



City of Alameda Rent Program
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• FORM RP-202 • INSTRUCTION SHEET

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

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

PURPOSE

The attached forms may be used by a landlord who seeks in good faith and in compliance with the City's Ellis Act Policy (Resolution 15517) to take action to terminate a tenancy by withdrawing a property permanently from the rental market. This withdrawal may be done with the intent of going out of the residential rental business permanently pursuant to Section 6-58.80(H), Alameda Municipal Code (AMC), or to demolish the rental unit pursuant to Section 6-58.80(F), AMC.

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- FORM RP-202 (D) – Notice for Tenant to Request an Offer to Renew a Tenancy in a Previously Withdrawn Rental Unit or a Rental Unit That Has Been Demolished
- 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- FORM RP-202 (F) – Notice Concerning an Offer to a Tenant to Renew a Tenancy in a Previously Withdrawn Rental Unit

These forms should only be used for terminations of tenancy based on Withdrawal of the Rental Unit from the Rental Market or Demolition. For other allowable grounds for termination of tenancy, please refer to the following. Forms are available at www.alamedarentporgram.org:

- If terminating a tenancy based on Owner Move-In, please refer to Form RP-201.
- For temporary terminations of tenancy based on Compliance with a Governmental Order, please refer to Form RP-207 (Notice of Entitlement to Relocation Payments After a Temporary Termination of Tenancy).
- If a landlord believes that a tenant must be displaced, even temporarily, because of work associated with Capital Improvements, the landlord must file a Capital Improvement Plan application prior to taking any action to relocate the tenant or terminate the tenancy. Please refer to Rent Control Ordinance Regulation 23-01.

- For terminations of tenancy based on “for cause” grounds (Failure to Pay Rent, Breach of Lease, Nuisance, and Failure to Give Access), please refer to state law. There is no requirement to file “for cause” terminations of tenancy with the Rent Program.

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. A notice stating the landlord’s intent to withdraw a rental unit from rent or lease shall not be valid unless the tenants of all rental units on the property have received similar notice. See Ellis Act Policy, Section 4(A)(1).

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 or a Rental Unit That Has Been Demolished

- 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) – Notice of Intent to Withdraw the Rental Unit from the Rental Market
 - ii. RP-202 (B) – Notice of Termination of Tenancy Due to Withdrawal of the Rental Unit from the Rental Market
 - iii. RP-202 (C) – Notice for Tenant Concerning the Date that the Tenant will Vacate the Rental Unit
 - iv. RP-202 (D) – Notice for Tenant to Request an Offer to Renew a Tenancy in a Previously Withdrawn Rental Unit or a Rental Unit That Has Been Demolished
 2. FORM RP-204: A completed proof of service form showing that the documents (i) through (iv) listed above have been served on the tenant. These documents may be submitted by email, mail, or fax.
- B. For terminations of tenancy in which the landlord seeks to demolish the rental unit pursuant to Section 6-58.80(F), AMC, the landlord, in addition to submitting the other documents referenced in these instructions, must submit a copy of all necessary and proper demolition and related permits from the City.
- C. 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. This document must be printed single-sided. 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 memorandum must be submitted by mail or placed in drop boxes at City Hall West, 950 W. Mall Square, Alameda, CA 94501 or on the 1500 block of Oak Street between City Hall and the Alameda Police Department.
- D. 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 Permanent Relocation Payments by resolution. See Section 6-58.95, AMC. Effective July 1, 2023, payment amounts are:

Rental Unit	Base Amount	Qualified Tenant Household Amount
Studio	\$6,298	\$8,138
1 bedroom	\$7,073	\$9,304
2 bedrooms	\$8,171	\$10,918
3 bedrooms	\$10,260	\$14,083
4+ bedrooms	\$11,990	\$16,679

“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.

4. Requirements and Restrictions Concerning the Return of a Unit to the Rental Market

If the landlord (or a subsequent owner) decides to place the rental unit back on the rental market within five years from of the date of withdrawal, or if the rental unit has been demolished and the landlord/owner constructs a new rental unit on the property, the landlord/owner must deliver Form RP-202 (F) 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.