
701 Atlantic Avenue • Alameda, California 94501-2161

Contact us if you need translation services or reasonable accommodations due to disabilities.

• FORM RP-202 • INSTRUCTION SHEET

Termination of Tenancy Notice Procedures for Withdrawal of a Rental Unit from the Rental Market

PURPOSE

The attached forms may be used by a landlord intending to withdraw a property permanently from the rental market pursuant to Section 6-58.80(H), Alameda Municipal Code. Landlords may use their own forms as long as they provide all of the information found on these forms.

Forms included in this packet:

- FORM RP-202 (A) – Notice of Intent to Withdrawal Rental Unit from Rental Market
- FORM RP-202 (B) – Termination of Tenancy Notice
- FORM RP-202 (C) – Notice for Tenant Concerning the Date that the Tenant will Vacate the Rental Unit
- FORM RP-202 (D) – Notice for Tenant to Request an Offer to Renew a Tenancy in a Previously Withdrawn Rental Unit
- FORM RP-202 (E) – Recordable Memorandum of Notice of Intent to Withdraw Rental Units Permanently from the Rental Market
- FORM RP-202 (F) – Notice Concerning an Offer to a Tenant to Renew a Tenancy in a Previously Withdrawn Rental Unit

WARNING

Withdrawing a rental unit from the rental market imposes significant restrictions and limitations on the right of a landlord, and any subsequent owner, to rent the unit in the future. Before proceeding with the process to withdraw a rental unit from the rental market, landlords are advised to carefully review the City of Alameda's policy concerning requirements, procedures, restrictions and mitigations concerning the withdrawal of rental units from the rental market (Ellis Act Policy), to seek the advice of legal counsel and/or to discuss the matter with the Rent Program staff.

INSTRUCTIONS TO LANDLORDS

1. Units Withdrawn on Property

For physical structures that have multiple rental units, generally all rental units in the structure must be withdrawn from the rental market. With respect to a detached physical structure containing three or fewer rental units, the rental units in that structure and in any other structure located on the same parcel of land, including any detached physical structure containing four or more rental units, must be withdrawn from the rental market.

2. Notice to tenant(s)

A. Not less than 120 days prior to the date the rental unit is to be withdrawn from the rental market, serve the tenant by mail, first class postage prepaid, or by personal service, the following:

1. FORM RP-202 (A) – A Notice of Intent to Withdraw the Rental Unit from the Rental Market
2. FORM RP-202 (B) – A Notice of Termination of Tenancy Due to Withdrawal of the Rental Unit from the Rental Market
3. FORM RP-202 (C) – Two copies to each tenant of a Notice for Tenant Concerning the Date that the Tenant will Vacate the Rental Unit
4. FORM RP-202 (D) – Two copies to each tenant of a Notice for Tenant to Request an Offer to Renew a Tenancy in a Previously Withdrawn Rental Unit

B. Notwithstanding that a tenant is generally entitled to remain in a rental unit for 120 days after being served with a notice of termination of tenancy due to withdrawal of the rental unit from the rental market, a tenant is entitled to remain in the Rental Unit for one year from the date the tenant was served with the Notice of Termination of Tenancy when the tenant (i) is 62 years of age or older or has a disability as defined under California Government Code Section 12926, (ii) has lived in the Rental Unit for at least one year, and (iii) has within 60 days of receiving the Notice of Termination of Tenancy provided the landlord, in writing, with a statement that he/she is exercising the option to remain in the rental unit for one year.

3. Filings with the Program

A. Within three calendar days after service on the tenant the documents described in Section 2 (Notice to tenants), a landlord is required to file a copy of the following documents with the Rent Program.

1. A copy of all documents served on the tenant, including:
 - i. RP-202 (A) – The Notice of Intent to Withdraw the Rental Unit from the Rental Market

- ii. RP-202 (B) – The Notice of Termination of Tenancy Due to Withdrawal of the Rental Unit from the Rental Market
 - iii. RP-202 (C) – The Notice for Tenant Concerning the Date that the Tenant will Vacate the Rental Unit
 - iv. RP-202 (D) – The Notice for Tenant to Request an Offer to Renew a Tenancy in a Previously Withdrawn Rental Unit
2. FORM RP-208: A completed proof of service form showing that the documents listed in (i) through (iv) above have been served on the tenant. These documents may be submitted by email, faxed, mailed to or delivered in person at 701 Atlantic Ave., Alameda, CA 94501.

B. Within 20 calendar days after filing the above-described documents with the Rent Program, file with the Rent Program a fully executed and notarized Memorandum of the Notice of the Intent to Withdraw Rental Units Permanently from the Rental Market (FORM RP-202 (E)), which the Rent Program will record in the Alameda County Records. All names of the persons signing the Memorandum must appear exactly as the names appear on the legal, vesting document that demonstrates ownership of the property. The landlord must also attach a copy of the legal description of the property from the vesting document. The signed, notarized notice must be mailed to or delivered in person at 701 Atlantic Ave., Alameda, CA 94501; photocopies or scans of signed pages will not be accepted.

C. Prior to the tenant vacating the unit, file with the Rent Program a copy of any notices or documents that the tenant submits to the landlord.

4. Relocation Payment

- A. Terminating a tenancy based on Withdrawal of the Rental Unit from the Rental Market entitles the tenant to a Permanent Relocation Payment. See Section 6-58.85(A), AMC.
- B. The City Council determines the amount of Relocation Payments by resolution. See Section 6-58.95, AMC. The current amounts for Permanent Relocation Payments are:

Rental Unit	Base Amount	Qualified Tenant Household Amount
Studio	\$5,782	\$7,472
1 bedroom	\$6,494	\$8,542
2 bedrooms	\$7,502	\$10,024
3 bedrooms	\$9,420	\$12,930
4+ bedrooms	\$11,008	\$15,313

“Qualified Tenant Household” means a household with a Tenant who (i) is a Senior Adult, (ii) is a person with a Disability or (iii) has at least one child under the age of 18 residing in the household.

C. The landlord shall pay one-half of the applicable Permanent Relocation Payment within three business days after receiving a completed FORM RP-202 (C) from the tenant. The landlord shall pay the other half within three business days upon certification that the tenant has vacated the rental unit as provided in the submitted RP-202 (C). See Section 6-58.100(B), AMC.

5. Requirements and Restrictions Concerning Placing Rental Unit Back into the Rental Market

If the landlord (or a subsequent owner) decides to place the rental unit back into the rental market within five years from the date the rental unit was withdrawn from the rental market, the owner must deliver FORM RP-202 (F), a Notice Concerning an Offer to a Tenant to Renew a Tenancy in a Previously Withdrawn Rental Unit, to all tenants who have been displaced and who have provided an address to which such Notice is to be mailed. Such Notice must be mailed by certified or registered mail and a copy of such Notice must be filed with the Rent Program. Be reminded that there are restrictions on the amount of rent that may be charged under these circumstances and that a landlord/owner, by returning the rental unit to the rental market within five years, may be subject to civil damages and penalties. See Section 3, City of Alameda Ellis Act Policy.

FOR YOUR INFORMATION

- All forms become public record when submitted to the Rent Program and are subject to disclosure under the California Public Records Act and the City of Alameda's Sunshine Ordinance.
- There are also Notice of Termination of Tenancy requirements under state law. Failure to comply with state law may render a notice to terminate a tenancy null and void. The Rent Program does not review notices for compliance with state law and does not offer legal advice concerning such notices. .