all properties that went through foreclosure since 2007 in Oakland. Of those properties, 93% are located in the low-income flatland neighborhoods. And only ten of the top thirty most active investors are actually located in Oakland (King, 2012). Not only did these communities lose homeowners, they gained investor-owned single-family rentals exempt from rent stabilization under Costa-Hawkins.

In the early 2000s, as predatory lending was about to gain steam, setting the stage for the foreclosure crisis in Oakland’s communities of color, a ‘back to the city’ movement was also getting underway. This means that Oakland was trying to attract higher-income newcomers and a healthier tax base; specifically, the city had a goal of bringing 10,000 new people to live in the downtown area through building market-rate housing and amenities (Lin et al, 2017).
Displacement in Oakland Today

Renter Vulnerability to Displacement

As newcomers arrive to take advantage of an Oakland that is both on the rise and still more affordable than nearby San Francisco, displacement may mean that long-time residents are being forcefully pushed out from their homes just as their neighborhoods are finally receiving a variety of investments previously deprived. The tendency in discussing displacement - its mechanisms and its impacts - is often to discuss pressures on, and consequences for, renters. In our typical policy conversations - where tenure means to rent or to own - renters are, indeed, the most vulnerable to displacement pressures. And there is much to say about renter vulnerability to displacement.

To start, Oakland, like much of the Bay Area, is facing a housing affordability crisis. In 2015 Oakland was named the fourth hottest rental market in the country (Zumper, 2015). Rents in Oakland have been skyrocketing; in the past five years, there was a 63% increase in median rent. Median rent in Oakland as of February 2018 was $2,969; while San Francisco is still more expensive with a $3,412 median rent, its rents experienced a 32% increase in the same timeframe (Zillow Rent Index, 2018).

![Median Rent in Oakland, 2011-2018 (2018$) Zillow Rental Index (ZRI)](image)

- San Francisco
- Bay Area Average
- Oakland
- California
- United States
According to the National Low-Income Housing Coalition, an annual income of $86,920 is needed to afford a two-bedroom apartment in Oakland, which translates to an hourly wage of $45 per hour, or two minimum wage-earners working a total of twenty-seven hours a day (National Low-Income Housing Coalition, 2017). The median income for renters in Oakland is around $37,264 (American Community Survey, 2016); even two-earner households do not come close. Recent research by PolicyLink and PERE found that two minimum-wage workers can find affordable rent in just 5% of Bay Area neighborhoods; only one neighborhood in Alameda County fits this description (PolicyLink, PERE, 2018).

There is a “rent gap” (Smith, 1987) between what many landlords receive from long-time tenants and potential income from new tenants who are willing to pay more. This profit opportunity can incentivize landlords to push out long-time renters. In Oakland, the rent gap is about $1,840; this number represents the difference between December 2016 median rent, and the average median gross rent for tenants who moved in prior to 2015 (as far back as 1979 or earlier). Indeed, 32,402 unlawful detainers were filed in Oakland between 2005 and 2016 (Anti-Eviction Mapping Project, 2016). In addition to formal evictions, renters are often forced out of their homes through “soft evictions,” such as rent hikes, landlord harassment, or utility cut-offs.

Displacement can create stress for families, with children changing schools and parents further away from jobs, and erode social cohesion in communities (Jelleyman and Spencer 2008; Desmond and Kimbro, 2015; Wardrip and Cohen, 2011; Morenoff, Sampson, and Raudenbush, 2001; Causa Justa/Just Cause, 2014). In a high-cost housing market like Oakland’s, displacement can mean moving to a new city entirely. Importantly, gentrification and displacement in the Bay Area have disproportionately affected Black and Latino renters, and Oakland lost nearly 44,000 Black residents between 2000 and 2014 (Urban Habitat, 2017).

While displacement can lead to moves out of town, it can also lead to doubling up, as this report discusses. Doubling up has been shown to create its own stresses, and negative impacts

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5 Calculation based on Oakland minimum hourly wage of $13.23.
6 American Community Survey Table B25113, “Median Gross Rent (MGR) by Year Householder Moved into Unit” was used for the pre-2015 figure, which is an average of median gross rents of tenants who moved in 2010-2014, 2000-2009, 1990-1999, 1980-1989, and 1979 or earlier, not weighted by population. The December 2016 figure is from the Zillow Rental Index (ZRI). This attempts to demonstrate the “real” difference between what residents who have been living in an area for some time pay and what a newcomer can expect to pay. Therefore the decision was made to intentionally compare MGR and ZRI even though they do not measure exactly the same thing.
7 Landlords file unlawful detainers (UDs) at court if a 60- or 30-day notice terminating tenancy does not lead to rent payment or other ‘cure’ of rental agreement violation.
on health, education, and more. For example, overcrowding during high school years has been negatively associated with high school graduation rates and educational attainment by the age of 25 (Lopoo and London, 2016). Furthermore, qualitative research shows that doubling up is predominantly a negative experience for families; respondents discussed “negative effects on children, undesirable environments, interpersonal tension, and feelings of impermanence and instability (Bush and Shinn, 2017).” Finally, cultural displacement may mean that even those who get to stay experience a loss of sense of belonging (Zukin, 2009; Hyra, 2014).

And displacement is not just an event, but rather has lasting impacts for households. Overall, evictions are associated with higher rates of depression, anxiety, and parental stress (Desmond and Kimbro, 2015). In a 2016 study in San Mateo county, one in three displaced households reported some period of homelessness or marginal housing, and many were displaced to neighborhoods with fewer job opportunities, with 33% of households leaving the county. Those that were able to stay in their old neighborhood were more likely to live in crowded or substandard housing (Marcus, Zuk, 2017). In the words of Matthew Desmond, “eviction functions as a cause, not just a condition, of poverty.”

Displacement and Other Tenure Types

While it is critical to consider the urgency of vulnerable renters, when we only talk about rising costs and other displacement pressures for renters in the private market in Oakland, we miss other key parts of the housing picture here.

For one, as discussed above, displacement pressures also lead to the expansion of several types of informal housing arrangements, which vary in their level of stability and protectedness. The number of renters living with 1.51 or more occupants per room (6,651 renters), is up 70% since 2009, which may imply a doubling up crisis in Oakland (CAPE, Alameda County Public Health, 2018). And the Ghost Ship fire in December 2016 highlighted that, for the estimated up to 2,000 people living in live-work spaces in formerly industrial buildings in Oakland, and those living in other non-conforming spaces, there are risks to safety, and also increased displacement risk for those living in spaces with non-life-threatening issues.

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8 About 13,000 renters are living with more than 1.01 people per room, a 46% change from 2009. And these figures are up for owner-occupied units as well: about 2,400 owner-occupied units have more than 1.01 people per room, a 32% increase from 2009. Estimates from American Community Survey, 2016 1-Year Estimates.
Beyond informal housing, these displacement pressures contribute to the **homelessness epidemic** Oakland is experiencing. As of the January 2017 Point-in-Time Count, there were a total of 2,761 individuals experiencing homelessness in Oakland, representing a 26% increase from 2015 (+ 570 individuals). Black people are disproportionately represented in this data, as 68% of Oakland’s homeless population is Black, compared to 26% of the general population (EveryOne Home, 2017).

Of Oakland respondents, 30% reported that they were experiencing homelessness for the first time, and 86% of respondents reported that they were living in Alameda County at the time they most recently became homeless; 62% of respondents reported they had lived in Alameda County for 10 years or more (EveryOne Home, 2017).

These statistics start to suggest a link between displacement and homelessness in Oakland and beyond. As the chart below shows, 43% of homeless Oaklanders lived in a home owned or rented by them or their partner prior to becoming homeless, and 30% were doubling up. When asked what would have helped prevent homelessness, 48% of respondents said that rent assistance would have made the difference (EveryOne Home, 2017).

**LIVING ARRANGEMENTS IMMEDIATELY PRIOR TO BECOMING HOMELESS**

![Chart showing living arrangements immediately prior to becoming homeless](image)

*Figure A. Living Arrangements Immediately Prior to Becoming Homeless, EveryOne Home, 2017.*

Of the Point-in-Time respondents, 22% (618 people) reported living in their vehicle (EveryOne Home, 2017); under the eyes of the law, this tenure type is prohibited completely in Oakland (Fisher et al, 2015). The city is trying to reduce the number of people living on the streets and in
encampments,\textsuperscript{9} about 1300 people, by creating new emerging tenure types, mostly variations on sanctioned encampments. Emerging tensions show that, if we are to advance short-term solutions while we pursue housing, it is imperative to think through the experience of the Oaklanders for whom that is to be their living arrangement, for any period of time.

Furthermore, these pressures mean that many Oaklanders are thinking about how to increase subsidized housing (or housing subsidy, particularly as Housing Choice Vouchers struggle to maintain landlord participation in the context of a rent gap). Strategies for increasing new affordable housing construction is outside the scope of this report, but analysis of protections affirms that affordable housing is a relatively protected tenure type in the context of displacement pressures, with a handful of small potential points of reform. Voucher-holding renters, however, are more vulnerable to displacement pressure, and may need more attention to ensure that they are protected.

Advocates are also thinking about how to preserve long-term affordable housing stock, particularly through \textit{“third way” tenure} types. Community Land Trusts (CLTs) offer a different kind of protection; one in which residents can become homeowners and earn equity (at a fixed rate), but are backed up by a supportive infrastructure in the face of potential financial challenges.

Finally, the foreclosure crisis revealed the real plight of low-income homeowners in Oakland. While the urgency of that wave is behind us, low-income homeowners, particularly seniors and the disabled, face particular challenges in Oakland today, which need to be meaningfully addressed. These include maintenance and code compliance issues, which may become more urgent in gentrifying neighborhoods receiving new attention. While homeownership can be a ‘dream’ in terms of its potential for intergenerational wealth-building, the foreclosure crisis highlighted how this tenure type is not safe from displacement pressures without thoughtful protection.

So, the housing tenure landscape is diverse, fluid, and dynamic in Oakland. There are many ways of living, and Oaklanders move between these, especially as costs rise and neighborhoods change. Protections here are dynamic, too, as this report will discuss. This rapid change means that Oaklanders, including advocates, housers, and city government are working to keep pace.

\textsuperscript{9} 711 people were living unsheltered and 573 in encampments as of the Point-in-Time Count (EveryOne Home, 2017).
Methodology

The methodology for the tenure diversity analysis involves six key stages:

1. Creation of a list of all known housing tenures in the study area, consulting with local housing advocates.
2. Collection of available data to assess how many units and, when possible, how many residents, are in each tenure type.
3. Assessment of the degree to which each tenure is protected legally.
4. Assessment of the degree to which each tenure has advocates seeking to improve its rights.
5. Assessment of the financial and environmental risks of each tenure.
6. Synthesize and report findings.

Stage 1: Create housing tenure list

The creation of a list of housing tenures in Oakland initially drew upon tenures outlined in the Wegmann et al, 2016 paper. Our team then assessed whether all of the tenures were relevant, eliminating those that did not apply to Oakland, such as informal homestead subdivision ownership. From there, tenure categories were established to group the remaining tenure types:

- Unsubsidized rental tenures
- Subsidized rental tenures
- Ownership tenures
- Third way tenures (tenures that blend benefits of rental and ownership)
- Informal and homeless tenures

Moving forward, additional tenure types were added in an iterative process; they either emerged from legal protections and advocacy research on the existing list, or through conducting interviews with housing professionals.

In terms of selection criteria, housing tenure types were distinguished from one another insofar as there were implications for legal protections. For example, while accessory dwelling units may be similar structurally whether or not they are registered, the distinction has important legal implications for both tenants and owners. Because duplexes and triplexes may be exempt from certain tenant protections if owner-occupied, owner-occupied duplexes and triplexes were separated out from those in which all units are renter-occupied – and these tenancies are separated out from larger multi-family tenancies. While tiny house encampments may look similar whether organized by the city or self-determined, the
experience of residents is likely to differ significantly, so these were separated out from one another.

Interviews were conducted with housing professionals after the preliminary list of tenure types was established and initial legal protections and advocacy research had been done on those types. (See Appendix B for a list of interviewees). In each of these interviews, interviewees were asked to supplement the list with any tenure types they felt were missing, which they often did. It should be noted that the list of interviewees was designed to span the tenure categories, but is certainly not comprehensive; it was always planned to convene a larger group later in the process (see stage 6).

**Stage 2: Quantify tenure types**

With the preliminary list of tenure types solidified, and the expanded list being iteratively added on, each tenure type was quantified. Existing available data sources were scanned to determine what was possible to quantify for each tenure type, aiming to fill in the number of units for each type, and how many people lived in each. While most of the sources are secondary data sources, some numbers were obtained through the process of the legal protections and advocacy research. Data sources and methods are described further in the quantification section below.

**Stage 3: Legal protections analysis**

In order to conduct the legal protections analysis, we first established categories for legal protections: direct displacement prevention, indirect displacement prevention, and displacement response. These categories sought to answer three core questions, respectively:

1. For **direct displacement prevention**: What protections exist to protect residents from direct displacement?
2. For **indirect displacement prevention**: What protections exist to protect residents from indirect displacement (conditions that might make their living situation untenable such that they would feel the need to leave)?
3. For **displacement response**: What mechanisms are in place to respond when occupants are forced by circumstances to leave their current living situation?

Within each of these questions, we created categories of analysis to help answer them.
For direct displacement prevention, these categories included:

(a) protections from being displaced (for unsubsidized rental tenures, this includes whether a unit is covered by Just Cause Evictions protections);
(b) price controls (for unsubsidized rental tenures, this category outlines whether a unit is covered by rent stabilization);
(c) dispute management support / internal governance (for unsubsidized rental tenures, this classifies whether or not a unit is covered by the Rent Adjustment Program (RAP) to address disputes between tenants and property owners);
(d) financial support (this category outlines whether or not a unit is eligible for some emergency displacement prevention (rental or foreclosure assistance));
(e) conversion regulations, whether or not there are restrictions on the unit converting to another use (thus displacing occupants).

Within the indirect displacement prevention question, we included categories on (a) harassment protections, b) security, and (c) right to repairs or habitability.

The displacement response question is focused on whether or not the unit would be eligible for relocation benefits in the event of displacement.

In order to map out these protections for each of the fifty-five tenure types, desk research and interviews with housing advocates were then conducted for all five tenure categories, using these interviews to iteratively guide the research. For this pilot version of the tenure diversity analysis, as described below, the approach was to cast a wide net in terms of sources for information on tenure-specific legal protections. The goal here is to identify key types of sources for replication of this analysis in other places, though the breadth of sources does suggest the importance of local knowledge and context for this type of analysis.

In addition to interviews with advocates, advocacy resources available online and in the grey literature provided guidance. This includes national advocacy organizations, such as the National Low Income Housing Coalition, as some protections (and gaps in protections) are shared across local contexts. For many protections, local context of course matters greatly. To that end, for unsubsidized rental tenures, the Oakland Tenant Rights Handbook (up-to-date as of October 24, 2017), the Oakland Tenants Union website, and the Roadmap report described above were all relied upon heavily.

Across tenure types, upon learning of specific gaps in protections, or emerging tenure types in the informal and homeless category, journalistic articles were used to flesh out the impacts of
the lack of protections on Oakland residents. In terms of emerging and informal homeless tenure types, official public communications from the mayor on this subject over the course of the project, and attendance of a homelessness forum organized by Councilperson Rebecca Kaplan also supported this work. Finally, given the breadth of the work, peer researchers in UC-Berkeley’s Department of City and Regional Planning Masters in City Planning program with more focused topics in housing tenure, such as tenant protections in subsidized housing in nearby Richmond (Verma, 2018), and the emergence of tiny houses to address homelessness in Alameda County (Coleman, 2018), also provided guidance and shared resources.

Given that the applicability of Just Cause Evictions protections, rent stabilization, and Oakland’s Rental Adjustment Program are all included as key metrics of level of protection, definitions of each have been included as Appendix C.

The information on legal protections was collected in a spreadsheet, with tenure types by row, and protections by column. The spreadsheet has been included as an attachment (attachment A), and should be a useful tool in its own right for advocates and policymakers who are interested in details around specific tenure types.

**Stage 4: Advocacy analysis**

Protection is only as good as one’s knowledge of their rights, the ability to enforce them, and institutional and political support to maintain these rights. Recognizing this, and the fact that many of the tenure types identified in this analysis have a long way to go towards more complete protection, we conducted a complementary advocacy analysis in order to outline the advocacy landscape for each tenure type.

For each tenure, we examine the following questions:

1. Who does occupant go to if they have a housing issue?
2. Who is fighting to improve the rights of this tenure?

This analysis was conducted in parallel to the legal protections analysis and employed the same methodology, as exploration of legal protections leads to information about potential reform, and to the actors agitating for such change. In some cases, the advocates interviewed were directly part of the “advocacy landscape” described in this section, for a specific tenure type (such as David Keenan of Safer DIY Spaces, for live-work spaces in formerly industrial/commercial buildings), or for several tenure types (such as Jeff Levin of East Bay Housing Organizations, for subsidized housing types). In these cases, they were able to provide even fuller context on advocacy.
The findings from this section were also collected in the spreadsheet described above, in a separate advocacy tab. Again, see Attachment A.

Stage 5: Assessment of the financial and environmental risks of each tenure

This preliminary report is situated in a broader process; following this report, the research team will continue to deepen the analysis, towards a second convening of advocates, and toward an academic publication of the tenure diversity analysis pilot. The next phase of the analysis, to be completed in June, is an assessment of the financial and environmental risks of each tenure.

Financial risk analysis will map out tenure-specific financial issues such as the levels of subsidy for different tenure types, expiring use issues (subsidized housing), rental-backed securitization and other risks associated with increased investor ownership.

Environmental risk analysis will map out tenure-specific environmental risks, such as likelihood that disaster could result in permanent displacement. At the convening, there was a call to broaden the definition of environmental risk, for example, to include housing quality and health risk, and environmental health risks such as air pollutants and toxic exposure. This section is compatible with advanced spatial analysis to determine this risk geographically.

Stage 6: Synthesize and report findings

While the spreadsheet provides details on the legal protections and advocacy analysis, a key benefit to the comprehensiveness of tenure diversity analysis is the ability to conduct analysis across tenure types and tenure categories. For higher-level needs assessment, in the analysis section below, there is a cross-cutting analysis of tenure types by scale, and levels of protections. This allows for pattern identification, and for the possibility of stakeholders in housing reform to identify unlikely allies.\(^{10}\)

\(^{10}\) Note that this synthesis does not yet include the financial and environmental risks analysis.
II. Analysis

Defining the tenure types

Given that the identification and delineation of the tenure types is a core part of the tenure diversity analysis conducted, tables are included below outlining the tenure types, by category, with brief definitions. The convening provided useful feedback on our original list. In Appendix D, a more complete ‘glossary’ is included, where each tenure type is defined, some additional context is provided, and a note on the quantitative estimate is included.

**Unsubsidized rental tenures – tenure types and definitions**

<table>
<thead>
<tr>
<th>Tenure Type</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lodger Law</td>
<td>Unit shared between landlord and roommate</td>
</tr>
<tr>
<td>Subleasing</td>
<td>Subtenant with housing arranged through master tenant</td>
</tr>
<tr>
<td>Single-Family Rental - Attached/Detached</td>
<td>Tenancies in single-family homes, either attached or detached</td>
</tr>
<tr>
<td>Multi-Family Rental - 2-3 units - all renter-occupied</td>
<td>Tenancies in multi-family buildings, with either two or three units, commonly known as duplexes and triplexes, respectively</td>
</tr>
<tr>
<td>Multi-Family Rental - 2-3 units - owner-occupied</td>
<td>Tenancies in duplexes and triplexes, in which an owner occupies at least one of the units</td>
</tr>
<tr>
<td>Multi-Family Rental – 4+ units</td>
<td>Tenancies in multi-family buildings, with four or more units</td>
</tr>
<tr>
<td>Residential hotels (SROs)</td>
<td>Buildings with single room units that do not typically have a private bathroom or kitchen</td>
</tr>
<tr>
<td>Motels</td>
<td>Distinguished from traditional residential hotels in a few ways: more recent construction, originally built to serve tourists, and nearly always contain private bathrooms and/or kitchen facilities</td>
</tr>
<tr>
<td>Accessory Dwelling Units (ADU) – formal ADU tenant</td>
<td>Attached or detached secondary dwelling units with complete independent living facilities</td>
</tr>
<tr>
<td>&quot;Religion-linked housing&quot;</td>
<td>Mission-driven housing geared towards vulnerable populations, especially those exiting transitional housing; may or may not have support services</td>
</tr>
</tbody>
</table>
Subsidized rental tenures – tenure types and definitions

<table>
<thead>
<tr>
<th>Tenure Type</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Housing Choice Voucher (Section 8)</td>
<td>Tenancy financed by national subsidized housing program, administered by local housing authorities (in this case, Oakland Housing Authority (OHA)). Voucher-holders live in private rental market units, and pay 30% of income, with HUD paying the rest of the rent up to a Fair Market Rent calculation.</td>
</tr>
<tr>
<td>HUD public housing</td>
<td>Tenancies in HUD-constructed and -operated public housing, where low-income tenants pay 30% of income on rent</td>
</tr>
<tr>
<td>Project-based voucher (PBV) HUD assistance</td>
<td>Tenancies in affordable housing where the tenant’s unit is financed by project-based HUD assistance, low-income tenants pay 30% of income on rent</td>
</tr>
<tr>
<td>(including Section 8, Section 202, and Section 236)</td>
<td></td>
</tr>
<tr>
<td>Low Income-Housing Tax Credit (LIHTC)</td>
<td>Tenancies in affordable housing where the tenant’s unit is financed by LIHTC, rent payments based on Area Median Income (AMI) bracket</td>
</tr>
<tr>
<td>Senior (age-restricted) housing</td>
<td>Tenancies in subsidized housing that is restricted to seniors. Note that this type of housing is likely financed by the above mechanisms (eg PBV, LIHTC)</td>
</tr>
<tr>
<td>Below-market-rate (BMR) units</td>
<td>Tenancies in units whose construction was financed by redevelopment, or by the mandated creation of affordable housing units through density bonuses, or other project-linked requirements</td>
</tr>
<tr>
<td>Supportive Housing</td>
<td>Tenancies in permanent affordable housing, coupled with wraparound services tailored to the needs of the individual resident</td>
</tr>
</tbody>
</table>
### Ownership tenures – tenure types and definitions

<table>
<thead>
<tr>
<th>Tenure Type</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family homeownership (HOA)</td>
<td>Single-family homes where owners reside in the home (owner-occupied), and belong to a homeowners’ association (HOA)</td>
</tr>
<tr>
<td>Single-family homeownership (no HOA)</td>
<td>Single-family homes where owners reside in the home (owner-occupied), and do not belong to a homeowners’ association (HOA)</td>
</tr>
<tr>
<td>Single-family homeownership - permanent affordability deed</td>
<td>Single-family homes where owners reside in the home (owner-occupied), and have a permanent affordability deed, meaning the sale value of the home is restricted</td>
</tr>
<tr>
<td>Section 8 homeownership</td>
<td>Homes where owners reside in the home (owner-occupied), and are subsidized in their mortgage payments by the Section 8 program (see unsubsidized rental tenure section)</td>
</tr>
<tr>
<td>Reverse mortgage homeownership</td>
<td>Homes where homeowners 62+ y/o have special type of home loan that allows them to access the equity they have built up in their homes and defer payment of the loan until they pass away, sell, or move out</td>
</tr>
<tr>
<td>Condominium (condo)</td>
<td>Unit where the occupant is the owner, but owns the building (and possibly some common area amenities) jointly with other members of a condominium association</td>
</tr>
<tr>
<td>Owner-occupied multi-family (eg duplex, triplex, 4-plex)</td>
<td>Multi-unit buildings where owners reside in one (or more) of the units</td>
</tr>
<tr>
<td>Owner-occupied mobile home or trailer</td>
<td>Mobile homes in which owners reside, and where they own some land, perhaps in a mobile home park, where the mobile home is stationed</td>
</tr>
<tr>
<td>Owned mobile home with ground rent</td>
<td>Mobile homes in which owners reside, but they do not own the land where the mobile home is stationed, and instead pay rent on that land</td>
</tr>
<tr>
<td>Single-family with informal ADU</td>
<td>Single-family homes where owners reside in the home (owner-occupied), and have an accessory dwelling unit (ADU) on property, not registered with the City of Oakland’s Planning and Zoning Department</td>
</tr>
<tr>
<td>Single-family with registered ADU</td>
<td>Single-family homes where owners reside in the home (owner-occupied), and have an accessory dwelling unit (ADU) on property, registered with the City of Oakland’s Planning and Zoning Department</td>
</tr>
</tbody>
</table>
### Third way tenures – tenure types and definitions

<table>
<thead>
<tr>
<th>Tenure Type</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Land Trusts (SFHs, multi-family)</td>
<td>Form of ownership in which a local nonprofit owns the land and commits it to affordable housing, in perpetuity. While the nonprofit owns the land, it long-term leases it to residents who own homes on the land (typically for 99 years); these leases are transferable by inheritance and govern resale, occupancy, affordability with the goal of balancing equity appreciation for individual households with the long-term goal of preserving affordability for future generations.</td>
</tr>
<tr>
<td>Limited Equity Co-Op</td>
<td>Form of ownership in which several households collectively own dwelling units, usually in a multi-family building, via a cooperative corporation (co-op)</td>
</tr>
<tr>
<td>Limited Equity Housing Co-Op - CLT owns land</td>
<td>Structured like a traditional limited equity housing co-op in that multiple households form, and are members of, a nonprofit limited equity housing cooperative. The LEHC entity owns a building with multiple housing units. Members of the LEHC each own a share in the cooperative, which grants them the right to occupy one of the housing units. A CLT owns the land in perpetuity, yet master leases the land to the LEHC, including provisions that the housing units in the LEHC be permanently affordable.</td>
</tr>
<tr>
<td>Resident Self-Managed Rental Housing / Non-equity co-op</td>
<td>Structured like a limited equity co-op with CLT land ownership in the sense that each household has a vote for internal governance. However, a separate cooperative entity does not own the building; the CLT owns both the land and the building with the goal of maintaining permanent affordability. The CLT works to establish a governance structure among the residents so that they are more engaged in the operations and management of the building.</td>
</tr>
<tr>
<td>Informal shared houses</td>
<td>Tenancies in homes that act as “intentional communities,” with some internal governance, and likely some shared resources (eg food).</td>
</tr>
<tr>
<td>Cohousing</td>
<td>Intentional community of private homes clustered around shared space. Each home has traditional amenities, including a private kitchen.</td>
</tr>
<tr>
<td>Rent-to-own (Private model)</td>
<td>Model that enables residents to rent a home with either the option to purchase at the end of a set period of time, or the requirement to purchase. In private models, contracts are executed directly between sellers and tenants with lease options.</td>
</tr>
<tr>
<td>Rent-to-own with sponsoring organization (Nonprofit model)</td>
<td>Model that enables residents to rent a home with either the option to purchase at the end of a set period of time, or the requirement to purchase. In nonprofit models, sponsoring organization leases the home to a qualifying low or moderate income household, and then supports the household through asset-building strategies to be able to purchase the home.</td>
</tr>
</tbody>
</table>
### Informal and homeless tenures – tenure types and definitions

<table>
<thead>
<tr>
<th>Tenure Type</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Informal ADU tenant</td>
<td>Tenancies in unregistered ADUs attached to or on the lot of a primary home</td>
</tr>
<tr>
<td>Permitted community live-work / mixed-occupancy</td>
<td>Community live-work spaces where artists and craftspeople both reside and work in the space, and hold community events.</td>
</tr>
<tr>
<td>Unpermitted community live-work / mixed-occupancy / other non-conforming</td>
<td>Community live-work spaces where artists and craftspeople both reside and work in the space, and hold community events. When community live-work spaces are not permitted in Oakland, they are zoned for other uses, likely for previous uses as commercial or industrial space, and/or they have code compliance issues. Other non-conforming spaces, eg store fronts, may face similar challenges.</td>
</tr>
<tr>
<td>Single-use residential with non-conforming unit (eg converted basement / garage)</td>
<td>Spaces in permitted residential structures that have been converted to dwelling units, but are not zoned for occupants to live in that particular part of a structure</td>
</tr>
<tr>
<td>Doubling up</td>
<td>Tenancies in which residents are staying with families and friends, and some residents may not be on any kind of lease; sometimes known as “couch surfing”</td>
</tr>
<tr>
<td>Adverse possession</td>
<td>Situations where occupant is residing in a structure without the owner’s knowledge, commonly known as “squatting”</td>
</tr>
<tr>
<td>Short-Term Rentals</td>
<td>Rentals of residential dwelling units for periods of less than a month</td>
</tr>
<tr>
<td>Transitional Housing/Rapid Re-Housing</td>
<td>Service-enriched transitional (temporary) housing</td>
</tr>
<tr>
<td>Transitional Youth Housing</td>
<td>Transitional housing that serves youth (youth definitions vary, usually in the 14 to 25 years old range)</td>
</tr>
<tr>
<td>Homeless Shelters</td>
<td>Homeless services agency where homeless individuals can sleep or reside temporarily. (Youth shelters serve youth, typically between 14 to 25 years old.)</td>
</tr>
<tr>
<td>Foster Care</td>
<td>System of housing that the state arranges for minors whose legal guardians have been deemed unable to care for them; foster care can be in a group home, or the private home of a state-certified caregiver.</td>
</tr>
<tr>
<td>Outdoor Navigation Center (ONC)</td>
<td>City-sanctioned, service enriched encampments, typically with tiny houses (“Tuff Sheds”)</td>
</tr>
<tr>
<td>Self-determined tiny house encampments (eg The Village)</td>
<td>Spaces where homeless people and advocates have self-organized encampments with internal governance structures and tiny houses (or intent to build tiny houses).</td>
</tr>
<tr>
<td>Decentralized tiny houses on church/CBO property</td>
<td>Spaces where churches or faith-based organizations, or community-based organizations (CBOs), are inviting homeless people to live in tiny houses on their lots</td>
</tr>
<tr>
<td>Services-in-place encampments</td>
<td>Existing encampment with focused wraparound services coming to the encampment residents</td>
</tr>
<tr>
<td>Encampments</td>
<td>Spaces in which groups of homeless people have congregated,</td>
</tr>
</tbody>
</table>
typically with at least some of them sleeping in tents

<table>
<thead>
<tr>
<th>Tenure Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unsheltered homeless</td>
<td>Living on the street, in some outdoor location, or in a building</td>
</tr>
<tr>
<td>Vehicle</td>
<td>Living in one’s vehicle; considered homelessness by Health and Human Services, HUD, and academic literature.</td>
</tr>
<tr>
<td>Boat</td>
<td>Residence on boat, otherwise known as “live-aboards.” Live-aboards dock at a marina, and pay a “slip fee” (rent) to do so.</td>
</tr>
<tr>
<td>Group quarters¹¹</td>
<td>Via the American Community Survey, group quarters includes: correctional facilities for adults, juvenile facilities, nursing facilities/skilled nursing facilities, other healthcare facilities, college/university student housing, military group quarters, other noninstitutional facilities.</td>
</tr>
</tbody>
</table>

**Quantification**

As described in the methodology section above, tenure types were quantified by the number of units for each type, and the number of people living in each type, to the extent possible based on available data. Quantitative estimates are included below the definition of each tenure type in the tenure types glossary (Appendix D), but a spreadsheet of estimates, as well as notes on alternate forms of estimation and data limitations is included as Attachment B. It is important to note that the datapoints for different tenure types are not additive; they should not be totaled for population estimates given how much the data sources vary. For this reason, the data also does not lend itself well to data visualization.

**Data sources summary**

For more ‘traditional’ tenure types -- unsubsidized rentals and ownership types -- American Community Survey (ACS) or Public Use Microdata (PUMS) data from 2016 were used. HdL, Coren, and Cone data from 2016¹² was used to cross-check and provide additional detail (eg on owner-occupied status). For homeless tenure types, the Oakland Point-in-Time Count was used for several types (encampments, unsheltered, vehicle). For subsidized

¹¹ Note that “group quarters” were included in the attached estimates, but excluded from the more comprehensive tenure analysis given their overlap with existing categories (the category includes “Emergency and Transitional Shelters (with Sleeping Facilities) for People Experiencing Homelessness”, for example), as well as due to the different circumstances of more institutional tenures, such as correctional facilities.

¹² For parcel data (HdL, Coren, and Cone 2016 assessor data), receipt of secure homeowner exemption was used as a proxy for owner-occupied status. (This data was also checked against DataQuick parcel data from 2014, to make sure estimates were comparable, where a different proxy was used - whether or not the mailing address was the same as the site address.) For estimating the number of renters living in owner-occupied duplexes/triplexes, the number of parcels was subtracted from total number of units in owner-occupied duplexes/triplexes in order to remove owner-occupied units (one per duplex/triplex).
rentals, data was compiled from the HUD Picture of Subsidized Households, the Oakland Housing Authority, and a dataset put together by the California Housing Partnership Coalition (CHPC) and the Center for Community Innovation (CCI).

Reports from the city of Oakland were useful regarding some of the mid-sized tenure types, such as SROs and the scale of short-term rentals in Oakland, while reports from the California Department of Housing and Community Development provided data on mobile homes.

For the “third way” tenure types, Oakland Community Land Trust (collaborator on this project) provided data directly on their properties. Finally for some of the informal tenure types, it was necessary to do more digging, either directly with advocates such as Safer DIY Spaces, or through websites, such as those for the East Oakland Community Project (youth transitional housing), and the Oakland Fund for Children and Youth (foster care). The table below summarizes data sources and the tenure types for which they were used.
### Data sources and estimates provided

<table>
<thead>
<tr>
<th>Data Source</th>
<th>Estimates Provided from Source</th>
</tr>
</thead>
</table>
| Hdl, Coren, and Cone parcel data | • Single-family rental (number of units)  
• Multi-family rental – 2-3 units (all renter occupied, owner occupied)\(^{13}\)  
• Rent-regulated units calculation (not included as separate tenure type) |
| American Community Survey (ACS) / Public Use Microdata (PUMS) | • Single-family rental  
• 2-4 units, 4+ units\(^{14}\)  
• Overcrowding (re: subleasing, doubling up)\(^{15}\)  
• Single-family homeownership (HOA, no HOA)  
• Condo  
• Owner-occupied multi-family |
| HUD Picture of Subsidized Households | • Housing choice (Section 8) voucher  
• HUD public housing |
| Oakland Housing Authority | Project-based HUD assistance |
| CCI/CHPC dataset | LIHTC |
| OakCLT estimates based on operations | • CLT – single family homeownership, condo  
• CLT Cooperative (Non-equity) / Resident Self-Managed Rental Housing  
• Limited Equity Co-Op (CLT owns land) |
| EveryOne Home Oakland Point-in-Time Count | • Encampments  
• Unsheltered homeless  
• Vehicle |
| Official Communications from Mayor’s Office | • Outdoor Navigation Centers  
• Services-in-Place Encampments |
| American Housing Survey\(^{16}\) | Lodger law |
| Reports from the City of Oakland | • Single-room occupancies (SROs)  
• Short-term rentals (STRs) |
| Alameda County Social Services Agency\(^{17}\) | Senior (age-restricted) housing |
| California Housing and Community Development | Mobile homes |
| Safer DIY Spaces (live-work nonprofit) | Live-work spaces |
| East Oakland Community Project | Transitional youth housing |
| Oakland Fund for Children and Youth | Foster care |
| Cohousing.org Directory | Cohousing |

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\(^{13}\) These were not included as core estimates since the ACS data is more reliable, but they serve as cross-checks to at least give a sense of, for example, what proportion of duplexes/triplexes are owner-occupied, and what proportion of rental units are rent-stabilized.

\(^{14}\) These estimates were provided due to data reliability, but do not correspond to tenure types used for legal protections analysis (2-3 units – all renter-occupied, 2-3 units – owner-occupied, 4+ units).

\(^{15}\) Overcrowding calculations were done by CAPE, Alameda County Department of Public Health.

\(^{16}\) American Housing Survey data was used as a reference point instead of an estimate since it is only available for Oakland-Fremont-Hayward from 2011.

Data Limitations and Implications

Data Limitations

The list below delineates tenure types for which we were not able to obtain an estimate, either for the number of people or number of units. As this list demonstrates, the areas with the largest gaps in accessible data are, in order: informal (though not necessarily homeless tenure types, as many of these are well-covered through the Point-in-Time count); affordable/non-traditional homeownership (permanent affordability deeds, Section 8 homeownership, reverse mortgages); non-traditional subsidized rentals (motels, ADUs, congregant-linked housing); “third way” tenures (rent-to-own, informal shared houses).

Tenure types without accessible estimates

<table>
<thead>
<tr>
<th>Tenure Category</th>
<th>Tenure Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unsubsidized rental tenures</td>
<td>Motels</td>
</tr>
<tr>
<td></td>
<td>ADU tenants (permitted ADU)</td>
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<tr>
<td></td>
<td>Religion-linked housing</td>
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<tr>
<td>Subsidized rental tenures</td>
<td>BMR units</td>
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<tr>
<td></td>
<td>Supportive housing</td>
</tr>
<tr>
<td>Ownership tenures</td>
<td>Permanent affordability deed homeownership</td>
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<tr>
<td></td>
<td>Section 8 homeownership</td>
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<tr>
<td></td>
<td>Reverse mortgage homeownership</td>
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<tr>
<td></td>
<td>Single-family with ADU (permitted; unregistered)</td>
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<tr>
<td>Third way tenures</td>
<td>Informal shared houses</td>
</tr>
<tr>
<td></td>
<td>Rent-to-own (private model; nonprofit model)</td>
</tr>
<tr>
<td>Informal and homeless tenures</td>
<td>ADU tenant (ADU not permitted)</td>
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<tr>
<td></td>
<td>Sanctioned community live-work / mixed-occupancy spaces</td>
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<tr>
<td></td>
<td>Single-use residential with non-conforming unit (eg converted basement / garage)</td>
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<tr>
<td></td>
<td>Doubling up</td>
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<tr>
<td></td>
<td>Adverse possession (squatting)</td>
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<td></td>
<td>Short-term rentals (STRs)</td>
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<tr>
<td></td>
<td>Youth Shelters</td>
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<tr>
<td></td>
<td>Services-in-place encampments</td>
</tr>
<tr>
<td></td>
<td>Decentralized Tuff Sheds/tiny houses on church/CBO property</td>
</tr>
<tr>
<td></td>
<td>Boats</td>
</tr>
</tbody>
</table>
While many of these tenure types are understandably hard to quantify, for example the informal tenure types (many of which are intentionally ‘under the radar’), the lack of data in other areas is concerning and may imply a call to action for replications of this analysis. For example, we were unable to obtain an estimate of the number of BMR units in Oakland. While this may likely exist in city government, its relevance to advocacy for inclusionary housing, density bonuses, and other policies designed to incentivize the production of affordable housing suggests it should be more readily available to the public. Supportive housing may also be important to more easily track, given its relevance to Housing First policy conversations (HUD, 2014), especially in the context of the homelessness crisis.

Accessory dwelling units are another hot topic in policy conversation as the region considers innovative forms of infill housing production; however, calls to the city yielded little in terms of estimates of this tenure type. Possible ways of quantifying the number of permitted ADUs in Oakland include pulling design review exemptions, or looking at accessory structure in permit description (though these descriptions vary; they may say ‘detached secondary unit,’ ‘category 2 secondary unit’), and this approach would not capture ADUs within existing structures (Interview, Jean Casey, City of Oakland, Strategic Initiatives).

There are some indications of ADU numbers; a survey conducted by Wegmann and Chapple found that 16% (55 of 334) of single-family residences near rail transit in Oakland, El Cerrito, and Berkeley (across five BART stations) had existing accessory dwelling units. Wegmann and Chapple also found an 85% rental rate for these units (Wegmann and Chapple, 2012).

Even with those tenure types that cannot be easily tracked through registration, there may be a call to action for improved survey questions on housing type, through the American Community Survey, but also, as suggested by convening participants, through recent survey initiatives such as the Black Census Project. For example, the number of renters living with 1.51 or more


19 A report from UC-Berkeley’s Terner Center, "ADU Update: Early Lessons and Impacts of California’s State and Local Policy Changes" notes that applications for ADUs have increased since state reforms. According to the report, in 2015, Oakland received 33 ADU applications, in 2016 the city received 99 ADU applications, and in 2017 the city received 247 ADU applications (Garcia, 2017). (However, it is important to note that applications may not have proceeded to permitting.) Overall, California saw the biggest increase in permits for ADUs among US states last year, with a 63 percent increase in 2017 (ATTOM Data Solutions, 2018).

20 “In order to give Black people an opportunity to speak for ourselves, the Black Census Project will conduct the biggest national survey of Black people across class, disability, gender, geography, immigration status, and sexuality. The collected information will clarify the diversity of wants and needs that Black people imagine for our communities. The survey collects information about key issues impacting Black communities including: generational oppression, mass incarceration, police violence,
occupants per room (6,651 renters), is up 70% since 2009 (CAPE, Alameda County Public Health, 2018). This may indeed point to the displacement crisis as a “doubling up” crisis.

For doubling up, it is not possible to tell from data even on family/non-family shares what the leasing arrangements are, so we are unable to parse apart what is formal subleasing versus unapproved subleasing versus doubling up (presumably unapproved, no leasing arrangement). Doubling up is considered homelessness by the US Department of Health and Human Services and leaves people vulnerable with few protections. In order to understand the scale of that - largely invisible - problem, better survey tools may be required. In the interim, tenure diversity analysis may be conducted with an increased set of community partners; in the Denver replication of this study, focus groups are being employed to collect at least anecdotal information on scale of such tenure types at the neighborhood level.

Analysis – Legal Protections and Advocacy

The legal protections and advocacy discussed in this analysis, when taken together, answer the questions of a) how protected a tenure type is in the face of different forms of displacement (legal protections), b) who the resources are for a resident experiencing some problem with that housing (advocacy), and c) who is fighting to improve the rights of the tenure (advocacy). In this section of the report, these two sets of analysis are approached in combination. This helps us understand gaps in protections as places with existing momentum to change, or as overlooked issues.

This section first looks at tenure types within their groupings, and then engages in a cross-cutting analysis across categories. It is worthwhile to do the analysis within categories as some category-level protections may apply (and differ) across specific tenure types; for example, tenant protections do not apply uniformly to all tenants, as our analysis will show.

Category-level analysis permits a more granular review of specific protections, and lends to a better understanding of the existing political landscape of advocacy for protections. Analysis of tenure types across tenure categories, on the other hand, lifts up different tenure types by their

21 About 13,000 renters are living with more than 1.01 people per room, a 46% change from 2009. And these figures are up for owner-occupied units as well: About 2,400 owner-occupied units have more than 1.01 people per room, a 32% increase from 2009. Estimates from American Community Survey, 2016 1-Year Estimates.

22 See Appendix F, “Definitions of Homelessness.”

23 Again, Attachment A spells out these protections in detail, with a tab for legal protections, and one for advocacy.
size, independent of the type of housing, or by their level of protectedness. This may be important for the identification of natural, but perhaps unexpected, allies.

The protections analyzed by tenure category include “highlights,” or places where protections are specifically dynamic or lacking, whereas the protections done across categories by size or level of protection are more comprehensively inclusive.

**Legal Protections and Advocacy – Highlights by Tenure Category**

**Unsubsidized Rental Tenures**

Protections for unsubsidized tenants are changing all the time in Oakland. For example, the Tenant Protection Ordinance was passed in 2014, and amended in 2016 to require that landlords file for rent increases, and to cap pass-through costs to tenants; Measure JJ was passed in 2016 to expand Just Cause for Evictions protections to more units, and strengthen the Rental Adjustment Program; and there were moratoria on both SRO conversion and new rent stabilization substantial rehabilitation cases in the last year or so. While victories should be celebrated, all the change can make for a confusing landscape for tenants and advocates. Furthermore, moratoria may reduce public pressure on an issue in the short-term, while simply ‘kicking the can’ further into the future in terms of real reform (Bond-Graham, 2017).

Local-level fights for unsubsidized tenants focus on loopholes of Just Cause for Evictions protections, such as the “golden duplex and triplex exemption,” the exemption for ‘new’ construction built after 1996 (Costa-Hawkins does not apply to Just Cause for Evictions protections, so this specific cut-off is not mandated by law), poorly defined nuisance and illegal use clauses, and poor relocation benefits. There was a recent victory in relocation benefits, expanding the conditions for receipt of benefits to include ‘no-fault’ evictions of condo conversions and owner move-ins. There has also been a “close the loopholes” campaign in rent stabilization, which focuses on the substantial rehabilitation loophole that exempts units from rent stabilization if the landlord has certified that they conducted substantial rehabilitation on the unit.\(^{24}\)

The statewide fight for the repeal of Costa-Hawkins is a core focus to improve the rights of tenants in Oakland, and local actors are rallying behind this. Due to Costa-Hawkins, single

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\(^{24}\) As noted above, a moratorium on new loopholes cases was enacted in November 2017, and will be in effect until November 2018. <https://www.eastbaytimes.com/2018/03/23/moratorium-on-oakland-rent-control-exemption-extended/>.
family rentals (SFRs) are not covered by rent stabilization. Over 77,000 Oaklanders live in SFRs, so this represents a major loophole in tenant protections.

Oakland has been exploring proactive rental inspection programs, which would aim to improve habitability conditions in Oakland rentals. However, a key challenge with program design has been how to include tenants who are not protected from eviction. If unresolved, the potential exclusion of unprotected tenants from improved habitability procedures would make tenant protections loopholes doubly destructive.

Overall, the situation for Oakland tenants is undermined by the weakness of the rent stabilization program. For one, the Rent Board is appointed, not elected, and does not necessarily view tenant assistance as their role. Additionally, according to several advocates, the Rental Adjustment Program (RAP) is under-staffed, and does not take a proactive approach. While Measure JJ sought to change this, some of its provisions, such as mandating the creation of a rental registry, have yet to be enacted, while others (such as some of the loopholes described above) were watered down from the measure in a late-night city council meeting.

More broadly, many of the de jure protections in Oakland are poorly enforced due to a lack of resources. Rental assistance at the city-level is a critical issue given the displacement crisis; while some funds are available at the county level and from nonprofits, advocates indicate that city funds have dried up in the past year or so. Advocates also suggested that City Attorney does not have enough resources to enforce the Tenant Protection Ordinance for all those who would need it, so many harassment cases are litigated in small claims court.

Local level fights also focus on preservation – in part the conversion regulations that have been framed as “indirect displacement protection” in this report. This applies to SRO preservation reforms, and condo conversion regulation reforms. Without reform on SRO conversion policies, Oakland stands to lose upward of 1,000 units for very-low-income individuals, in neighborhoods where these buildings represent holdout affordability. Condo conversion regulation largely leaves out the many Oaklanders living in 2-4 unit buildings, representing a major vulnerability for the city’s affordability landscape.

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25 Councilmember-at-large Rebecca Kaplan has proposed a vacant land tax to provide a permanent revenue stream for some of these services, as well as for homelessness services, though only time will tell whether this proposal has a political future.
Subsidized Rental Tenures

As noted above, a review of subsidized rental tenures reveals that most are relatively protected, though there may be a lack of clarity for tenants on their specific protections. Locally, East Bay Housing Organizations (EBHO) does some Know Your Rights training around this, but in general, subsidized housing tenants may not know exactly where to turn for resources.

While nonprofit-owned tax credit properties and government-owned buildings are exempted from Just Cause for Evictions protections, there is no profit motive to evict subsidized tenants, and residents have protections through the respective subsidizing entity. For HUD housing, including Housing Choice Vouchers, public housing, and privatized public housing subsidized through project-based vouchers, termination of tenancy is allowed for material noncompliance with lease, criminal activity, property damage, or “other good cause (HUD, Housing Choice Voucher Program Guidebook).”

While “other good cause” is vague, a 2012 court case\(^\text{26}\) pertaining to housing choice vouchers determined that stricter local authority prevails over looser regulations, meaning voucher-holders, not being exempted from Just Cause for Evictions, would be covered by such protections, with the normal stipulations that the unit was built pre-1996, and is not an owner-occupied duplex or triplex (Abasto et al, 2012). However, the voucher program is facing major challenges in Oakland, as described in the narrative below.

For HUD housing, on the other hand, for project-based voucher or public housing, there are regulation-specific vulnerabilities; for example, the eviction of any family member from federally assisted housing in the last five years serves as a justification for termination of Housing Authority assistance (Code of Federal Regulations, PHA denial or termination of assistance for family). Additionally, there are “expedited” proceedings on certain eviction causes, including any criminal activity that resulted in felony conviction of a household member (Code of Federal Regulations, PHA denial or termination of assistance for family). In both cases, the actions of family members can make whole households vulnerable, and ‘second chances’ are hard to come by.

For tax credit housing, properties must have ‘good cause’ eviction requirements within their deed restrictions (IRS Rev. Ruling 2004-82). There is no standard definition of “good cause” within federal or state LIHTC regulations, but this is instead determined by courts on case-by-case basis (Verma, 2018). Another issue with LIHTC housing can be the structure of income-based rental payments. Given that rents change with Area Median Income (AMI), there is a risk that in high-cost gentrifying regions like the Bay Area, AMI is increasing quickly, so eligibility and rent levels in LIHTC will go up too, thus excluding lower-income people with fixed incomes or stagnant wages (Verma, 2018).

**Housing Choice Vouchers**

The Housing Choice Voucher (Section 8) program is facing a difficult time in Oakland, with challenges to supply from declining landlord participation, particularly in gentrifying areas. Eric Johnson, Director of Oakland Housing Authority, says that HCV participation in gentrifying neighborhoods has “dropped to nothing,” and that “the point of reforms is to hang on to more landlords” (Veale, 2017). Like Section 8 programs around the country, not all those eligible have vouchers in the first place; as of March 2014, there were 9,345 households on the closed waitlist, with an average wait time of 5-7 years (Oakland Housing Element, 2015-2023).

*Needa Bee of homeless organizing groups The Village and Feed the People stressed at a recent City Council forum on homelessness that “a lot of homeless people in Oakland have a Section 8 voucher (Bee remarks, 2018).” She also noted that the second page of the OHA manual details how to move out of Oakland with your voucher, adding that “nobody’s taking vouchers here” and that the requirement of having lived in a unit for one year before porting to another jurisdiction is presenting challenges for residents.*

And vouchers are a key tenure type in Oakland; as of the end of 2015, there were 11,692 units HCV housing in Oakland, with about 26,707 people living in them (HUD Picture of Subsidized Households). Low landlord participation is likely in part motivated by the “rent gap” (Smith, 1987) that landlords are seeing between what they make renting to an HCV tenant and what they could make on new tenants. The federal calculation of the Fair Market Rent (FMR) calculation typically lags a couple of years behind the actual market rent, but in a hot market like Oakland, this gap can be even more staggering. In 2016, the Oakland Housing Authority spent about $100,000 to show that a reduction in FMR was off-base.

*Despite the recalculation – FMR for a 2-bedroom in Oakland in 2018 is $2,329 -- landlord participation challenges remain. In January of 2018, landlord participation incentives were introduced – but with a $500 cash signing bonus and up to $2,500 in interest-free loans for repairs and upgrades – it remains to be seen if these incentives will make a dent.*

Beyond challenges to the scale of the program, there are ongoing challenges for existing HCV
tenants, as landlords in gentrifying areas look for creative means of displacing their HCV tenants in favor of other tenants. Some of these gaps in protections are inherent to Oakland’s HCV program, while others are more general to private rental market tenants.

For example, the rent abatement component of the Section 8 program means that, for code compliance issues, if a landlord fails to do repairs, OHA will stop paying by the third inspection. This has been subject to abuse, and also makes habitability issues a major challenge (and this strategy may be even more common with the strengthening of Just Cause for Evictions protections). The federal government legally cannot pay a landlord who has failed their Housing Quality Inspection. The challenge of “compromised housing quality” for HCV housing is national (Graves, 2015), but may be worse in strong markets like Oakland’s.

Occupancy requirements can also be a reason for a family to lose HCV housing; in the midst of a displacement and doubling up crisis, this is a risk for families. New vouchers are issued when there is a Housing Authority determination that a “contract unit does not meet Housing Quality Standards (HQS) because of an increase in family size or a change in family composition,” but there is no guarantee that a family will be able to find housing with a new voucher in the Oakland housing market. The Housing Authority may decide to continue to make housing assistance payments on behalf of those family members that remain in the unit if the household breaks up (Code of Federal Regulations, PHA denial or termination of assistance for family). Doubling up can also be risky depending on family members’ housing history; if any member of the family has been evicted from federally assisted housing in the last five years, this can be a reason to terminate a contract (Code of Federal Regulations, PHA denial or termination of assistance for family).

**Recommendations**

Mayor Schaaf and OHA Executive Director Eric Johnson have already been taking steps to become more competitive in the market, but recognizing voucher housing as a key Oakland tenure type may suggest stepping up these efforts. While efforts to pass Section 8 anti-discrimination laws have failed in California (SB 1053 (Leno, D-San Francisco) died in committee in 2016 after intense opposition from the California Apartment Association (CAA), Oakland could pass source-of-income discrimination legislation, as San Francisco and other cities, including East Palo Alto, Los Angeles, Santa Clara County, and Santa Monica, have. Additionally, Los Angeles is beginning to incentivize accessory dwelling unit (ADU) landlords to accept vouchers, something San Francisco is exploring that Oakland may want to investigate. Funding increased incentives for all kinds of voucher landlords may also be important. Finally, to address intentionally deferred maintenance, lessons may be borrowed from efforts with non-conforming units more broadly to encourage compliance, not displacement.
Ownership Tenures

There are few resources for low-income homeowners, whose displacement risks are largely financial, or related to capacity for maintenance (particularly amongst seniors and disabled people), which can lead to unsafe conditions. City-level financial support has largely dried up, though other support is available, such as settlement funds managed by Housing and Economic Rights Advocates (HERA) for imminent foreclosure, Alameda County A1 bond funds for low-income homeowners to make repairs (zero percent or low-interest loans, some for imminent foreclosure), and the Obama administration program Keep Your Home California funds (though these will run out soon). There is also a property tax deferral program, but it is only available for the poorest of the poor, and is a very burdensome process (Brown interview, 2018).

Aside from inability to pay mortgage or inability to pay property taxes, code compliance issues can be a large challenge for low-income homeowners. Homeowners have three months to respond to notices of violation, and then there is an appeals process; according to advocates, seniors and the disabled often struggle with this.

Finally, specific types of homeownership can represent real risks to low-income homeowners, such as homeowners associations (HOAs) and condo associations. In an interview with Maeve Elise Brown of HERA, Brown said that HERA is the only entity litigating HOA wrongful collections cases, and that neighbor biases against limited English proficiency, and disability, can come into play in HOA collections. She recounted a story of a monolingual Cantonese family being told by utility company Pacific Gas & Electric (PG&E) to trim a tree due to a power line hazard; after the family extensively cut up the tree, their HOA charged them $20,000 for a new tree.

Additionally, homeowners with reverse mortgages may be vulnerable; there is some documented misadvertising in this tenure type specifically geared toward seniors, and it can end up being a costly option. The Consumer Financial Protection Bureau (CFPB) details how those using reverse mortgages to delay claiming Social Security benefits may ultimately be paying more, jeopardizing their retirement (CFPB, 2017). Furthermore, reverse mortgage services require a yearly “request of completion of occupancy”; when homeowners do not respond, or servicers do not acknowledge a response, this can lead to foreclosure proceedings (Brown interview, 2018).

Overall, as home values in the Bay Area have risen, there is potential for predatory refinancing to newly become a problem, particularly if the CFPB does not maintain enforcement.
Third Way Tenures
For third way tenure types, the biggest challenges for protections can come from ownership restrictions placed on the buildings being acquired. For example, there is an intersection with LIHTC, which places limitations on CLT in terms of ownership, where operating agreements specify that investors make property management decisions, presenting barriers for resident management.

However, CLTs represent unique opportunities for increasing homeownership, and for neighborhood stabilization. CLTs allow residents to become homeowners and earn equity (at a fixed rate), while being backed up by a supportive infrastructure in the face of potential financial challenges. The permanent affordability, with 99-year ground leases typically taken on by the CLT, may be a core strategy in neighborhood stabilization efforts. Furthermore, this may intersect with stabilization of the artist community in live-work spaces, as there is some momentum for CLT models to be applied in tenant purchase of artist live-work spaces (together with code compliance efforts).

Informal and Homeless Tenures
The City is scrambling to find ways to house Oaklanders as they lose their housing. From the Mayor’s suggestion at the State of the City that families take people in, to a recent homelessness forum that Councilperson-at-large Rebecca Kaplan called, which saw presentations from Boxouse (a company making tiny houses from shipping containers) and a pastor who proposes freeing up church property for this purpose, stakeholders across the city are getting involved. Additionally, relaxed ADU requirements at state level are leading to steep increases in ADU permit requests.

Coleman, 2018 notes the following types of tiny houses - this typology has not been employed in the tenure diversity analysis outlined in this report, as it is not clear that protections would differ from one to the other, but these types are worth consideration:

- “Makeshift shelter - informal shelters made from found materials
- ADU - small cottage in backyard that is legally part of same property as main home
- Tiny House on wheels - complies with existing code for trailers and RVs
- “Tuff Shed”- like shelters - transitional housing, for example, in a village configuration
- Micro-apartments - small studios, 1BR apartments, SRO units with communal space
With new creative means of addressing infill, particularly as a means of preventing/addressing homelessness, come new grey areas around tenant protections, which may lag the creation of the units themselves. These protections need to be considered upfront, and should be part of analysis as we move to make new units out of thin air. For example, are occupants of shipping containers in backyards considered ADU-dwellers? How do we ensure habitability in these tiny spaces? What are the pros and cons for residents of city-run Outdoor Navigation Centers with Tuff Sheds versus city-sanctioned, but self-determined encampments, and how might this guide investment?

In terms of informal housing, as noted, Oakland has seen dramatic increases in overcrowding. Oakland Just Cause for Evictions has no special protections for family in terms of viewing exceeding occupancy load as lease breach.\footnote{See Richmond’s rent ordinance (passed in 2016) for special protections for families: “Cannot evict if the addition to the Rental Unit is a Tenant’s child, parent, grandchild, grandparent, brother or sister, or the spouse or domestic partner (as defined in California Family Code Section 297) of such relatives, or as a result of the addition of the spouse or domestic partner of a Tenant, so long as the number of occupants does not exceed the maximum number of occupants as determined under Section 5O3(b) of the Uniform Housing Code as incorporated by California Health & Safety Code 17922 (Richmond Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance, 2016).”}

When individuals are doubling up with tenants, all residents in the household are made vulnerable. As noted above, this intersects with subsidized housing, as well, since Housing Choice Vouchers have occupancy restrictions.

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**Live-work-community spaces**

The tragic Ghost Ship fire brought to the forefront live-work spaces as an overlooked tenure type in Oakland. DIY live-work spaces, especially formerly industrial spaces like warehouses, have long been a part of Oakland’s thriving arts scene. Live-work architect Tom Dolan, and member of Safer DIY Spaces, estimates that there are about 1,600 people living in 200 live-work spaces in Oakland.

Oakland Mayor Libby Schaaf issued an Executive Order shortly after the fire stating Oakland’s commitment to increasing life safety, without displacing artists from these spaces they have called home. Executive Order 2017-1: Improving Safety of Non-Permitted Spaces While Avoiding Displacement requires owners of existing buildings not permitted for residents and/or that do not conform to codes to make a plan with city officials within sixty days to correct the space’s issues. Owners are also asked to not displace tenants in those buildings if none of its code violations are life-threatening.
However, displacement continued to happen even after this stated commitment, as highlighted in Sam Lefebvre’s 2017 East Bay Express article, “Evictions After Ghost Ship.” Lefebvre points out that “of the 64 investigations of nonresidential properties conducted by the city in the eight months following the fire, ten resulted in evictions that displaced more than 45 people, and interviews with landlords, tenants, and attorneys indicate that more are likely to come (Lefebvre, 2017).”

Safer DIY Spaces is a group that rose up following the fire to help live-work residents ensure life safety, while fighting code enforcement-based evictions. Safer DIY Spaces plays an intermediary role, meeting with live-work spaces around the city to help them come up with informal compliance and abatement plans, while maintaining confidentiality.

Closing gaps in protections

The challenge today is how to not just see fire risk in these spaces, but also community, culture-making, affordable housing, and homelessness prevention. As a letter from the Seattle Arts Commission to their mayor put it in the wake of Ghost Ship, there is an imperative to recognize the “life-saving value” of these spaces, which are a “non-renewable resource.”

Since Mayor Schaaf’s Executive Order, the Code Compliance Relocation Program was amended in July 2017, establishing that if an owner creates an illegal unit, they have to pay for a tenant to relocate on basis of substandard conditions. But in terms of preventing displacement in the first place, notices of violations (NOVs) inspectors issue usually contain a series of photos, but do not have clear instructions for establishing a compliance or abatement plan (as compared to San Francisco and Richmond, which both provide itemized and explicit lists of needed repairs). As a result, members of Safer DIY Spaces, who conduct their own confidential inspections, waste resources interpreting NOVs.

Recommendations

As the city works to ensure life safety of residents through code inspections, it will be important to create real pathways for compliance. This would require simplifying NOVs and supporting Safer DIY Spaces as a code enforcement “ambassador”; San Francisco’s Department of Building Inspections works with community-based organizations as “code enforcement outreach.” It would also be helpful to provide inspectors with tools such as a checklist of code violations that represent imminent life-threatening danger versus other code issues. Another example from other cities is to establish an inter-agency task force in order to address code challenges holistically, and with a consistent response that operationalizes safety and not displacement. To make this effective, the “ambassador” or intermediary would likely need to be present, and the task force could work on a project basis.

Finally, to preserve these spaces, there needs to be financial support. The largest costs could be addressed with a sprinkler fund (administered by an intermediary); reduced seismic requirements for live-work conversions; the use of historic building designation to waive Title 24 energy requirements; and a time-limited amnesty program to waive retroactive permitting fees/fines for unpermitted work.
**Legal Protections and Advocacy - Analysis by Size and Levels of Protection**

This section presents tenure types first by scale, with their respective benefits and protection gaps; then those tenure types with unique protections; and finally those with a lack of apparent advocates. Each table is followed by short narrative descriptions, and a section on translating this analysis into priorities follows.

Largest quantifiable tenures (10,000+ residents) and major challenges

<table>
<thead>
<tr>
<th>Tenure</th>
<th>Units</th>
<th>People</th>
<th>Protection Benefits</th>
<th>Gaps in Protection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multi-Family Rental - 4+ units</td>
<td>48,024 5+ unit bdgs.</td>
<td></td>
<td>If building old enough:</td>
<td>Condo conversion needs reform - 29,000 (total) units vulnerable (Lin, Rose, 2015).</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>- Rent-stabilized (1982 or earlier)</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>- Just Cause for Eviction protections (1995 or earlier)</td>
<td></td>
</tr>
<tr>
<td>Single-family homeownership (no HOA)</td>
<td>44,442</td>
<td>125,429</td>
<td></td>
<td>Low-income homeowners vulnerable:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Asset-building</td>
<td>- Predatory lending</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>- Stability</td>
<td>- Property taxes</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Control</td>
<td>- Code compliance</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>- Reverse mortgages</td>
</tr>
<tr>
<td>Multi-Family Rental - 2-3 units, all renter-occupied</td>
<td>~16,000</td>
<td></td>
<td>If building old enough:</td>
<td>As with all rental tenures, vulnerable to no-fault evictions. In this case, if owner/relative moves in to any of 2-3 units, building no longer protected by rent stabilization or JCE.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Rent-stabilized (1982 or earlier)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Just Cause for Eviction protections (1995 or earlier)</td>
<td></td>
</tr>
<tr>
<td>Subsidized rental - Housing Choice (Section 8) voucher</td>
<td>11,962</td>
<td>26,707</td>
<td>Rent controls via subsidy</td>
<td>Supply and access challenges</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Subject to JCE so long as right unit type</td>
<td>Likelihood of substandard housing quality</td>
</tr>
</tbody>
</table>
|          | 7,660 | 15,461 | Rent controls via subsidy | No profit motive for eviction | “Good cause” not clearly defined/legal complexity | AMI-based payment may exclude poorest
|----------|-------|--------|---------------------------|-----------------------------|-----------------------------------------------|---------------------------------------------
| Affordable rental - LIHTC |       |        |                           |                             |                                               |                                             |
|          |       |        |                           |                             |                                               |                                             |
| Overcrowding: # of renters 1.01+ occupants per room: |       | 13,011 | Depends on unit type. If doubling up with owner, relatively more protected. If doubling up with tenant, all occupants are vulnerable. |                           | Health risks | Limited protections for those doubling up and not on a lease |
|          |       |        |                           |                             |                                               | For tenants, violation of occupancy restrictions represent displacement risk for all occupants |
| Condo    | 7,097 | 11,911 | Asset-building            | Stability                   | Control                                      | Theoretically, low-income condo-owners vulnerable to unpredictable Condo Association fees |
|          |       |        |                           |                             |                                               |                                             |

(1) Multi-Family Rental - 4+ units

Multi-family rentals with four or more units are relatively protected as compared to other rental units; those that were built in 1983 or earlier are subject to rent stabilization, and those that were built in 1995 or earlier are subject to Just Cause Evictions protections.

However, condo conversion is a major area for reform: the Roadmap estimates that 29,000 units are at risk of condo conversion in Oakland. Relevant to 4+ unit rentals, the Roadmap proposes a reformed policy that considers an annual conversion cap, requires genuine replacement rental housing to generate “conversion credits,” and creates opportunities for tenant purchase and affordable homeownership for low- to moderate income households including providing exemptions to conversion.

(2) Single-family homeownership (no HOA)

Homeownership comes with obvious benefits in security, asset-building, and control. However, some risks to low-income homeowners are often overlooked, including foreclosure risk often stemming from the fallout of predatory lending, and/or specifically from inability to pay.
property taxes, or failed code compliance. Reverse mortgages represent a specific foreclosure risk for low-income seniors.

(3) Single-Family Rental - Attached/Detached

There are an estimated 23,044 single-family rental properties in Oakland, with about 77,000 residents living in them. This is perhaps the most dramatic case of a mass amount of Oakland residents unprotected in meaningful ways; under Costa-Hawkins, single-family rentals are exempted from rent stabilization. Given displacement pressures in Oakland, all of the households living in these properties, are subject to rent hikes that could ultimately mean *de facto* eviction. See the vignette below on *single-family rentals* for more information on these residents and the movement for reform.

**Single-Family Rentals (SFRs)**

In Oakland, as in much of the country, single-family rentals have grown significantly in the last several years. A recent Terner Center brief points to key drivers of the national phenomenon: a boom in single-family home construction in the early 2000s, followed by the recession and foreclosure crisis, which led to more families with a need to rent, and more formerly-owned homes entering the rental housing stock (Reid et al, 2018).

This has been a particularly dramatic phenomenon in Oakland. As discussed in the introduction section of this report, over 11,000 homes were lost during the foreclosure crisis (Lin et al, 2017), and by 2011, investors (many absentee) had acquired 42% of all properties that went through foreclosure since 2007 in Oakland (King, 2012). As of the 2016 American Community Survey, 30% of single-family homes in Oakland are renter-occupied (American Community Survey, 2016).

The Terner brief highlights that single-family rentals may indeed be meeting the needs and preferences of many families; however, the question of protections is still critical. Under state law, Costa-Hawkins, all of these homes are exempt from rent stabilization. This means that the estimated 77,000 Oakland residents living in them are unprotected from rent hikes.
(4) Multi-Family Rental - 2-3 units, all renter-occupied

There are around 7,000 multi-family rental parcels with 2-3 units, representing around 16,000 units. These properties are relatively protected as compared to other rental units; those that were built in 1982 or earlier are subject to rent stabilization, and those that were built in 1995 or earlier are subject to Just Cause Evictions protections.

However, as with all rental tenures, these residents are vulnerable to “no-fault evictions,” such as owner move-in. In the case of duplexes and triplexes, if an owner or relative moves in to any of the 2-3 units, the unit is no longer protected by rent stabilization or Just Cause for Evictions protections. Reform efforts propose closing the “golden duplex and triplex loophole,” especially given that in the current Oakland context, landlords are sometimes looking for ways to get existing lower-paying tenants out, and there have been examples of false owner move-ins. Additionally, duplexes and triplexes are vulnerable to condo conversion. Approximately 90% of the 2-4 unit buildings in Oakland are located outside of the existing Condo Conversion Impact Area (Lin, Rose, 2015).

(4) Subsidized rental - Housing Choice (Section 8) voucher

Those renting with Housing Choice Vouchers represent a sizable cross-section of Oakland’s renter population, overlapping with other private rental market types. There are 26,707 Oakland residents living in 11,692 units using Housing Choice Vouchers. For those that are able to access a voucher, and find a landlord who will accept it, there are significant benefits: rent is controlled at 30% of household income, and units are subject to Just Cause for Evictions protections so long as the unit type is not exempted. However, the challenges of access are growing as
landlords stand to make more and more off of the fully private rental market. Additionally, constrained supply impacts power dynamics, with some voucher tenants afraid to speak up against substandard conditions. See the Housing Choice Voucher vignette for more details.

(5) Affordable rental - LIHTC

There are an estimated 15,461 tenants in 7,660 LIHTC units in Oakland. This is a relatively stable tenure type; rent is controlled via subsidy, and there is no profit motive for eviction. However, the way that income-based rental payments are structured in LIHTC is not always as tenant-friendly as other subsidized housing since rents change with AMI; with increases in AMI due to local demographic changes, eligibility and rent levels in LIHTC buildings will go up, possibly representing an exclusion and displacement risk (Verma interview with Desiree Hensley, 2018).

Additionally, while IRS Revenue Ruling 2004-82 establishes that LIHTC owners can only evict residents for “good cause,” there is not a clear, standard definition of “good cause,” and it is instead established by the courts on a case-by-case basis. Verma notes that there are almost no cases of LIHTC residents suing to enforce rights because LIHTC is legally much more complex than HUD, (given that it is premised upon tax code as opposed to regulations), and residents may not know what LIHTC is (Verma, 2018). Extending clearer Just Cause for Evictions protections to LIHTC’s over 15,000 tenants may make sense.

(6) Overcrowding: # of renters 1.01+ occupants per room:

While overcrowding is not a tenure type in its own rite, the number of Oakland residents experiencing overcrowding conditions is sizable enough to take note, as an estimated 13,000 Oakland renters are living with more than one occupant per room. This estimate represents a 46% increase from 2009, suggesting that more and more Oaklanders may be doubling up in the face of affordability challenges and displacement. Given the vulnerability that doubling up can create, this phenomenon may be underreported via the Census, so numbers may be even higher.

Doubling up is not a very protected tenure type; while those doubling up with friends and family who own are more protected than those doing so with other renters, all are subject to health risks and those not on leases are vulnerable to forced moves. When people double up with friends and family who are renting, all become at risk for displacement due to violation of occupancy restrictions.
(7) Condo

For the 11,911 Oakland residents living in around 7,000 condos, condo ownership, like home ownership, comes with clear benefits in security, asset-building, and control. However, low-income and marginalized condo-owners may be vulnerable to unpredictable Condo Association fees; see the section on homeownership above for more information.

Medium-size quantifiable tenures (1,000-10,000 residents) and major challenges

<table>
<thead>
<tr>
<th>Tenure</th>
<th>Units</th>
<th>People</th>
<th>Protection Benefits</th>
<th>Gaps in Protection</th>
</tr>
</thead>
</table>
| Lodger law: unit shared between landlord and roommate | ~9,000 | - | Few protection benefits. | ● No Just Cause for Evictions protections.  
● For single lodger, not even normal eviction proceedings apply. |
| Senior (age-restricted) housing (subset of LIHTC, PBV) | 5,089 | 7,634 | ● Rent controls via subsidy  
● No profit motive for eviction | Depends on subsidy source, but:  
● LIHTC “good cause” for eviction not clearly defined |
| Multi-Family Rental - 2-3 units - owner-occupied | ~4,000 | - | Limited. | ● Exempted from both rent stabilization and Just Cause for Evictions protections. |
| Subsidized rental - project-based HUD assistance (PBV) | 3,336 | - | ● Rent controls via subsidy  
● No profit motive for eviction | ● Can be evicted for public housing record of family member.  
● Expedited grievance (eviction) on certain causes, including any criminal activity that resulted in felony conviction of a household member. |
<table>
<thead>
<tr>
<th>Category</th>
<th>Number</th>
<th>Rent Type</th>
<th>Asset-building</th>
<th>Stability</th>
<th>Control</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner-occupied multifamily (eg duplex, triplex, 4-plex)</td>
<td>2,448</td>
<td>6,416</td>
<td>● Asset-building</td>
<td>● Stability</td>
<td>● Control</td>
<td>Same as other homeownership forms. Interviews suggest low-income homeowners taking on tenants more frequently than before; income comes with financial/other responsibility.</td>
</tr>
<tr>
<td>Subsidized rental - HUD public housing</td>
<td>1,494</td>
<td>3,164</td>
<td>● Rent controls via subsidy</td>
<td>● No profit motive for eviction</td>
<td></td>
<td>● Can be evicted for public housing record of family member. ● Expedited grievance (eviction) on certain causes, including any criminal activity that resulted in felony conviction of a household member. ● Maintenance issues</td>
</tr>
<tr>
<td>Residential hotels (SROs)</td>
<td>1,224</td>
<td></td>
<td>● Technically, rent stabilization if built before 1983.</td>
<td>● Technically, JCE if stayed longer than 30 days, and built before 1996.</td>
<td></td>
<td>● SROs vulnerable to condo/market-rate rental conversion. Regulation has tried to (temporarily) address this, but conversion policy in need of reform. ● Maintenance issues</td>
</tr>
<tr>
<td>Single-family homeownership (HOA)</td>
<td>1,214</td>
<td>2,496</td>
<td>● Asset-building</td>
<td>● Stability</td>
<td>● Control</td>
<td>Low-income homeowners vulnerable to unpredictable HOA fees.</td>
</tr>
<tr>
<td>Total homeless in Oakland (varied tenures)</td>
<td>2,761</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Unprotected, though emerging tenure types (eg sanctioned encampments) work to provide some short-term stability from being constantly forcibly moved. (Price controls of course do not apply). ● Habitability health risk ● Safety and security risk from others on the street and police ● Clearance of encampments, forced moves of unsheltered, displacement</td>
</tr>
</tbody>
</table>
dynamics even within sanctioned encampments

| Unsanctioned community live-work / mixed-occupancy spaces (includes formerly commercial or industrial being used as residential) | 200 (bdgs.) | 1,600 | • Code compliance abatement process difficult to engage.  
• Safety issues  
• Murky tenant protections:  
Due to fear of code compliance-based eviction, unlikely to seek legal recourse, so power dynamics may nullify protections.  

Technically have access to rent stabilization and JCE if buildings old enough (non-conforming residential units memo, 2017). |

(1) **Lodger law**

According to the 2011 American Housing Survey for Oakland-Fremont-Hayward, there were 9,200 people living in lodger law arrangements, meaning units shared between landlords and roommates (lodgers live in a room in a house where the owner lives). According to state law, an owner can enter all areas occupied by the lodger and has overall control of the house. Lodgers do not have Just Cause Evictions protections, and in the case of a single lodger where there are no other lodgers, owners can evict without using formal eviction proceedings. Work with tenant advocates to understand more about who is living as lodgers in Oakland may be important in order to better protect this unprotected group of residents.

(2) **Senior (age-restricted) housing**

There are around 5,000 units of senior housing in Oakland, subsidized either through LIHTC or project-based vouchers, with around 7,600 seniors living in these units. (These estimates are overlapping with LIHTC and project-based voucher estimates). These residents should be relatively protected; their rent is controlled via subsidy, and there is no profit motive for eviction. Other protections depend on subsidy source; again, the lack of clarity of “good cause” for LIHTC evictions is worth further exploration. It is important to ensure sufficient affordable
senior housing and displacement protections for these residents: seniors represent a growing homeless population in Oakland (EveryOne Home, 2017).

(3) Multi-Family Rental - 2-3 units - owner-occupied

There are around 4,000 rental units in owner-occupied duplexes and triplexes in Oakland (one in five duplex/triplexes are owner-occupied). These units, under the “golden duplex and triplex loophole,” are exempt from rent stabilization and Just Cause for Evictions protections, making them highly vulnerable to displacement pressures in Oakland.

(4) Subsidized rental - project-based HUD assistance

For the 3,336 units of project-based HUD assistance in Oakland, protections are relatively comprehensive; rent is controlled via the subsidy, there is no profit motive for eviction. However, as with other HUD-assisted housing, residents can be evicted for actions of family members (eviction record, felony conviction).

(5) Owner-occupied multifamily (eg duplex, triplex, 4-plex)

This ownership tenure shares the same benefits (asset-building, stability, and control) with other ownership tenures, as well as some of the challenges for low-income homeowners to keep their homes. Interviews suggest that low-income homeowners are taking on tenants more frequently; the supplemental income of course comes with added responsibility in terms of maintenance.

(6) Subsidized rental - HUD public housing

Like project-based HUD assistance, HUD public housing is relatively protected, though maintenance may be more of a challenge in some of the older units; the main driver for privatizing management (while continuing to provide affordability through the Housing Authority in the form of project-based vouchers) is improved building maintenance. Additionally, residents of HUD public housing may have expedited grievance (eviction) for certain causes, such as any criminal activity that resulted in the felony conviction of a household member; this type of regulation can leave households vulnerable.
(7) **Residential hotels (single room occupancies, or SROs)**

For the Oakland residents living in Oakland’s 1,224 SROs, they technically have rights to both rent stabilization and Just Cause for Evictions protections, though there may be issues with both landlords and occupants being aware of these rights. A major vulnerability for SROs right now is that they will be converted to other uses, representing a loss of low-income housing for Oakland. Maintenance has also been a challenge in SROs as some preservation efforts have brought to light. Regulation has tried to (temporarily) address this, but SRO conversion policy is in need of reform.

(8) **Single-family homeownership (HOA)**

For the 2,500 Oakland residents who live in about 1,200 single-family owned homes with homeowners’ associations (HOAs), the same benefits (asset-building, stability, and control) apply, as do the same risks for low-income homeowners. HOAs represent an additional risk as low-income homeowners may find themselves facing unexpected fees.

(9) **Total homeless in Oakland (varied tenures)**

As of the 2017 Point-in-Time count, there were 2,761 homeless people in Oakland (a 26% increase from the last count) (EveryOne Home, 2017), though other counts suggest there could be as many as 6,000 homeless people living in Oakland (Bee remarks, 2018). There are of course risks from hazardous living conditions, such as fire and disease, as well as safety and security risks, from other people on the street or from police. In order to address these risks, the city has been clearing encampments, providing some replacement spots in ‘sanctioned encampments’ with tiny houses. A vignette below on emerging tenure types for the homeless, specifically *encampments and Outdoor Navigation Centers* fleshes out some of the tensions present in addressing this crisis.
Encampments and Outdoor Navigation Centers

Oakland has a current “shelter crisis ordinance” as of October 2017, under which the City relaxed regulations for buildings and land use requirements that can be used as shelter. One of the major outcomes of the shelter crisis ordinance was to establish a city-sanctioned, service-enriched site for Tuff Sheds (tiny houses) for homeless people, referred to as an Outdoor Navigation Center (ONC). Mayor Schaaf wrote in a February 2018 update:

“The encampments pose a public health and safety hazard for all Oaklanders, most of all those who live in them... Fires have torn through encampments, including one that tragically claimed the life of a resident last week. We need to build more Tuff Shed shelter sites and clear more encampments (Schaaf, 2018).”

Here, crisis-level conditions at encampments are used to justify their clearance, seemingly with a better alternative around the corner. To be sure, the Tuff Sheds will soon be expanded to another site, and the city is close to using Measure KK preservation funding to acquire a site for another transitional housing facility.

However, some have complained that the ONCs cannot house all those from the surrounding cleared out encampments, and that real crisis should mean the city dedicating more of the parcels it owns to permitted encampments. Advocates from the Village, a self-determined tiny house encampment that was demolished for code violations in 2016, have been particularly vocal about this need, and about homeless and formerly homeless activists being best positioned to work on solutions (Guilkey, 2017).

Closing gaps in protections

Not only is there a displacement risk for those living in tent encampments, but also for those living in vehicles (which is illegal under city ordinance Chapter 8.24.020(G)(2)) and even in the ONCs themselves. In the ONCs, the maximum stay is ninety days (which can be reassessed afterwards for a six-month stay). Ideally, ‘displacement’ from one of these living situations means finding more stable housing, but this is not always the case.

As affirmed by an interview with a Tuff Shed resident conducted by Rebecca Coleman (described in Coleman, 2018 on tiny homes in Alameda County), eviction notices are posted on Tuff Shed doors when residents have overstayed, whether or not services have been delivered. (This same resident interviewee claimed that the housing coordinator at the ONC site was overburdened and unable to significantly support residents). It appears that even in short-term shelter crisis solutions to the homelessness crisis, systems of displacement are reproducing themselves.

More broadly, ONCs and other ideas for more immediate homelessness solutions are emerging tenure types and thus have emergent protections. Per the official ONC FAQs doc from the city: "What program rules would be applicable to the various program sites? The health, safety, and
wellbeing of all are primary. No open fires, violence, or destruction of common property. Further
details are under development (City of Oakland, 2018)."

Relatedly, while ONC sites are staffed 24 hours per day with site management and security staff,
security may vary. Interviews conducted by Coleman suggest that residents that do not come in
couples or pairs may be assigned a roommate for a cohabitation in a Tuff Shed (Coleman, 2018).

**Recommendations**

The limited nature of the ONCs suggests a justification for a human right to shelter in which people
have a right to pitch tents in public spaces, more city-owned land is opened up for permitted
encampments, and sleeping in vehicles is not criminalized. Overall, the emergent nature of new
tenure types to address rapidly rising homelessness, like the ONC, services-in-place model (which
provides wraparoud services to existing encampments for a specified amount of time), self-
determined tiny house encampments, and tiny houses in parking lots or undeveloped lots means
that protections have not been fully fleshed out. While introducing more safe spaces for people
experiencing homelessness is urgent, further work could be done on the front-end with homeless
advocates to develop thoughtful protections for those living in these inherently temporary tenures.

Additional capacity in housing

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28 However, warehouses may be considered single-family homes and thus would be exempt from rent
stabilization under Costa-Hawkins (Strauss interview, 2018).
though, the tenants’ rights community knew very little about protections for non-conforming spaces, so there has been a learning curve. For tenants of such spaces that are on commercial leases, they are only able to access tenant protections to the extent they can show landlords knew they were living there (Strauss interview, 2018).

**Tenures with few apparent advocates**

<table>
<thead>
<tr>
<th>Tenure</th>
<th>Units</th>
<th>People</th>
<th>Advocacy Landscape</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lodgers</td>
<td>~9,000</td>
<td>-</td>
<td>No apparent advocates.</td>
</tr>
<tr>
<td>Subleasing</td>
<td>-</td>
<td>-</td>
<td>No apparent advocates of specific protections, though tenant advocates are building up capacity to assist those dealing with subleasing issues.</td>
</tr>
<tr>
<td>Motels</td>
<td>-</td>
<td>-</td>
<td>No apparent advocates for motels specifically, though SROs have several local advocates. Motels can be a place that families land after displacement when first and last month’s rent is a prohibitive financial barrier.</td>
</tr>
<tr>
<td>Religion-linked housing</td>
<td>-</td>
<td>-</td>
<td>No apparent advocates; Housing Coalition of the East Bay is pushing for these spaces to have leases in order to be housing for those exiting Henry Robinson transitional housing.</td>
</tr>
<tr>
<td>HUD Public Housing</td>
<td>1,494</td>
<td>3,164</td>
<td>No apparent advocates.</td>
</tr>
<tr>
<td>Section 8</td>
<td>-</td>
<td>-</td>
<td>No apparent advocates; likely very small scale.</td>
</tr>
<tr>
<td>Mobile Homes or Trailers (with ground rent, or owned land)</td>
<td>49</td>
<td>-</td>
<td>No apparent advocates; national advocacy efforts of eg ROC USA to tenant purchase parks do not exist in Oakland.</td>
</tr>
<tr>
<td>Single-use residential with non-conforming unit (eg converted basement or garage)</td>
<td>-</td>
<td>-</td>
<td>No apparent advocates, though included in a recent push to extend tenant protections to non-conforming units.</td>
</tr>
<tr>
<td>Doubling Up</td>
<td>-</td>
<td>-</td>
<td>No apparent advocates of specific protections; tenant advocacy groups building up capacity to assist in subleasing situations.</td>
</tr>
<tr>
<td>Short-Term Rentals</td>
<td>-</td>
<td>-</td>
<td>Advocacy efforts focus on regulating the proliferation of STRs, but there are no apparent advocates for those using STRs as a transient tenure strategy.</td>
</tr>
<tr>
<td>Boats</td>
<td>-</td>
<td>-</td>
<td>No apparent advocates.</td>
</tr>
</tbody>
</table>
Many of these tenure types have been discussed above, but a core takeaway is that, predictably, there is little data on the tenure types that have few advocates. In some cases, this likely indicates that these are smaller-scale tenure types, but in other cases (lodger law, subleasing, doubling up, religion-linked housing, single-use residential with non-conforming unit) it may indicate that better data is needed, which could bolster advocacy efforts.

Tenures with solid protections and room to scale

<table>
<thead>
<tr>
<th>Tenure</th>
<th>Units</th>
<th>People</th>
<th>Unique Protections</th>
</tr>
</thead>
</table>
| Community Land Trust tenures - including single-family homeownership, condo, cooperative | 44    | 112    | • Asset-building  
 • Financial support  
 • Permanent affordability / neighborhood stabilization |
| BMR units                                   | -     | -      | • Affordability  
 • Room to scale: leverage market-rate development for affordable (nexus studies to determine viability) |
| Supportive housing                          | -     | -      | • “Gold standard” for difficult to house populations |
| Homeownership (various tenure types)        | 55,201| 146,252| • Asset-building  
 • Stability  
 • Control |
| Rent-to-own with sponsoring nonprofit organization | -    | -      | • Possible supportive pathway to homeownership, though questions remain about how this can best be implemented. |

Not all of these tenure types necessarily have clear pathways to scale, or particularly politically viable ones. However, as the section below discusses, they may indicate at least avenues for exploration, and possible places for a shift in policy and funding priorities.
III. Findings and Conclusion

The section below discusses findings by phase of the project – identification of tenure types, quantification of tenure types, and legal protections and advocacy analysis – and then suggests next steps for the research.

The section on legal protections and advocacy provides ideas for policy interventions – with an emphasis on interventions that could have the biggest impact.

Identification of Tenure Types and Quantification

The legwork of identifying tenure types in Oakland was an eye-opening process in its own rite. The fifty-five tenure types that the research team settled on are likely not even as exhaustive of a list as could be achieved with more ethnographic research methods. Bringing all of these tenure types to light provided a lens with which to view current policy conversations, and how inadequately they capture the more complete housing landscape.

The process of attempting to quantify as many of these tenure types as possible illuminated areas where data is harder to come by (as detailed in the data limitations section), and suggests lessons for replication of tenure diversity analyses. The first key lesson for replication is that attempting to quantify such a comprehensive diversity of tenure types likely requires creatively compiling data sources, ideally with the consultation of experts in the different tenure type categories.

Where cities have accessible data on tenure types such as accessory dwelling units and below-market-rate (BMR) units, this process will be streamlined. Better yet, cities conducting this analysis themselves will be able to produce estimates in more straightforward and internally consistent ways.

When thinking about a tenure diversity research agenda, it is certainly interesting to note that there more accessible data on many homeless tenures than there is easily accessible data about some of the more ‘traditional’ tenures. However, the Point-in-Time count is not without its limitations. As the report states, “for a variety of reasons, homeless persons generally do not wish to be seen, and make concerted efforts to avoid detection. Regardless of how successful outreach efforts are, an undercount of the homeless population will result...”
Factors include the fact that this is a “non-intrusive visual homeless enumeration,” meaning street count reams judge whether an individual is homeless based on appearance and surroundings; it is difficult to identify people sleeping in vehicle and shelters unfit for habitation; homeless families with children often seek opportunities to stay on private property instead of on the streets; street teams may have lacked local knowledge (EveryOne Home, 2017, see “Point-in-Time Undercount and Limitations” section).

Indeed, grassroots homeless organizing group The Village conducts a “People’s Count,” which put the number of homeless in Oakland last year at more than double the 2,761 figure from the Point-in-Time count. As founder Needa Bee said at a city council forum on homelessness, they also count those sleeping on buses, couch surfing, and “people tucked in between freeways, where you gotta crawl to get to them (Bee remarks, 2018).”

Furthermore, accessible census data is not always structured in ways that are meaningful for this analysis. For example, duplexes and triplexes, when owner-occupied, have implications for legal protections, but American Community Survey data is broken out by single-family 2-4 unit, and 5+ unit properties. Using assessor’s parcel data gives a more granular picture, but requires significant cleaning in order to produce accurate estimates.

Legal Protections and Advocacy Landscape

Interventions for Risky Large Tenures

Taking into account what the analysis shows about scale of tenures and gaps in protections, some tenure types emerge as clear places for interventions that would make a difference for many residents. Such potential policy interventions include:

Costa-Hawkins reform: For the over 77,000 people living in single-family rentals in Oakland, who are unprotected by rent stabilization, Costa-Hawkins reform would mean an immediate form of protection. Not only removing the statewide exemption from rent stabilization of single-family rentals, but also making the ‘new’ construction cutoff a rolling year, so that we are not faced with a constantly diminishing share of rent-stabilized units, would do a lot to protect Oakland renters. In the short-term, even without Costa-Hawkins reform, Oakland’s rent stabilization could be reformed to cover owner-occupied duplexes and triplexes.
Expanding Just Cause Evictions: Just Cause Evictions (JCE) protections are what Causa Justa/Just Cause and the Alameda County of Public Health call “early and always” protections, meaning baseline protections every tenant should have (Causa Justa/Just Cause, 2015). There is no state mandate for JCE protections that there be a new construction cutoff and several California cities have JCE protections without exempting new construction (East Palo Alto, San Jose, Union City, San Diego, West Hollywood, and others). Making JCE protections universal, including removing the owner-occupied duplex/triplex exemption, would be an immediate protection for Oakland renters. Finally, in order to better protect those doubling up, Oakland could consider special occupancy clauses in the City’s JCE ordinance to better protect families doubling up, for example (again, see Richmond).

Condo Conversion Reform: According to the Oakland Housing Equity Roadmap, an estimated 29,000 rental units are potentially at risk of being lost to condo conversions. That report proposes a reformed policy that considers an annual conversion cap, requires genuine replacement rental housing to generate “conversion credits,” reforms Condo Conversion Impact Areas (approximately 90% of the 2-4 unit buildings in Oakland are located outside of the existing areas), and creates opportunities for tenant purchase and affordable homeownership for low- to moderate income households including providing exemptions to conversion (Lin, Rose, 2015).

Rental Adjustment Program reform (RAP): Through Measure JJ, advocates sought to reform the Rental Adjustment Program in a few ways and, notably, won the promise of a rental registry. A rental registry, like the one in Berkeley, would allow tenants to view their property online and immediately see which protections apply to them. However, this has yet to be implemented, and advocates interviewed expressed skepticism that it will happen in the near future. Overall, the Rent Board in Oakland is appointed, not elected, and does not necessarily view tenant assistance as their role. The Rental Adjustment Program (RAP) is under-staffed, and does not take a proactive approach. This leads to real outcomes for tenants. More accountability is needed for RAP to create a rental registry and provide more proactive support to tenants facing displacement.
Leah Simon-Weisberg of Centro Legal de la Raza, is a Commissioner on Berkeley’s Rent Board in addition to supporting tenants through her legal work in Oakland. She recounted a story in which a large property management company was evicting several buildings in Oakland and Berkeley because they were “selling the building.” In Oakland, when Simon-Weisberg asked RAP staff if they had told anyone about it, she received a response that that was not their job. In Berkeley, staff had already proactively contacted both tenants and landlord. While the evictions did not go through in Berkeley, three buildings were cleared out in Oakland.

**Saving Housing Choice Vouchers:** The 27,000 people currently using Housing Choice Vouchers in order to have affordable housing, the hundreds of families with vouchers they have not been able to use, and the thousands on the waiting list represent a large group of Oaklanders. The issues that the voucher program is facing place displacement pressures on those already living with vouchers, and push affordable housing further into the distance for those looking to use a voucher. Oakland should seriously consider source of income legislation to give those looking for voucher housing some legal support, as well as stronger landlord incentives, including for owners with ADUs, in order to expand voucher housing supply.

**Strengthening resources for low-income homeowners:** Low-income homeowners, and particularly seniors and disabled people, face financial and maintenance-related challenges in keeping their homes, and not enough financial resources exist for them. Advocate Maeve Elise Brown of HERA suggested that the property tax deferral program be made more broadly available, as it is currently only available for the poorest of the poor, and is a very burdensome process (Brown interview, 2018). Lessons from Philadelphia suggest that this may be particularly important for homeowners in gentrifying areas.

A recent study in Philadelphia, which used 2014 tax reform to create a natural experiment, showed that in more rapidly gentrifying neighborhoods, the likelihood of property tax delinquency rates increases. Encouragingly, elderly or low-income homeowners did not appear to be selling off their homes as a result, which the researchers attribute in part to the City’s Longtime Owner Occupants Program (LOOP). LOOP is a tax abatement initiative started after the 2014 tax reform for those below a certain income threshold (for example, $99,840 for a two-person household), who have lived in their homes for 10 years or more, and who experienced at least a three-fold increase in assessed home values within a year. This program decreased delinquency rates for homeowners who ended up claiming it in gentrifying neighborhoods (Ding and Hwang, 2018).
Decriminalizing homelessness: For the between 3,000 and 6,000 people experiencing homelessness in Oakland, the City needs to create more housing opportunities for them, and (as it is doing), more transitional housing in the interim. However, in the immediate-term, some low-cost reforms would make the experience of homelessness in Oakland slightly more protected and safer. First of all, living in one’s vehicle could be made legal, so that the nearly 700 people living this way do not need to fear harassment and constantly move around. In Seattle, a judge recently ruled a man’s truck was his home. Furthermore, lots in Oakland could be made available for the homeless to park, as they have been by community-based organizations further afield in Alameda County. Additionally, a right to pitch a tent in public places could be established, including on existing city-owned land, or developer lots that are awaiting construction green lights – both solutions underway or being explored.

Code compliance reform: Oakland is exploring a proactive rental inspection program that would inspect all rental tenures on a regular schedule, but has had challenges in program design around how to incorporate non-conforming spaces with weak tenant protections. In addition to strengthening tenant protections, code enforcement could make use of culturally-sensitive, no-tell code inspection ‘ambassadors,’ as San Francisco has done with six community-based organization partners. Safer DIY Spaces plays a version of this role with the warehouse community, but tenants’ rights organizations and other community-based organizations are poised to play this role with people living in other non-conforming spaces, especially particularly vulnerable communities, such as undocumented immigrants. In addition, code enforcement notices of violation (NOVs) should be reformed to be itemized and explicit, and checklists should be utilized to distinguish between life safety hazards and other code violations. This will help inspection processes focus on safety and anti-displacement instead of reflexively terminating non-conforming uses.

Interventions for Protected Smaller Tenures

Below is a synthesis some of the tenure types that stand out from the analysis because they represent existing potential protective ways of living that have room for scale.

Create thoughtful inclusionary policy to increase supply of BMR units: Subsidized housing is another example of a tenure group that is already large, when taking all different types together. However, some types of subsidized housing may have means of expanding. For example, if Oakland were to adopt more inclusionary zoning policies as many other cities in the Bay Area have (pending nexus studies to ensure development feasibility), the stock of BMR units could be expanded, including thoughtfulness about protections not bound by federal regulations.
Prioritize supportive housing: Supportive housing is an important housing source for difficult-to-house populations, such as the chronically homeless and disabled. At the Savoy and California Hotels, SROs have been converted to supportive housing with intensive efforts at resident retention, leveraging private dollars on public funds. These types of conversions may be important means of preservation, neighborhood stabilization, and addressing homelessness.

Community Land Trusts: CLT models have been discussed for their benefit to residents and neighborhoods; while this is a small-scale model today, this can be seen as an opportunity. Given the resident management component of many CLT tenure types, it is a unique opportunity for neighborhood stabilization in the face of neighborhood change.
The barriers to CLT scale stem from operating within a system set up to prioritize public funding and private financing for two tenure categories: single-family homeownership and multi-family rental. This extends beyond typical housing programs and financing into other regulatory realms such as property taxation, subdivision law, and more. For example, there is a current, uphill, advocacy push in California to have the same welfare tax exemption benefits afforded to Habitat for Humanity to be extended to CLTs (Intersections, 2017).

The challenge of CLTs accessing LIHTC funds is illustrative of some of these limitations. LIHTC is the primary source for affordable housing development, but is not easily accessible to CLTs for a few reasons: LIHTC is not a feasible option for small projects below 25 to 30 units, as these do not generate enough credits to be a viable investment, but this is the scale of nearly all CLT projects. Beyond being a financial mismatch, acquisition of LIHTC properties for a non-equity cooperative on CLT land is difficult from an operational standpoint; LIHTC operating agreements typically necessitate that investors make property management and operations decisions, essentially ruling out resident self-management.

However, some CLT models offer hopeful examples for potential for increased scale, such as Dudley Street Neighborhood Initiative in Roxbury, Massachusetts, which has significant impact within a specific neighborhood, with nearly 300 housing units in the CLT, community gardens, and commercial space; Champlain Housing Trust in Burlington, Vermont is a good example of a citywide CLT that controls a noteworthy percentage of all the housing stock in the city, and has enjoyed strong local and statewide support; additionally, new efforts in both Colorado and New York City are encouraging attempts at broad scale, Elevation CLT, and Interboro CLT, respectively.

While scale may be an appropriate measure for many tenure types, CLTs can have broader community impact, and should perhaps be assessed on different metrics as a result. For example, CLTs may in some cases just be an efficient way to deliver affordable homeownership opportunities across a large area, while in others it may be a means for a community to gain control over land and development processes, build resident power, and preserve affordability. Indeed, with scale some of the community work is likely to face trade-offs.
Protecting occupants in inherently risky tenures

Finally, tenure types that are not ideal as living situations (due to quality of life, security issues, inherent precarity, etc.) should not be upheld as places to stabilize Oaklanders; rather, the goal is to move residents out of these tenure types. However, in cases where there are not immediately available alternatives, as the city balances short-term and long-term solutions particularly to the homelessness crisis, protections are important. To that end, it is important that we better understand the scale of tenure types such as lodger law, subleasing, doubling up, religion-linked housing, and non-conforming units. For most of these tenure types – essentially marginally housed situations under the umbrella of unsubsidized rentals – flexible rental assistance is likely important as these tenures can be last stops before homelessness.

Implications for Research and Next Steps in Oakland

There are some clear next steps for this work. First, it is key to dig further into the data where possible and better understand who the occupants are in different tenure types, by race, age, income and more. How can we better understand need by looking at existing vulnerabilities; for example, what proportion of vulnerable renters and homeowners are seniors who would face particular safety risks when experiencing homelessness? What proportion of Oakland homeowners are low-income and may be at risk of losing their home? What share of those homeowners are people of color who may have been targeted by subprime lending and are struggling to stay afloat? We know that a disproportionate amount of Oakland’s homeless population is Black residents; where else are racial disparities intersecting with specific tenure vulnerability, and how can this help deepen policy guided by principles of racial equity in Oakland?

Second, the financial and environmental risks analysis will be conducted, by Zac Taylor, a doctoral student at the University of Leeds who specializes in insurance systems. Financial risk analysis will map out tenure-specific financial issues focused on subsidy source, expiring use issues and risks associated with increased investor ownership. Environmental risk analysis will map out tenure-specific environmental risks, such as likelihood that disaster could result in permanent displacement, and environmental health risks such as air pollutants and toxic exposure.

Another convening will be hosted in order to translate some of the insights from this analysis into collective political demands. Overarching this process, in the wake of the recent case study on Oakland’s Housing Equity Roadmap, is a core question for tenure diversity analysis, here and
elsewhere: how do we translate insights into action? When we lift up gaps in protection, how we best turn those into actionable recommendations? And what does it take to not have these recommendations fall flat?

Finally, this work will be compiled in a publication that synthesizes this Oakland case study, with a focus on recommendations and ideas to overcome political barriers, as well as suggesting what a replication of this analysis might look like. There are many outstanding questions about what forms replications may take, but the section on the implications of data limitations suggests some ways forward. For example, cities conducting these studies internally will, of course, benefit from streamlined and expanded data access.

Beyond this, however, a tenure diversity analysis research agenda suggests thinking critically about how cities register and track tenure types such as accessory dwelling units; thinking about new kinds of survey tools to better understand populations like the many families who are doubling up; and focus groups to better incorporate the perspectives of those living in a variety of informal housing situations.

This work will continue to ask: what do we stand to gain when we look at all housing situations and see residents worthy of protection, whether or not they are living in permitted or normalized ways? How can a focus on tenure type become a key part of efforts to stem the tide of displacement?
References


Alameda County Social Services Agency; Alameda County Health Care Services Agency; Alameda County Housing and Community Development; EveryOne Home. (2017). Q&A: Alameda County Homelessness Collaborative Table.


Bay City News Service. Mayor Announces Incentives for More Low-Income Housing Units. SFGate.


City of Oakland. (2018). Oakland Outdoor Navigation Center (ONC) - Downtown, Summary and FAQ.


Coleman, R. (2018). Are tiny houses useful and feasible to help address homelessness in Alameda County? How could tiny houses be used, and under what conditions? Prepared for Alameda County Community Development Agency Housing and Community Development.


Waldron, L. (2015). Despite housing subsidies, a majority of Alameda County recipients are without Section 8 housing. *Oakland North.*


**Regulations Referenced**


Appendices

Acronyms

AMI – Area Median Income
HA – Housing Authority (or OHA for Oakland Housing Authority)
HCV – Housing Choice Voucher (Section 8)
JCE – Just Cause for Evictions protections
OMC – Oakland Municipal Code
PBV – project-based voucher
RC – rent control (rent stabilization)

Appendix A. Convening Participants:

1. Alex Schafran, University of Leeds
2. Alvina Wong, APEN
3. Alma Blackwell, Causa Justa/Just Cause
4. Anna Cash, UC-Berkeley
5. Anne Griffith, Enterprise
6. Chris Durazo, Causa Justa/Just Cause
7. James Vann, Oakland Tenants Union
8. James Yelen, Enterprise
9. Maeve Elise Brown, HERA
10. Mashael Majid, Urban Habitat
11. Naomi Cytron, San Francisco Federal Reserve
12. Steve King, OakCLT
13. Zach Murray, OakCLT
Appendix B. Interview list:

Unsubsidized rental tenures:
+ Sara Linck-Frenz, Tenants Together
+ Mashael Majid and Tony Roshan Samara, Urban Habitat
+ Leah Simon-Weisberg, Centro Legal de la Raza

Subsidized rental tenures:
+ Ophelia Basgal, UC-Berkeley Terner Center for Housing Innovation
+ Jeff Levin, East Bay Housing Organizations (EBHO)
+ Darin Lounds, Housing Coalition of the East Bay (HCEB)
+ Philip Verma, UC-Berkeley MCP student/City of Richmond

Ownership tenures:
+ Maeve Elise Brown, HERA

Third Way tenures:
+ Steve King, OakCLT

Informal and homeless tenures:
+ Rebecca Coleman, UC-Berkeley MCP student/consultant Alameda County, shared interview notes from interviews at Tuff Sheds
+ Tom Dolan, live-work architect, Safer DIY Spaces, Vital Arts
+ David Keenan, Safer DIY Spaces
+ Jonah Strauss, Oakland Warehouse Coalition

Availability of City data:
+ Jean Casey, Strategic Initiatives, City of Oakland
Appendix C. Just Cause Evictions, Rent Stabilization, Rental Adjustment Program

Just Cause Evictions (JCE) protections ordinances ensure that tenants are protected from arbitrary evictions, requiring landlords to cite specific “just causes” for termination of tenancy, such as a failure to pay rent or violation of lease terms. At present, outside of Oakland, nine other Bay Area cities have JCE protections (Berkeley, East Palo Alto, Emeryville, Hayward, Mountain View, Richmond, San Francisco, San Jose, and Union City) and seven California cities outside of the Bay Area have such protections (Beverly Hills, Glendale, Los Angeles, Maywood, San Diego, Santa Monica, and West Hollywood). Oakland’s most recent Just Cause Evictions protections are part of its Oakland Rent Adjustment Ordinance (O.M.C. 8.22.070).

The Oakland Rent Adjustment Ordinance (O.M.C. 8.22.070), referred to throughout as “rent stabilization,” limits the amount that a landlord can raise a tenant’s rent annually. In Oakland, for the private market rental units to which it applies, rent stabilization caps rent increases at the Consumer Price Index (CPI), 3.4% as of July 1, 2018. Oakland rent law prohibits rent increases higher than 10% (a stipulation sometimes referred to as ‘anti-gouging’), even for units that are exempted from rent stabilization. However, a property owner can raise rent above the CPI rate based on specific justifications; see http://rapwp.oaklandnet.com/issues/rent-increase/. A notable justification is “banking,” which refers to deferred allowed annual rent increases, applicable within ten years.

Notable changes in the ordinance (via the RAP website):

The City Council adopted two ordinances that made changes to the Rent Adjustment Program (Ordinance No. 13391 C.M.S.), on July 22, 2016, and on September 20, 2016, (Ordinance No. 13373 C.M.S.). On November 8, 2016, Oakland voters passed Measure JJ, which further amends the Rent Adjustment Ordinance. Regulations that reflect these Ordinance changes were adopted by the City Council on January 17, 2017. Final passage of the amended Rent Adjustment Ordinance was adopted by the City Council on February 7, 2017. Effective 2/1/17, the Rent Ordinance requires property owners to petition for any rent increase not based on the CPI increase or Banking. Property owners may also petition for an exemption from the RAP for qualifying properties. Property owners may apply to remove a property from the rental market as allowed by the Ellis Act. For a full overview of these changes, please see the Notice of Changes to the Rent Adjustment Ordinance.

Oakland’s Rental Adjustment Program (RAP) was established in 1980, and handles disputes between tenants and property owners. Importantly, RAP does not provide legal help or advice, and does not act proactively, but in response to grievances brought. Also importantly, RAP’s Rent Board is appointed, not elected.
Appendix D – Defining the Tenure Types

Unsubsidized Rental Tenures

1. **Lodger law:** unit shared between landlord and roommate. Per California state law, “a lodger is a person who lives in a room in a house where the owner lives. The owner can enter all areas occupied by the lodger and has overall control of the house. Most lodgers have the same rights as tenants. However, in the case of a single lodger in a house where there are no other lodgers, the owner can evict the lodger without using formal eviction proceedings (State of California Department of Consumer Affairs, 2012).”

   **Estimate:** Lodger law tenancies are difficult to estimate. 2011 American Housing Survey (AHS) data serves as a reference point; in 2011, in the Oakland-Fremont-Hayward area, there were 9,200 people recorded in a household characteristics category (for owner-occupied homes) of “persons other than spouse or children - lodgers.”

2. **Subleasing:** subtenant with housing arranged through master tenant. Here we include subleasing in which a master tenant, or other current tenants, brings on a new occupant, either with or without knowledge of the landlord. Whether the landlord knows about the subtenant impacts how the subtenant secures their tenant rights.

   **Estimate:** Subleasing tenancies are difficult to estimate because it is not possible to tell from data even on family/non-family shares what the leasing arrangements are. So we are unable to parse apart what is formal subleasing versus unapproved subleasing versus doubling up (possibly unapproved, presumably with no leasing arrangement). However, the overcrowding data is worth noting; the number of renters living in units with 1.51 occupants per room or more is up 70% from 2009 to 2016 (ACS 2016 1-Year Estimates, calculations via CAPE, Alameda County Public Health).

3. **Single-Family Rental - Attached/Detached:** tenancies in single-family homes, either attached or detached.

   Attached means a residence that shares walls with another home or building (could include here rented condo or townhouse, for example); detached single-family residences on the other hand, sit on their own lot, and do not share walls with other residences. For the purposes of tenant protections, these are viewed as the same, and thus have been grouped together for this reason.

   **Estimate:** In Oakland, there are about 23,044 single-family rentals, with about 77,119 people living in them (American Community Survey, 5 Year-Estimate, 2012-2016).
4. **Multi-Family Rental - 2-3 units - all renter-occupied:** tenancies in multi-family buildings, with either two or three units, commonly known as duplexes and triplexes, respectively. Tenancies in duplexes and triplexes can differ from tenancies in larger multi-family buildings for the purposes of tenant protections, which is why they have been separated out here. See below for less protected owner-occupied duplexes and triplexes.

**Estimate:** In Oakland, there are 24,507 2-4 unit buildings, with about 63,000 residents living in them (American Community Survey, 5 Year-Estimate, 2012-2016). Preliminary analysis of parcel data suggests that there are about 19,600 duplexes/triplexes, and that about 80% are occupied entirely by renters (HdL Coren and Cone parcel data, 2016).

5. **Multi-Family Rental - 2-3 units - owner-occupied:** tenancies in duplexes and triplexes, in which an owner occupies at least one of the units. Tenancies in owner-occupied duplexes and triplexes are exempted from both rent stabilization and Just Cause for Evictions protections, and are thus split out as a separate tenure type.

**Estimate:** In Oakland, there are 24,507 2-4 unit buildings, with about 63,000 residents living in them (American Community Survey, 5 Year-Estimate, 2012-2016). Preliminary analysis of parcel data suggests that there are about 19,600 duplexes/triplexes, and that about 20% are owner-occupied (HdL Coren and Cone parcel data, 2016).

6. **Multi-Family Rental - 4+ units:** tenancies in multi-family buildings, with four or more units.

As discussed above, multi-family rentals that are larger than duplexes or triplexes are viewed as the same in terms of their legal protections, irrespective of number of units.

**Estimate:** In Oakland, there are 48,024 units in multifamily housing (5+ units), with about 92,940 residents (American Community Survey, 5 Year-Estimate, 2012-2016).

7. **Residential hotels (SROs):** single-room occupancy hotels (SROs), also known as residential hotels, are buildings with single room units that do not typically have a private bathroom or kitchen.

Oakland conducted a report on SROs in 2015 that pointed out that, while SROs were constructed in the late 19th to early 20th century to house transient workers, today, “one quarter of Oakland residential hotel tenants have occupied their units for at least five years. Some residents have resided in the same building for more than twenty years (City of Oakland, 2015).” This tenure type has been the subject of much controversy in terms of the loss of units serving a particularly vulnerable population, which will be discussed further below.
Estimate: According to the City of Oakland report, as of 2015 there were 1,224 SRO units in the city, with an 88% occupancy rate, making for 1,072 occupied units, in 18 buildings (City of Oakland, 2015). In 2016, city staffers estimated that approximately 712 SRO units, over half of those remaining, are at risk of being converted to market-rate apartments, boutique hotels, or other uses (East Bay Express, 2017).

8. **Motels:** According to the 2015 City of Oakland report on SROs, “Oakland also has a number of motels built in the 1960s and 1970s that today house a primarily local population. While these serve a similar market to SROs, they can be distinguished from traditional residential hotels in a few ways: they are of more recent construction, they were originally built to serve tourists, and they nearly always contain private bathrooms and/or kitchen facilities.” According to the report, these motels are concentrated on West Macarthur and elsewhere throughout Oakland.

Estimate: We were not able to obtain an estimate for the number of motel rooms housing a local population.

9. **Formal ADU tenant:** per the California Department of Housing and Community Development definition, accessory dwelling units (ADUs) are “secondary dwelling unit[s] with complete independent living facilities for one or more persons and generally take three forms: (1) Detached: The unit is separated from the primary structure, (2) Attached: The unit is attached to the primary structure, (3) Repurposed Existing Space: Space (e.g., master bedroom) within the primary residence is converted into an independent living unit, and Junior Accessory Dwelling Units: Similar to repurposed space with various streamlining measures (California HCD, 2016).” Our definition of ADUs differs from this one in that we only include types 1 and 2, attached and detached secondary units, and not repurposed existing space. (We have included repurposed existing spaces and JADUs in either a) single-use residential with non-conforming units, b) lodger law, or c) doubling up, because we are focused on legal protections, not structural form.)

Estimate: Formal ADU tenancies are difficult to estimate in Oakland based on available data; see the quantification section for a further discussion of this.

10. **Religion-linked housing**: mission-driven housing geared towards vulnerable populations, especially those exiting transitional housing; may or may not have support services.

Religion-linked housing typically achieves affordability through overcrowding, sometimes packing in multiple occupants in a room (Lounds interview, 2018). While the Henry Robinson Multi-Service Center has required landlords to have leases in order to serve as the receiving
housing for people exiting Henry Robinson, formal lease arrangements have not typically been
the norm for religion-linked housing (Lounds interview, 2018).

Estimate: Religion-linked housing figures are difficult to estimate given that this type of
arrangement could occur in various types of structures.

**Subsidized Rental Tenures**

11. **Housing Choice (Section 8) Voucher:** tenancy financed by national subsidized
housing program, administered by local housing authorities (in this case, Oakland
Housing Authority (OHA)). Low-income tenants with Housing Choice Vouchers live in
private rental market units, and pay 30% of their income, with HUD paying the rest of the
rent up to a Fair Market Rent calculation.

Technically, residents with Housing Choice Vouchers (HCVs) can move to other private market
rental units with their vouchers, thus taking affordability (and HCV rules) with them. As will be
discussed in the legal protections section, there are challenges with that model in Oakland.

Estimate: HUD Picture of Subsidized Households estimates that, as of the end of 2015, there
were 11,692 units of Housing Choice voucher housing in Oakland, with about 26,707 people
living in them. Barriers to program uptake (which impacts recent numbers) is discussed in the
legal protections section.

12. **HUD public housing:** tenancies in HUD-constructed and -operated public housing,
where low-income tenants pay 30% of their income on rent.

Estimate: HUD Picture of Subsidized Households estimates that, as of the end of 2015, there
were an estimated 1,494 public housing units left in Oakland, with about 3,164 residents.

13. **Project-based voucher (PBV) HUD assistance (including Section 8, Section
202, and Section 236):** tenancies in affordable housing where the tenant’s unit is
financed by project-based HUD assistance.

Project-based vouchers (PBVs) function similarly to Housing Choice Vouchers, but the
affordability is tied to the unit, not the resident. Tenants pay 30% of their income on rent. These
buildings are owned and operated by private or nonprofit developers and property
management companies; HUD provides funding, but not property management. (Funding can
come from different sources, Section 8 for low-income tenants, Section 202 for supportive
housing for elderly tenants, and Section 236, which focuses on preserving housing).

Estimate: There are 3,336 PBV units in Oakland, per the Oakland Housing Authority.
14. **Low-Income Housing Tax Credit (LIHTC):** tenancies in affordable housing where the tenant’s unit is financed by Low Income Housing Tax Credits (LIHTC).

LIHTC is a tax credit program that incentivizes the use of private equity in affordable housing development. Like in PBV housing, LIHTC rents are attached to income, but in a slightly different way. With LIHTC, rents change with Area Median Income (AMI); tenants fall into certain brackets based on their income as a percentage of AMI, and pay rent based on that. Many buildings have a mixture of units financed by PBV, and financed by LIHTC.

**Estimate:** According to a dataset compiled by California Housing Partnership Corporation (CHPC), and the Center for Community Innovation (CCI), there are 7,660 units in Oakland, which may mean about 15,461 residents of LIHTC units.

15. **Senior (age-restricted) housing:** subsidized housing that is restricted to seniors.

Note that this type of housing is likely financed by the above mechanisms (e.g., PBV, LIHTC).

Per the 2017-2018 Alameda County Social Services Agency Senior Housing Guide, there are several kinds of senior housing: Senior Housing (independent living apartments), Retirement Residences and Continuing Care Retirement Communities (independent living with amenities), Residential Care Facilities for the Elderly (includes retirement residences, assisted living facilities, board and care homes), and Skilled Nursing and Intermediate Care Facilities. The subsidy source will impact the rent; for U.S. Department of Housing & Urban Development (HUD) subsidized buildings/units, rent is 30% of income, while for buildings that are part of other affordable housing programs, such as LIHTC, there are some affordable units with rent ranges based on income (minimum income restrictions may apply).

**Estimate:** There are 5,089 senior housing units in Oakland (Alameda County Social Services Agency Senior Housing Guide).

16. **Below-market-rate (BMR) units:** below-market-rate (BMR) units whose construction was financed by redevelopment, or by the mandated creation of affordable housing units through density bonuses, or other project-linked requirements.

BMR units may vary in both the amount of subsidy / amount tenants are paying, as well as the regulations and monitoring bodies.

**Estimate:** It is difficult to estimate the number of BMR units, but there may be some record with the City of Oakland Housing and Community Development department.
17. **Supportive Housing**: permanent affordable housing, coupled with wraparound services tailored to the needs of the individual resident. Supportive housing focuses on housing vulnerable populations, such as the chronically homelessness, and those with special needs. Tenant payments vary, but some supportive housing may be fully subsidized. Financing may include some of the funding streams mentioned above, but it is important to separately distinguish supportive housing for its service provision component.

**Estimate**: It is difficult to estimate the number of supportive housing units in Oakland.

Note: *Transitional housing is included in the “informal and homelessness” category.*

**Ownership Tenures**

18. **Single-family homeownership (HOA)**: single-family homes where owners reside in the home (owner-occupied), and belong to a homeowners’ association (HOA). Like with single-family tenants, we have grouped together attached and detached single family homes, since they have similar legal protections.

**Estimate**: According to 2015 Public Use Microdata (PUMS), there are 1,214 single-family homes that are part of an HOA, with 2,496 occupants.

19. **Single-family homeownership (no HOA)**: single-family homes where owners reside in the home (owner-occupied), and do not belong to a homeowners’ association (HOA).

**Estimate**: According to 2015 Public Use Microdata (PUMS), there are 44,442 single-family homes that are not part of an HOA, with 125,429 occupants.

20. **Single-family homeownership - permanent affordability deed**: single-family homes where owners reside in the home (owner-occupied), and have a permanent affordability deed, meaning the sale value of the home is restricted. Deed restrictions are not self-enforcing; these homes remain affordable only to the extent the deed restrictions are monitored and enforced.

**Estimate**: We have not identified a data source in order to quantify the number of homes with permanent affordability deeds in Oakland.

21. **Section 8 Homeownership**: homes where owners reside in the home (owner-occupied), and are subsidized in their mortgage payments by the Section 8 program (see unsubsidized rental tenure, Housing Choice Voucher / Section 8 Voucher).
Homeowners under the Section 8 Homeownership program pay 30% of their income on monthly mortgage payments, and OHA pays the remainder, up to the Section 8 payment standard for which the family qualifies. Eligible homes include single family residences, condominiums, townhouses, mobile homes or land trust (Oakland Housing Authority, 2017).

Estimate: We have not identified a data source in order to quantify the number of homes in the Section 8 homeownership program in Oakland. The program seems to be low volume: according to the OHA website, back in 2010, “in the few short months since the inception of the Department of Family and Community Partnerships (FCP) within OHA... eight families successfully purchased a home through the Section 8 Homeownership program."

22. Reverse mortgage homeownership: the Consumer Financial Protection Bureau (CFPB) defines reverse mortgages as “a special type of home loan that allows homeowners who are 62 or older to access the equity they have built up in their homes and defer payment of the loan until they pass away, sell, or move out. The loan proceeds are generally provided to the borrowers as lump-sum payments, monthly payments, or as lines of credit. Homeowners remain responsible for payment of taxes, insurance and home maintenance, among other obligations (CFPB, 2016).”

Estimate: We were not able to obtain an estimate for the number of homes with reverse mortgages in Oakland.

23. Condominium (condo): a unit where the occupant is the owner, but owns the building (and possibly some common area amenities) jointly with other members of a condominium association.

Condo owners do not own the land that their building is on. It is important to note that, structurally, condos vary. Given that ownership arrangements have more implications for protections than structure, ownership tenure types have been divided along these lines.

Estimate: According to 2015 Public Use Microdata (PUMS), there are 7,097 condos in Oakland, with 11,911 occupants.

24. Owner-occupied multi-family (eg duplex, triplex, 4-plex): multi-unit buildings where owners reside in one (or more) of the units.

Estimate: According to 2015 Public Use Microdata (PUMS), there are 2,448 owner-occupied multi-family homes in Oakland, with 6,416 occupants.

25. Owner-occupied mobile home or trailer: mobile homes or trailers in which owners reside, and where they own some land, perhaps in a mobile home park, where the mobile home is stationed.
Estimate: According to California department of Housing and Community Development (HCD), there are 49 mobile homes in Oakland’s 3 mobile home parks. It is not clear whether these mobile homes are on owned land, or pay ground rent, though the latter may be likely given that they are located in mobile home parks.

26. **Owned mobile home with ground rent:** mobile homes in which owners reside, but they do not own the land where the mobile home is stationed, and instead pay rent on that land.

Estimate: According to California department of Housing and Community Development (HCD), there are 49 mobile homes in Oakland’s 3 mobile home parks. It is not clear whether these mobile homes are on owned land, or pay ground rent, though the latter may be likely given that they are located in mobile home parks.

27. **Single-family with informal ADU:** single-family homes where owners reside in the home (owner-occupied), and also have an accessory dwelling unit (ADU) on their property that is not registered with the City of Oakland’s Planning and Zoning Department.

This tenure type is included as separate from single-family homes with ADUs because the presence of an ADU implies different risks and benefits for homeowners.

Estimate: We have not been able to obtain an estimate of ADU numbers, permitted or otherwise. See quantification section for details.

28. **Single-family with registered ADU:** single-family homes where owners reside in the home (owner-occupied), and also have an accessory dwelling unit (ADU) on their property that is registered with the City of Oakland’s Planning and Zoning Department.

This tenure type is included as separate from single-family homes with ADUs because the presence of an ADU implies different risks and benefits for homeowners.

Estimate: We have not been able to obtain an estimate of ADU numbers, permitted or otherwise. See quantification section for details.

**Third Way Tenures**

29. **Community Land Trusts (SFHs, multi-family):** Community Land Trusts (CLTs) in housing are a form of ownership in which a local nonprofit owns the land and commits it to affordable housing, in perpetuity. While the nonprofit owns the land, it long-term leases it to residents who own homes on the land (typically for 99 years); these leases are transferable by inheritance and govern resale occupancy, affordability with the goal of
balancing equity appreciation for individual households with the long-term goal of preserving affordability for future generations.

CLTs are another model where it is distinguished by form of ownership, not structure. CLTs can take the form of single-family homes or multi-family buildings. Like permanent affordability deeds, homeowners can build equity, but it is limited equity as there are fixed rates for the home’s appreciation so that it will be affordable to the next buyer.

**Estimate:** There are 18 single-family homeownership CLT units in Oakland, with 41 residents, and 11 CLT condo units, with 33 residents (OakCLT).

### 30. Limited Equity Co-Op:
Limited equity co-ops are a form of ownership in which several households collectively own many dwelling units, usually in a multi-family building, via a cooperative corporation (co-op).

Each household has a vote in the co-op internal governance. Low-income tenants may pursue co-op models when threatened with eviction or substandard housing, especially where tenant purchase is supported or incentivized (Ehlenz, 2014). As the name suggests, limited equity co-ops have affordability controls, and equity is limited when co-op members sell back to the co-op.

**Estimate:** There are at least 89 limited-equity housing cooperative units in Oakland (Oak Center Cooperative Homes was developed in 1983 in West Oakland).

### 31. Limited Equity Housing Co-Op - CLT owns land:
a limited equity co-op with CLT land ownership is structured like a traditional limited equity housing co-op in that multiple households form, and are members of, a nonprofit limited equity housing cooperative. The LEHC entity owns a building with multiple housing units. Members of the LEHC each own a share in the cooperative, which grants them the right to occupy one of the housing units. A CLT owns the land in perpetuity, yet master leases the land to the LEHC. The master lease is typically a 99 year agreement that governs the relationship between the LEHC and the CLT, including provisions that the housing units in the LEHC be permanently affordable. The CLT remains a supportive partner to the LEHC to help ensure its long-term sustainability.

This model usually arises from a distressed multi-family property (Ehlenz, 2014), with the CLT stepping in as a housing advocacy group to help facilitate resident purchase of the building.

**Note:** The difference between building equity in an LEHC versus in a single family home is almost identical. However, the size of the "investment" in an LEHC is more limited. A share in an LEHC could be anywhere from $5,000 to $25,000, whereas a single-family homeowner in a CLT would have a much larger mortgage. Often the rate of equity appreciation is the same (i.e., change in CPI), a single-family homeowner just has more at stake.
Estimate: OakCLT is in the process of establishing at least two cooperatively owned projects on CLT land.

32. **Resident Self-Managed Rental Housing / Non-equity co-op:** resident self-managed rental housing is structured like a limited equity co-op with CLT land ownership in the sense that each household has a vote for internal governance. However, a separate cooperative entity does not own the building; the CLT owns both the land and the building with the goal of maintaining permanent affordability. The CLT works to establish a governance structure among the residents so that they are more engaged in the operations and management of the building.

**Estimate:** There are 15 non-equity co-op/residential self-managed rental units in Oakland, with 38 residents (OakCLT).

33. **Informal shared houses (co-op structure, but not incorporated as co-op):** tenancies in homes that act as “intentional communities,” with some internal governance, and likely some shared resources (eg food).

In terms of protections, these will depend both on the structure of the house (year built and number of units), as well as the leasing arrangements of various tenants (eg subleasing, doubling up, etc).

**Estimate:** Due to the open-ended nature of this tenure type, it is not possible to quantify its scale.

34. **Cohousing:** according to the Cohousing Association of the United States, cohousing units are “intentional community of private homes clustered around shared space. Each attached or single family home has traditional amenities, including a private kitchen.”

“Shared spaces typically feature a common house, which may include a large kitchen and dining area, laundry, and recreational spaces. Shared outdoor space may include parking, walkways, open space, and gardens. The legal structure is typically an HOA, Condo Association, or Housing Cooperative. Community activities feature regularly-scheduled shared meals, meetings, and workdays. Cohousing makes it easy to form clubs, organize child and elder care, and carpool (The Cohousing Association of the United States, 2018).”

**Estimate:** According to the Cohousing Association of the United States directory, there are 117 cohousing units in Oakland.

35. **Rent-to-own (aka lease-to-own, lease-purchase, lease-option) (Private model)** Rent-to-own (or lease-to-own, lease-purchase, lease-option) housing enables residents to rent a home with either the option to purchase at the end of a set period of
time, or the requirement to purchase. In private models, contracts are executed directly between sellers and tenants with lease-options, introducing room for abuse, such as landlords reneging on promise to sell.

The rental period is usually between one to three years (McCuloch, 2005). This type of arrangement allows a household that is not ready to purchase at present to build up credit or savings for a downpayment, while locking in a house. These arrangements are not very regulated, and housing advocates have called for more regulated versions (Galante et al, 2017).

**Estimate:** We have not been able to obtain an estimate of the number of rent-to-own homes in Oakland, whether private or intermediated by a nonprofit. See quantification section for details.

### 36. Rent-to-own with sponsoring organization (Nonprofit model)

Rent-to-own (or lease-to-own, lease-purchase, lease-option) housing enables residents to rent a home with either the option to purchase at the end of a set period of time, or the requirement to purchase. In nonprofit models, a sponsoring organization leases the home to a qualifying low or moderate income household, and then supports the household through asset-building strategies to be able to purchase the home.

The rental period is usually between one to three years (McCuloch, 2005). This type of arrangement allows a household that is not ready to purchase at present to build up credit or savings for a downpayment, while locking in a house. These arrangements are not very regulated, and housing advocates have called for more regulated versions (Galante et al, 2017).

Most programs return a portion of the rental or lease payments back to the household to support downpayment and closing costs on the home purchase (McCuloch, 2005).

**Estimate:** We have not been able to obtain an estimate of the number of rent-to-own homes in Oakland, whether private or intermediated by a nonprofit. See quantification section for details.

### Informal and Homeless

#### 37. Informal ADU tenant

Tenancies in unregistered ADUs attached to or on the lot of a primary home.

While these may operate like unsubsidized tenancies in many ways, the unregistered nature of the ADU introduces new vulnerabilities and thus is considered here as an informal tenure type.

**Estimate:** We have not been able to obtain an estimate of ADU numbers, permitted or otherwise. See quantification section for details.

#### 38. Permitted community live-work / mixed-occupancy spaces

Community live-work spaces where artists and craftspeople both reside and work in the space, and hold community events. When community live-work spaces are legal from a zoning perspective in Oakland, they are often permitted as joint live-work quarters (JLWQ).
Note that even permitted community live-work spaces may face challenges with code compliance around building code violations.

**Estimate:** We have not been able to obtain an estimate of sanctioned community live-work spaces.

39. **Unpermitted community live-work / mixed-occupancy spaces, and other non-conforming:** community live-work spaces where artists and craftspeople both reside and work in the space, and hold community events. When community live-work spaces are not permitted in Oakland, this means they are zoned for other uses, likely for their previous uses as commercial or industrial space. Note that unpermitted community live-work spaces may face challenges with code compliance around building code violations. Other non-conforming spaces include, for example, storefronts that are residentially occupied, but zoned for commercial use.

**Estimate:** According to live-work architect, Tom Dolan (member of nonprofit Safer DIY Spaces), there are around 200 community live-work spaces in Oakland, with up to 1,600 residents. We do not have estimates for other non-conforming spaces.

40. **Single-use residential with non-conforming unit (eg converted basement / garage):** spaces in permitted residential structures that have been converted to dwelling units, but are not zoned for occupants to live in that particular part of a structure. These may include converted basements or garages. While some may consider such spaces accessory dwelling units, they have been separated out here because they are less immediately obvious from the outside, which may impact tenant vulnerability.

**Estimate:** We were not able to estimate the number of non-conforming units in conforming residential spaces due to their concealed nature.

41. **Doubling up:** Tenancies in which residents are staying with families and friends, and some residents may not be on any kind of lease; sometimes known as “couch surfing.” This type of tenancy is usually a product of housing insecurity. People typically double up with family or friends. Doubling up may lead to overcrowding, and likely represents a breach of lease in terms of occupancy standards. Note that the Department of Health and Human Services counts doubling up as homeless (though HUD does not). See Appendix F, “Definitions of Homelessness.”

**Estimate:** It is not possible to tell from data even on family/non-family shares what the leasing arrangements are, so we are unable to parse apart what is formal subleasing versus unapproved subleasing versus doubling up (presumably unapproved, no leasing arrangement). However,
the overcrowding data is worth noting; the number of renters living in units with 1.51 occupants per room or more is up 70% from 2009 to 2016 (ACS 2016 1-Year Estimates, calculations via CAPE, Alameda County Public Health).

**42. Adverse possession:** occupancies where occupant is residing in a structure without the owner’s knowledge, commonly known as “squatting.”
While doubling up is also likely without owner knowledge, squatting implies that there is no formal tenant/leasee present, only a squatter or group of squatters.
Estimate: We do not have estimates for how many people are squatting in Oakland.

**43. Short-Term Rentals (and other transient tenures):** short-term rentals (STRs) are defined by the City of Oakland as “rentals of residential dwelling units for periods of less than a month (City of Oakland, 2017).”
STRs are usually secured via online marketplaces such as Airbnb, VRBO and FlipKey, which connect short-term renters with local hosts. While STRs are framed as tourist housing, transient residents may use STRs as a more medium-term housing strategy.
Estimate: According to a City of Oakland presentation, there are 2,252 active Airbnb listings. However, this is not an indication of STRs as transient tenure strategy (City of Oakland, 2017).

**44. Transitional Housing/Rapid Re-housing:** service-enriched transitional (temporary) housing.
Like supportive housing, transitional housing provides services to residents. However, transitional housing is designed to be temporary, a place for homeless individuals to go as they look for longer-term housing. It is more long-term and service intensive than emergency shelters, however. Services often include support for addiction and mental health, and in some cases vocational training. Tenancies usually last from 3-24 months; in the case of Oakland’s Henry Robinson Multi-Service Center, the maximum stay is 24 months.  
Estimate: There are about 495 people in Oakland who were in transitional housing at the time of the Oakland Point-in-Time Count in 2017, in what appears to be about 40 transitional housing facilities.

Note that a new navigation center-style facility is being acquired in downtown Oakland; a May 2017 City press release states that this will allow “the City to bring 600 residents a year into safe, supportive housing. (Office of the Mayor Libby Schaaf, 2017).”

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29 Facilities colloquially referred to as “halfway houses” would fall into this category, though it is fair to say that quality of facilities would vary within this category. These are distinguished from the religion-linked housing category, which is not necessarily temporary, and does not necessarily provide services.
45. **Transitional Youth Housing**: homeless shelters that serve youth (youth definitions vary, usually in the 14 to 25 years old range (East Oakland Community Project).

**Estimate**: According to East Oakland Community Project, there are only 24 beds for homeless youth in Oakland, 7 of which are at their transitional housing program (located in East Oakland near San Leandro border, serves 18-25 year olds). Note: according to Point-in-Time Count, there were 556 Unaccompanied Transitional Age Youth as of the 2017 count, 71% of whom are unsheltered.

46. **Homeless Shelters**: a homeless services agency where homeless individuals can sleep or reside temporarily. Youth shelters serve youth, typically between 14 to 25 years old. Maximum stays in homeless shelters vary from just overnight to up to a month.

**Estimate**: According to the Oakland Point-in-Time Count, at the time of the January 2017 count, there were 364 people sleeping in homeless shelters.

47. **Foster Care**: foster care is a system of housing that the state arranges for minors whose legal guardians have been deemed unable to care for them. Foster care can be in a group home, or the private home of a state-certified caregiver.

**Estimate**: According to the Oakland Fund for Children and Youth, there were 247 foster youth in Oakland Unified School District in 2013. Note that some of these children may be living in group home or institution placements (Administration for Children and Families reports have data on this).

48. **Outdoor Navigation Center (ONC)**: city-sanctioned, service enriched encampments.

Per the City’s “Oakland Outdoor Navigation Center (ONC) - Downtown, Summary and FAQ,” an Outdoor Navigation Center is a “pilot program that provides a safe, sanitary, and secure interim (up to 6-months) housing opportunity for unsheltered individuals, or individuals living in their vehicles, in one location. Referred to by some city officials as “safe havens,” these are spaces that the City has designated for congregation of homeless people, where the City is typically providing tiny houses (“Tuff Sheds”), garbage pickup, bathroom facilities and handwashing stations, and services designed to help occupants stabilize and find more permanent housing. Locations for ONC’s will be identified so that the impact of an encampment on the surrounding community can be better managed and it maintains a cleaner and safer environment for all. ONC’s will have a geographic focus and will serve unsheltered homeless individuals in a specific encampment or a specific area close to the site. Not all homeless individuals in a geographic area will choose to enter the Outdoor Navigation Center.”
Estimate: According to 2/2018 update from Mayor Schaaf, there were 20 tiny houses at the first city-sanctioned tiny house encampment, able to house up to 40 people. And the next site is already planned: “the progress at 6th and Castro has encouraged us to open the next site at Northgate Ave. and 27th Street, just off the Interstate 980 West Grand Ave. exit.” The FAQ document cited above states that in total the ONC program will “provide intensive wraparound services for up-to 40 individuals at a time, and approximately 60-80 throughout the year.” For self-determined ONC, see The Village below.

49. Self-determined tiny house encampments (eg The Village): spaces where homeless people and advocates have self-organized encampments with internal governance structures and tiny houses (or intent to build tiny houses). The current lot the Village is occupying could in a sense be considered an ONC since it is city-sanctioned and some ‘stabilization’ facilities are provided.

Estimate: About three tiny houses as of writing (March 2018). There were 16 people living at the first Village, but it was bulldozed 12 days after it was erected by the city for code violations. According to the Village’s Facebook page (March 2018), there are about 80 people living on the parcel the city gave them. They have been working to construct homes for these people (and have built three, with funding for a fourth), but the city is now asking them to leave in order to reconstruct an overpass that spans the parcel.

50. Decentralized tiny houses on church/CBO property: spaces where churches or faith-based organizations, or community-based organizations (CBOs), are inviting homeless people to live in tiny houses on their lots.

Estimate: This is an emerging tenure type, with little to no scale at present.

51. Services-in-place encampments: Based on the “Compassionate Communities” pilot, the Services In-Place model works exclusively at an existing encampment with focused wraparound services coming to the encampment residents, as folks are housed no new encampment residents enter, and there is a hard end date at which time the site will be closed (City’s “Oakland Outdoor Navigation Center (ONC) - Downtown, Summary and FAQ”).

Estimate: Little scale right now; In a May 2017 press release under a “services-in-place” heading, the only indication of scale was that “the Mayor’s proposed budget will allow the City to bring sanitation and trash service to up to 400 unsheltered residents a year to improve living conditions for those experiencing homelessness while making our streets cleaner and safer (Office of the Mayor Libby Schaaf, 2017).”
52. **Encampments**: spaces in which groups of homeless people have congregated, typically with at least some of them sleeping in tents.

*Estimate*: According to the Oakland Point-in-Time Count, there were 573 people living in encampments at the time of the January 2017 count.

53. **Unsheltered homeless**: living on the street, in some outdoor location, or in a building.

All of the homeless tenures can be considered transient tenure types as homeless people often alternate between survival strategies. Longer-term more consistent residence in the same building would be considered “violation of property law / squatting.”

*Estimate*: According to the Oakland Point-in-Time Count, there were 711 people living unsheltered at the time of the January 2017 count. Of these, about 626 were living on the street or in another outdoor location, and about 85 in buildings. Note: While the Point-In-Time Count counts a total of 2,761 homeless people in Oakland, The Village’s "People’s Count," estimates about 6,000 homeless in Oakland alone. They also count those sleeping on buses, couch surfing, and "people tucked in between freeways, where you gotta crawl to get to them (Bee, 2018)."

54. **Vehicle**: living in one’s vehicle; considered homelessness by Health and Human Services, HUD, and academic literature.

This tenure type is technically illegal in Oakland per Chapter 8.24.020(G)(2) of the Oakland Municipal Code (which is technically about blighted property). This code prohibits:

> “The use of any trailer, camper, recreational vehicle or motor vehicle for living or sleeping quarters in any place in the city, outside of a lawfully operated mobile home park or travel trailer park, subject to the following: (a) Nothing contained in this section shall be deemed to prohibit bona fide guests of a city resident from occupying a trailer, camper, or recreational vehicle upon residential premises with the consent of the resident for a period not to exceed seventy-two (72) consecutive hours; and (b) Any trailer, camper, or recreational vehicle so used shall not discharge any waste or sewage into the city’s sewer system except through the residential discharge connection of the residential premises on which the trailer, camper or recreational vehicle is parked.”

*Estimate*: According to the Oakland Point-in-Time Count, there were 618 people living in their vehicle at the time of the January 2017 count. Note that there are three (3) locations in Alameda County which are currently providing safe overnight sleeping/parking and services. (These locations are CBO’s which are providing these services under the radar and will not be identified without their permission. Most are in the Mid-County area (Hayward, Castro Valley) (Alameda County Departments, 2017).
55. **Boat**: residence on boat, otherwise known as “live-aboards.” Live-aboards dock at a marina, and pay a “slip fee” (rent) to do so. In addition to live-aboards, some people live on their boats illegally and do not dock. **Estimate**: We do not have estimates of live-aboards in Oakland. However, marina managers estimated in 2017 about 25 "off-anchor" boats in middle of Oakland Estuary (Waheed, 2012). It is illegal to live off-anchor, meaning not docked at the marina as a live-aboard.

56. **Group quarters**: via the American Community Survey, group quarters includes: correctional facilities for adults, juvenile facilities, nursing facilities/skilled nursing facilities, other healthcare facilities, college/university student housing, military group quarters, other noninstitutional facilities.) **Note**: We have only included quantification of this category to give a sense of how many residents do not fall into other categories, but have not included it in the legal protection and advocacy analysis since it includes so many diverse tenure types. Thus, the American Community Survey definition is used here. **Estimate**: As of 2016 5-Year American Community Survey estimates, there were about 6,774 people living in group quarters in Oakland. Note that there is some overlap with transitional housing facilities.
## Appendix E. Oakland Vagrancy Laws

<table>
<thead>
<tr>
<th>Ordinance Number</th>
<th>Ordinance Category</th>
<th>Ordinance Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>12.64.110</td>
<td>Loitering and vagrancy</td>
<td>Closure of particular public places</td>
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<tr>
<td>5.18.030</td>
<td>Begging</td>
<td>Begging in public city-wide</td>
</tr>
<tr>
<td>8.20.080</td>
<td>Sanitation</td>
<td>Public urination/defecation</td>
</tr>
<tr>
<td>8.24.020</td>
<td>Loitering and vagrancy</td>
<td>Other restrictions on &quot;vagrants&quot;</td>
</tr>
<tr>
<td>8.24.020</td>
<td>Sleeping/camping/sitting/lying/vehicles</td>
<td>Lodging/living/sleeping in vehicles</td>
</tr>
<tr>
<td>9.08.090</td>
<td>Sanitation</td>
<td>Bathing in public waters</td>
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<tr>
<td>9.08.160</td>
<td>Loitering and vagrancy</td>
<td>Sitting/lying in particular public places</td>
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<tr>
<td>9.08.170</td>
<td>Loitering and vagrancy</td>
<td>Obstruction of sidewalks/public places</td>
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<tr>
<td>9.08.230</td>
<td>Begging</td>
<td>Other begging/panhandling restriction</td>
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<td>Begging</td>
<td>Begging in particular public places</td>
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<td>9.08.240</td>
<td>Loitering and vagrancy</td>
<td>Loitering/vagrancy city-wide</td>
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<td>9.08.250</td>
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<td>Loitering in particular public places</td>
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<tr>
<td>9.32.040</td>
<td>Trespassing and banishment</td>
<td>Criminal trespass in public places</td>
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# Appendix F. Homeless Definitions Matrix

<table>
<thead>
<tr>
<th></th>
<th>HHS</th>
<th>HUD* (McKinney-Vento)</th>
<th>City/County of SF</th>
<th>Eyrich-Garg, O’Leary, &amp; Cottler Literature Review</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lives in unstable / temporary situation*</td>
<td>X</td>
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<td>X</td>
<td>X</td>
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<tr>
<td>Lives in shelter</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>“Most scientific lit defines homelessness as request for or stay at homeless shelter.”</td>
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<tr>
<td>Lives in transitional housing</td>
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<td>X</td>
<td>X</td>
<td>Marginally housed</td>
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<tr>
<td>Lives on streets</td>
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<td>X</td>
<td>X</td>
<td>Literal homelessness</td>
</tr>
<tr>
<td>Lives in place not usually used as sleeping accomm. (incl. vehicle)</td>
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<td>X</td>
<td>X</td>
<td>Literal homelessness</td>
</tr>
<tr>
<td>Lives in SRO</td>
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<td>X</td>
<td></td>
<td>Marginally housed</td>
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<tr>
<td>“Doubled up”</td>
<td>X</td>
<td>X</td>
<td></td>
<td>Marginally housed</td>
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<tr>
<td>To be released from prison/hospital w/o stable housing</td>
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<td></td>
<td></td>
<td></td>
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<tr>
<td>Exiting shelter</td>
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<tr>
<td>Imminently losing housing</td>
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<tr>
<td>Unaccompanied youth/families w/ children who have experienced ‘persistent instability’</td>
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<tr>
<td>In jails, hospitals, and rehabilitation facilities</td>
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<tr>
<td>Families living in substandard or inadequate living conditions, incl. overcrowded spaces</td>
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<td></td>
<td></td>
<td>X</td>
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</tbody>
</table>

*Federal definition of homelessness (HUD) used for Point-in-Time Counts, including in Alameda County: This definition includes individuals and families:

- Living in a supervised publicly or privately operated shelter designated to provide temporary living arrangement (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low income individuals); or
- With a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground (EveryOne Home, 2017).