

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

May 27, 2013

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. On January 1, 2014 California Civil Code Section 3485, a law which authorizes a city attorney to file an action for unlawful detainer to abate a nuisance caused by illegal conduct involving weapons or ammunition on real property sunset. Currently, Assembly Bill No. 2310 is an urgency bill in the State Assembly that would reenact Civil Code Section 3485 immediately.

Civil Code Section 3485 is similar to Oakland's Nuisance Eviction Ordinance (OMC 8.23.100) but provides additional authority to the City Attorney's Office to bring an unlawful detainer action against a nuisance tenant and permit joinder of an owner of real property if the owner fails to assign the right to bring an unlawful detainer action against a nuisance tenant. Furthermore, the bill authorizes the City Attorney's Office to recover the cost of investigation, discovery and reasonable attorney's fees.

As a result, we recommend that the Rules and Legislation Committee schedule the item to the April 1, 2014 City Council consent calendar so the resolution can be passed and the City of Oakland can transmit support Assembly Bill No. 2310 prior to the State Assembly voting on the bill.

Very truly yours,

BARBARA J. PARKER
City Attorney