

CITY OF OAKLAND



ONE FRANK H. OGAWA PLAZA • 6TH FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney
Barbara J. Parker
City Attorney

(510) 238-3601
FAX: (510) 238-6500
TTY/TDD: (510) 238-3254

March 27, 2014

RULES AND LEGISLATION COMMITTEE
Oakland, California

Re: Resolution to Support California Assembly Bill No. 2310 Immediately Reinstating Section 3485 to the California Civil Code Authorizing a City Attorney to File an Action for Unlawful Detainer to Abate a Nuisance Caused by Illegal Conduct Involving Weapons or Ammunition of Real Property

Dear Chairperson Kernighan and Members of the Rules and Legislation Committee:

We ask that the City Council support Assembly Bill No. 2310, an urgency bill in the State Assembly that would immediately reenact California Civil Code Section 3485.

Prior to January 1, 2014, California Civil Code Section 3485 authorized City Attorneys to file a civil action for unlawful detainer to abate a nuisance caused by illegal conduct involving weapons or ammunition. The law expired on December 31, 2013.

Civil Code Section 3485 is similar to Oakland's Nuisance Eviction Ordinance (OMC 8.23.100), but will provides additional authority to the City Attorney's Office to bring an unlawful detainer (eviction) action against a nuisance tenant. The law also authorizes a lawsuit against the the owner of the property if the owner fails to initiate eviction proceedings and does not assign to the City their right to bring an unlawful detainer action against a nuisance tenant. The bill would also reinstate the city attorneys rights to recover the cost of investigation, discovery and reasonable attorney's fees.

Assembly Bill 2310 came to the attention of the City after the posting of the Rules March 27th 10-day agenda. This is an urgent bill on a fast track with legislative hearings commencing next Tuesday, March 25, 2014 and an Assembly vote is anticipated to occur very soon. Deferral to the next Rules Committee would delay Council action until April 22. Therefore, we recommend that the Rules and Legislation Committee review this item on March 27, 2014 and forward it to the April 1, 2014 City Council for approval and the City of Oakland can transmit support to the State Assembly prior to its vote on the bill.

Very truly yours,

President Kernighan and Members of the Rules and Legislation Committee
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BARBARA J. PARKER
City Attorney