

Peer Jurisdictions: Tenants First Right of Return/Right of First Refusal

Peer jurisdictions generally utilize the language provided within the Ellis Act to stipulate regulations related to a Tenant's First Right to Return/Right to First Refusal if units previously removed from the rental market are returned to market within a specific timeframe. In the event that units are returned to market within five years from withdrawal, all peer jurisdictions require the Landlord to notify applicable Tenants of the units return to the rental market and offer the unit at the same rent plus annual adjustments as stipulated under their rent stabilization ordinance. In the event that units are returned to market between years six and ten after withdrawal, the majority of peer jurisdictions require the Landlord to notify applicable Tenants of the units return to the rental market and offer the unit at market rate.

Peer Agency	Just Cause Eviction Protection	Right of First Refusal	Tenant Responsibilities		Returned to Rental Market Within 2 Years		Returned to Rental Market Within 5 Years		Returned to Rental Market Within 10 Years	
			Request Right to First Refusal	Respond within 30 Days of Receiving Right to First Refusal Notice	Right to First Refusal (rent at withdrawal plus allowed adjustment)	Tenant Eligible for Actual and Punitive Damages	Right to First Refusal (rent at withdrawal plus allowed adjustment)	Tenant Eligible for Punitive Damages if Not Notified (not to exceed 6 months' rent)	Right to First Refusal (rent at market rate)	Tenant Eligible for Punitive Damages if Not Notified (not to exceed 6 months' rent)
Alameda ¹	✓	✓	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD
Berkeley	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Beverly Hills	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
East Palo Alto	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Los Angeles	✓	✓	✓	✓	✓	✓	✓	✓	NA	NA
Oakland	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Richmond	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
San Francisco	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
San Jose	✓	✓	✓	✓	✓	✓	✓	NA	✓	NA
Santa Monica	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
West Hollywood	✓	✓	✓	✓	✓	✓ ²	✓	NA	✓	NA

¹City of Alameda's Rent Stabilization Ordinance: All Tenants that are displaced based on Sections 5(a)(5),(6) or (7) shall have the first right of refusal to return to the unit if it should ever be returned to the market by the Landlord OR successor Landlord.

Rent shall be the Rent lawfully paid by the tenant at the time the Landlord gave notice of basis listed in Sections 5(a)(5),(6) or (7); further regulations regarding implementation are to be determined.

² Tenants and/or the City of West Hollywood may sue the landlord for damages up to 6 months' worth of rent.