

City of Oakland Public Health & Safety Declaration for Utilities

WHEREAS, The City of Oakland has been severely affected by the national foreclosure crisis, with over 15,000 foreclosure filings in Oakland in the third quarter of 2008 alone;

WHEREAS, tenants living in foreclosed properties are unduly burdened by foreclosures, when, through no fault of their own, and without warning, their landlords stop making utility payments;

WHEREAS, an illegal rent increase occurs when a tenant is required to make utility payments that were previously paid by the landlord;

WHEREAS, it often takes a tenant several months to determine the ownership of a property in foreclosure, and further time for the new owner to begin making utility payments;

WHEREAS, tenants in foreclosed properties, particularly those in multiunit structures, cannot suddenly assume the responsibility of utility payments, especially for an entire building;

WHEREAS, California Civil Code §1941.1(b)-(e) states that a building shall be deemed untenable if it lacks plumbing or gas facilities, water supply, heating facilities, or electrical lighting;

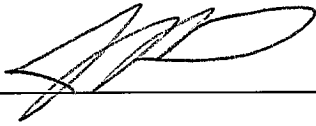
WHEREAS, the lack of utilities such as water, electricity, and gas at an occupied residence cause a significant threat to the health or safety of the residential occupants or the public;

WHEREAS, California Public Utilities Code §777.1(e)(5) and §12822.1(e)(5) require that when an electrical, gas, heat, or water corporation or district furnishes service to residential occupants through a master meter in a multiunit residential structure, where the owner is listed by the corporation as the customer of record, the corporation or district may not terminate that service when a public health or building officer certifies that termination would result in a significant threat to the health or safety of the residential occupants or the public;

WHEREAS, California Public Utilities Code §777.1 and §12822.1 ensure that service to residential occupants is not terminated due to nonpayment by the customer without making every reasonable effort to continue service. See, California Public Utilities Code §§ 777.1(i), 12822.1(i);

WHEREAS, tenants in foreclosed properties need at least 120 days to determine ownership and arrange for continued utility service with the new owner;

NOW THEREFORE, the City of Oakland declares that the termination of utilities at a tenant occupied foreclosed property will automatically be deemed a significant threat to the health or safety of the residential occupants and/or the public, and, therefore, until December 31, 2010 neither East Bay Municipal Utility District nor Pacific Gas and Electric Company shall terminate the utilities at a tenant occupied foreclosed property where the owner was responsible for utility payments for the duration of 120 days from the date of the first notice provided to tenants at the address of service.



JOHN RUSSO
Oakland City Attorney

12/16/08

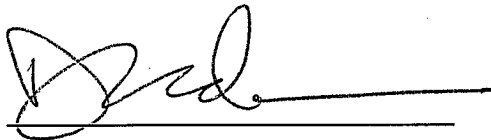
Date



RAY DERANIA
Oakland Building Official

12-16-2008

Date



DAN LINDHEIM
Oakland City Administrator

12/16/08

Date

