

ORDINANCE NO. 22-16 N.S.

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RICHMOND
REPEALING SECTION 7.105 OF THE RICHMOND MUNICIPAL CODE AND
ADOPTING CHAPTER 11.102 OF THE RICHMOND MUNICIPAL CODE
ESTABLISHING RELOCATION REQUIREMENTS
FOR TENANTS OF RESIDENTIAL RENTAL UNITS**

WHEREAS, the “Richmond Fair Rent, Just Cause for Eviction and Homeowner Protection Ordinance” initiative was passed by the voters in the City of Richmond on November 8, 2016; and

WHEREAS, the Richmond Fair Rent, Just Cause for Eviction and Homeowner Protection Ordinance requires that landlords seeking to recover possession under certain sections of that ordinance must make relocation payments to each tenant in amounts to be determined by the City Council through a Relocation Ordinance; and

WHEREAS, the provision of such relocation payments shall help to mitigate the challenges faced by tenants who are ordered to vacate a rental unit through no fault of the tenant;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RICHMOND does ordain as follows:

SECTION I. Article XI of the Richmond Municipal Code is hereby amended to add a new Chapter to be numbered and to read as follows:

**Chapter 11.102
RELOCATION REQUIREMENTS
FOR TENANTS OF RESIDENTIAL RENTAL UNITS**

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11.102.010 Short title.

This Chapter shall be known as the “Relocation Ordinance.”

11.102.020 Definitions.

The following terms shall have the following meanings:

- (a) “Disabled” shall have the same meaning as defined in Section 11.100.030(c) of the Municipal Code and has the same meaning as in Section 12955.3 of the Government Code.
- (b) “Displacement Plan” means a plan provided by the Landlord to satisfy the requirements of Section 11.102.060(b), which must be approved by the City prior to service of notice to terminate a tenancy. The Displacement Plan shall identify any special needs of the displaced Tenants, identify the types of assistance that will be provided and include a commitment to pay for such assistance.

- (c) “Displacement Plan Review Fee” means a fee charged for review and approval of a Displacement Plan conducted by the City pursuant to Section 11.102.060(b).
- (d) “Eligible Tenant” means any Tenant whose tenancy is terminated for any reasons set forth in Sections 11.100.050(a)(5), (6), or (7) of this Chapter and who shall be paid a Relocation Payment pursuant to this Chapter.
- (e) “Housing Services” means services that include, but are not limited to, repairs, maintenance, painting, providing light, hot and cold water, elevator service, window shades and screens, storage, kitchen, bath and laundry facilities and privileges, janitor services, utilities that are paid by the Landlord, refuse removal, furnishings, telephone, parking, the right to have a specified number of occupants, and any other benefit, privilege or facility connected with the use or occupancy of any Rental Unit. Housing Services to a Rental Unit shall include a proportionate part of services provided to common facilities of the building in which the Rental Unit is contained.
- (f) “Landlord” means an owner, lessor, sublessor, or any other person entitled to receive rent for the use and occupancy of any Rental Unit, or an agent, representative or successor of any of the foregoing.
- (g) “Permanent Relocation Payment” means the payment required to be paid by any Landlord who takes action to terminate tenancy pursuant to Section 11.100.050(a)(6) (Owner Move-In) or Section 11.100.050(a)(7) (Withdrawal from Rental Market).
- (h) “Primary Residence” has the same meaning as in Section 11.100.030(h) of the Municipal Code, meaning that the unit must be the individual’s usual place of return, as further described therein.
- (i) “Relocation Assistance Fee” means a fee charged for counseling or other assistance required by Eligible Tenants pursuant to Section 11.102.060(a).
- (j) “Relocation Payment” means the payment required to be paid by any Landlord who takes action to terminate tenancy for reasons set forth in Section 11.102.030 of this Chapter, separate from any security or other refundable deposits as defined in California Code Section 1950.5.
- (k) “Rental Unit” means any building, structure, or part thereof, of land appurtenant thereto, or any other rental property rented or offered for rent for residential purposes, together with all Housing Services connected with use or occupancy of such property such as common areas and recreational facilities held out for use by the Tenant.
- (l) “Senior Citizen” means any person sixty-two years of age or older.
- (m) “Temporary Relocation Payment” means the payment required to be paid by any Landlord who takes action to terminate tenancy pursuant to Section 11.100.050(a)(5) (Temporarily Vacate in Order to Undertake Substantial Repairs).
- (n) “Tenant” means a tenant, subtenant, lessee, sublessee or any other person entitled under the terms of a Rental Housing Agreement to the use of occupancy of any Rental Unit.

11.102.030 When Relocation Payment is required.

- (a) A Temporary Relocation Payment shall be provided pursuant to the requirements of this Chapter by any Landlord who takes action to terminate tenancy for the reasons specified in Section 11.100.050(a)(5) of the Municipal Code, reproduced in part below:

The Landlord, after having obtained all necessary permits from the City of Richmond, seeks in good faith to undertake substantial repairs which are necessary to bring the property into compliance with applicable codes and laws affecting the health and safety of Tenants of the building or where necessary under an outstanding notice of code violations affecting the health and safety of Tenants of the building, and where such repairs cannot be completed while the Tenant resides on the premises.

- (b) A Permanent Relocation Payment shall be provided pursuant to the requirements of this Chapter by any Landlord who takes action to terminate tenancy for the reasons specified in Section 11.100.050(a)(6) or Section 11.100.050(a)(7) of the Municipal Code, reproduced in part below:

Owner Move-In. The Landlord seeks to recover possession in good faith for use and occupancy as a Primary Residence by the Landlord, or the Landlord's spouse children, parents or grandparents.

Withdrawal From Rental Market. The Landlord seeks in good faith to recover possession to withdraw all Rental Units of an entire property located in the City of Richmond. The Landlord has filed the documents with the Board initiating the procedure for withdrawing Units from rent or lease under Government Code Section 7060 et. seq. and all regulations passed by the Board, with the intention of completing the withdrawal process and going out of the rental business or demolition of the property. If demolition is the purpose of the withdrawal then the Landlord must have received all needed permits from the City of Richmond before serving any notices Terminating a tenancy based on 11.100.50(a)(7). Tenants shall be entitled to a 120-day notice or one (1) year in the case tenants are defined as senior or Disabled under Government Code Section 7060.4(6). Tenants will also have a right of return if the unit is placed back on the market.

11.102.040 Notice of Entitlement to Tenants.

- (a) Any notice to terminate a tenancy which is served by a Landlord to a Tenant for any of the reasons set forth in Section 11.102.030 shall be accompanied by the appropriate completed notice of entitlement to either Temporary or Permanent Relocation Payment form, available on the City's website. The contents of such notice shall include but are not limited to:

- (1) A written statement of the rights and obligations of Tenants and Landlords under this Chapter; and
- (2) A written statement that the Landlord has complied with Section 11.102.060 of this Chapter. If the Landlord has complied with this requirement by obtaining City approval of a Displacement Plan as permitted in Section 11.102.060(b), a copy of the Displacement Plan shall accompany the written statement.

- (b) A notice of entitlement to a Temporary Relocation Payment shall include a summary of the repairs to be undertaken and the estimated duration of relocation. The Landlord shall notify the Tenant when repairs are completed and provide the Tenant the first right of refusal to re-occupy the unit pursuant to Section 11.100.050(a)(5)(D). The Landlord shall provide the Tenant with advance written notice of any change to the anticipated relocation period.
- (c) All Landlords shall be required to file a copy of the notice of entitlement described in this section with the City within one (1) week of serving the Tenant such notice. A proof of service with time and date of service of such notice shall be included with the copy of such notice filed with the City.

- (d) Nothing in this Section shall relieve the Landlord of their obligation to serve any notice that would otherwise be required pursuant to federal, state or local law.

11.102.050 Amount of Relocation Payment

- (a) The amount of the Permanent and Temporary Relocation Payments payable pursuant to the provisions of this Chapter shall be determined periodically by a resolution of the City Council.
- (b) The Temporary Relocation Payment may be based upon reasonable per diem rates, which may include safe and sanitary hotel, motel, or short term rental accommodation; meal allowance if the temporary accommodation lacks cooking facilities; laundry allowance if the rental property included laundry facilities and the temporary accommodation lacks laundry facilities, and pet accommodations if the rental property allowed pets and the temporary accommodation does not accept pets, and costs associated with moving.
- (c) The City Council may adopt a greater Relocation Payment amount for Disabled and/or Senior Citizen Tenants and/or households with least one child under the age of 18 years.
- (d) The Relocation Payments will be distributed on a per Tenant basis, but may include a maximum cap per Rental Unit.

11.102.060 Fees required for relocation assistance or displacement plan review.

- (a) For each Rental Unit from which Tenants are displaced for any of the reasons set forth in Section 11.102.030, prior to service of a notice to terminate tenancy, the Landlord shall pay to the City a Relocation Assistance Fee to be used by the City to pay for counseling or other assistance for Tenants who must relocate for any reason specified in Section 11.102.030 of this Chapter. The amount of the fee shall be determined periodically by a resolution of the City Council.
- (b) In lieu of the fee required by subsection (a) of this Section, a Landlord may prepare a Displacement Plan which must be approved by the City prior to a service of notice to terminate tenancy. The Displacement Plan shall identify any special needs of the displaced Tenants, identify the types of assistance that will be provided and include a commitment to pay for such assistance. At the time of submitting the Displacement Plan to the City for review and approval, the Landlord shall pay a Displacement Plan Review Fee to the City for such review and approval. The amount of the fee shall be determined periodically by a resolution of the City Council.
- (c) Nothing in this Chapter shall preclude the City Council from imposing any additional cost recovery fees on Landlords to pay the cost of administering this Chapter.

11.102.070 Distribution of Relocation Payment to Eligible Tenants.

- (a) A Landlord shall provide the Relocation Payment in the amount required by this Chapter to each Eligible Tenant through direct payment to the Tenant. In lieu of direct payment to the Tenant, a Landlord may choose to distribute the Relocation Payment through an escrow account; however, all costs of an escrow opened pursuant to the provisions of this Section shall be borne by the Landlord.
- (b) After taking into account any adjustments in the amount of the Relocation Payment pursuant to Section 11.102.090, the Landlord shall pay one-half (½) of the applicable Relocation Payment when the Tenant has informed the Landlord in writing of the date when the Tenant will vacate the Rental Unit and the other half upon certification that the Tenant has vacated the Rental Unit on the date provided in the notice.

11.102.080 Prohibition against agreements and waiver of rights under this Chapter.

No Landlord shall do any of the following with respect to a Rental Unit(s):

- (a) Enter into an agreement or attempt to enforce an agreement with a Tenant which prohibits or limits the Tenant from participating in the City's public process, including speaking at a meeting of the City Council or any City Commission or Board, submitting written comments to the City, or otherwise communicating with City elected officials, appointed officials and employees on any subject. Any such contractual term which violates this section is against public policy and is void.
- (b) Unless otherwise specially authorized, no Landlord shall attempt to secure from a Tenant any waiver of any provision of this Chapter. Any agreement, whether written or oral, whereby any provision of this Chapter is waived, is against public policy and is void.

11.102.090 Coordination with other relocation requirements.

If a Tenant(s) receives, as part of the termination of tenancy, relocation assistance from a governmental agency, then the amount of that relocation assistance shall operate as a credit against any Relocation Payment to be paid to the Tenant(s) under Section 11.102.050 of this Chapter.

11.102.100 Remedies.

- (a) Any person or organization who believes that the provisions of this Chapter have been violated shall have the right to file an action for injunctive relief and/or damages. Whoever is found to have violated this Chapter shall be subject to appropriate injunctive relief and shall be liable for damages, costs and reasonable attorney's fees. Treble damages shall be awarded for willful failure to comply with the payment obligation established by this Chapter.
- (b) Nothing in this Chapter shall be deemed to interfere with the right of a property owner to file an action against a Tenant or non-tenant third party for the damage done to said owner's property.
- (c) If a Landlord fails or refused to provide Relocation Payments required by this Chapter, and the City chooses to pay such benefits to a Tenant in the Landlord's place through adopted regulations, the City shall have the right to recover such monetary outlays, plus administrative fees incurred by the City, from the Landlord as restitution in any legal action.
- (d) Any person violating this Chapter shall be required to reimburse the City its full investigative costs, costs of enforcement and reasonable attorneys' fees.
- (e) These remedies are not exclusive; the remedies included in Municipal Code Chapters 1.04 and 2.62 shall apply to this Chapter.

11.102.110 Exceptions.

The provisions of this Chapter shall not apply to Rental Units that are exempt from Section 11.100.050 of the Richmond Municipal Code, which include certain temporary rentals, small, second units and rental of rooms as more specifically set forth in Section 11.100.040 of the Municipal Code.

SECTION II. Severability.

If any part or provision of this ordinance, or the application of this ordinance to any person or circumstance, is held invalid, the remainder of this ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected by such a holding and shall continue in full force and effect. To this end, the provisions of this ordinance are severable.

SECTION III. Effective Date. This ordinance shall become effective thirty (30) days after its final passage and adoption.

First read at a regular meeting of the Council of the City of Richmond held December 6, 2016, and finally passed and adopted at a regular meeting thereof held December 20, 2016, by the following vote:

- AYES:** Councilmembers Beckles, McLaughlin, Myrick, and Vice Mayor Martinez.
- NOES:** Mayor Butt.
- ABSTENTIONS:** Councilmember Pimplé.
- ABSENT:** Councilmember Bates.

PAMELA CHRISTIAN
CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:
TOM BUTT
Mayor

Approved as to form:
BRUCE GOODMILLER
City Attorney

State of California }
County of Contra Costa : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Ordinance No. 22-16 N.S.**, passed and adopted by the City Council of the City of Richmond at a regular meeting held on December 20, 2016.

Pamela Christian, City Clerk of the City of Richmond