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Oakland warehouse fire: Emergency ordinance aims to stop evictions



Ryon Gesnik, of Oakland, pays his respects as investigators carry on their work at the Ghost Ship warehouse in Oakland, Calif., on Tuesday, Dec. 13, 2016. Activists on Friday filed an emergency tenant protection ordinance as a short-term stopgap to keep residents of live-work warehouses in place while the city fine-tunes long-term solutions. (File photo by Jane Tyska/Bay Area News Group)

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OAKLAND — Activists on Friday submitted an emergency ordinance with the city administrator's office to temporarily halt evictions of residents from commercial properties and to prevent the red-tagging of buildings for violations that are not life-threatening.

The [Oakland Warehouse Coalition](#) coalesced in response to a three-alarm fire that killed 36 people Dec. 2 in the city's Fruitvale neighborhood. Two members from the group submitted the [suggested ordinance](#) Friday morning, said Matt Hummel, a member of the group who also sits on Oakland's Cannabis Regulatory Commission. With reports of at least a dozen tenants being kicked out of unpermitted live/work spaces throughout the city, Hummel said it was clear something needed to be done quickly to prevent more evictions while city leaders fine-tune a long-term solution.

"We had earnest, panicked landlords, and we also had landlords who knew this was an opportunity to move people out," Hummel said. "We wanted to put a stop to it at least temporarily."

The ordinance follows a letter that several survivors of the Ghost Ship fire, along with their supporters, drafted and submitted Thursday to Mayor Libby Schaaf. The letter, with more than 1,000 signatures, also called for an emergency eviction moratorium and urged Schaaf to publicly pledge "to clear a path for artists' spaces to address safety concerns without risking expulsion." It also called on Schaaf to reassess housing policies across the city, as well as the permitting process that leads to unsafe performance spaces.

The lengthy [tenant protection ordinance](#) submitted Friday covers myriad issues, but is primarily focused on preventing displacement with a battery of legislative tools. Among other provisions, it would place an emergency moratorium on evictions of tenants in commercially zoned properties, halt red-tagging for violations that are not life-threatening, provide amnesty for past permitting violations at live/work spaces, apply the city's Just Cause for Eviction ordinance to commercial properties being used as residences, give tenants two weeks advance notice of any inspection unless there are imminent life-safety concerns, and strengthen other tenant protections.

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Steven DeCaprio, one of the authors of the ordinance, said it would help allay some of the fears of [displacement of tenants](#) from live/work and [community spaces](#) while they work to make their spaces safer, providing an opportunity for tenants and property owners alike to feel comfortable working with city officials.

"If there is a fear of displacement, property owners and tenants won't cooperate with officials and tenants will be fearful to communicate with landlords and landlords will be afraid to communicate with tenants or cooperate with inspections," DeCaprio said.

The council, however, is not in session and would not be able to act on the ordinance until its first meeting on Jan. 17. The coalition must also secure the support of either the city administrator or Council President Lynette Gibson McElhaney to put the ordinance on the Jan. 17 agenda.

Reached by phone Friday, McElhaney said she had not seen the proposed legislation and was not inclined to include the ordinance unless staff had time to review it. McElhaney, along with council members Noel Gallo and Larry Reid, earlier this month asked staff to return no later than February with an analysis of possible pathways to legalize commercial buildings for residential uses.

"I don't want to give people false hope," McElhaney said. "I don't want us to be in a position where we say we can do something if state law prohibits us from doing that. ... It needs to be analyzed."

The council [temporarily banned demolitions or conversions](#) of residential hotel rooms earlier this month, a proposal which McElhaney said took "months" to tailor so it would be legally defensible. At the same time, McElhaney said the broader issue of housing affordability is one that the city council has, for several years, made a priority.

In addition to the tenant protection ordinance, the Oakland Warehouse Coalition also established [an online petition](#) to pledge support for the ordinance, and submitted a resolution calling for [Dec. 2 to be one of remembrance](#) for the 36 victims of the Ghost Ship fire.

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