



Dear Owner,

As the owner of one or more residential rental units subject to a Housing Choice Voucher Program (Section 8) contract, you are probably aware of your and your tenants' rights and responsibilities under that contract. You might not be aware that your and your tenants' rights and responsibilities are also affected by local law. I am writing to you to explain how local law may affect your Section 8 tenancies.

Section 8 tenancies in buildings issued a certificate of occupancy before February 1, 1995 are subject to the City of Oxnard Rent Stabilization Ordinance.

With limited exceptions, all residential rental units in the City of Oxnard, other than units first issued a certificate of occupancy on or after February 1, 1995, are subject to the City's rent stabilization ordinance. That ordinance limits rent increases for ongoing tenancies to one increase of no more than 4% annually. Therefore, if any of your Section 8 tenancies are in properties subject to the ordinance, you may increase their rents no more than once in any 12-month period, and never by more than 4%.

One of the exceptions to coverage by the rent stabilization ordinance is for "Housing...subject to an agreement that provides housing subsidies for affordable housing for persons and families of very low, low, or moderate income..." (City Code Section 27-24(B)(1)) An initial reading of that exception might seem to suggest that this exemption from the rent stabilization ordinance applies to Section 8 tenancies.

But City Code Section 27-24(B) states that the exception is made "Pursuant to the Tenant Protection Act of 2019," and in fact, it follows the language of that statute verbatim. By letter dated June 29, 2023, the Attorney General has informed us that the exception applies only to project-based subsidized developments and to units designated as "affordable housing." I have enclosed a copy of the Attorney General's communication with this letter. As the Attorney General's communication makes clear, the Tenant Protection Act's exemption, incorporated into local law, does not apply to individual Section 8 tenancies, as those tenancies are not in units designated as affordable, but are merely subsidies for tenancies in units otherwise available at market-level rents.

Because the Attorney General's clarification on this point is recent, the City does not intend to take enforcement action against any owner who, before September 1, 2023 of this year, increased the rent for a Section 8 tenancy in excess of 4% under the mistaken belief that the unit was exempt from the rent stabilization ordinance. Any owner who, after September 1, 2023 attempts to increase the rent for a Section 8 tenancy in violation of local law will be subject to an enforcement action.

Under the City of Oxnard Just Cause for Eviction ordinance, a Section 8 tenancy may not be terminated without just cause.

Section 8 tenancies have been subject to the City's just cause ordinance since its enactment last year. Under that ordinance, tenancies, including Section 8 tenancies, may be terminated only because the tenant has committed a material lease violation or for one of a limited number of no-fault reasons. This limitation applies regardless of when the property comprising the Section 8 unit was built or issued its first certificate of occupancy.

The complete list of reasons for which a tenancy may lawfully be terminated may be found in Oxnard City Code Sections 27-3 and 27-4.

Finally, please note that you may not terminate a Section 8 contract without having just cause to terminate a Section 8 tenancy under local law.

Electronic copies of the Rent stabilization and Just Cause Ordinances are posted on the City of Oxnard's website at <https://www.oxnard.org/city-department/housing/rso/>. And, as always, Housing Department staff are here to answer your questions in person at our office, by email at rent.stabilization@oxnard.org, or by telephone at (805) 385-7899.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Emilio Ramirez', is positioned above the typed name.

Emilio Ramirez
City of Oxnard Housing Director