



City of Petaluma Relocation Assistance Benefits to Residential Tenants Displaced by an Order to Vacate Policy

Purpose and Authority:

The City of Petaluma Relocation Assistance Benefits to Residential Tenants Displaced by an Order to Vacate Policy ("Policy") establishes procedures and guidelines for the City of Petaluma ("City") to provide financial assistance to residential tenants displaced due to uninhabitable conditions, as outlined in California Health and Safety Code Sections 17975-17975.10 ("Relocation Assistance Law"). The Policy aims to ensure that tenants who are required to vacate unsafe or hazardous rental units, through no fault of their own, receive prompt and sufficient relocation assistance. Additionally, the Policy holds property owners accountable for covering relocation costs and provides them with the opportunity to appeal the City's determinations under this Policy.

Section 1. Eligibility for Relocation Benefits.

- A. Any tenant shall be eligible for relocation benefits from the property owner pursuant to this Policy and California Health and Safety Code Sections 17975 et seq. when a tenant is displaced or subject to displacement from a residential unit as a result of an order to vacate or an order requiring the vacation of a residential unit by the City as a result of a violation so extensive and of such a nature that the immediate health and safety of the residents is endangered.
- B. No relocation benefits pursuant to this Policy shall be payable to any tenant who has caused or substantially contributed to the condition giving rise to the order to vacate, as determined by the City, nor shall any relocation benefits be payable to a tenant if any guest or invitee of the tenant has caused or substantially contributed to the condition giving rise to the order to vacate, as determined by the City. The City shall make the determination whether a tenant, tenant's guest, or invitee caused or substantially contributed to the condition, giving rise to the order to vacate at the same time that the order to vacate the tenants is made.
- C. A property owner or their designated agent shall not be liable for relocation benefits if the City determines that the unit or structure became unsafe or hazardous as the result of a fire, flood, earthquake, or other event beyond the control of the property owner or their designated agent and the property owner or their designated agent did not cause or contribute to the condition.



Section 2: Timing of Payment of Relocation Assistance

- A. The relocation benefits required by this Policy shall be paid by the property owner or property owner's designated agent to the tenant within 10 days after the date that the order to vacate is first mailed to the owner and posted on the premises by the City, or at least 20 days prior to the vacation date set forth in the order to vacate, whichever occurs later.
- B. If there are fewer than 10 days between the first posting and mailing of the order to vacate and the vacation date, the relocation benefits shall be paid by the owner or designated agent to the tenant within 24 hours after the notice is posted and mailed. The City shall attempt to provide telephonic or written notice to the owner to notify the owner that the benefits are payable immediately. Failure to provide the notice as specified herein shall not relieve the property owner of any obligations imposed by this Policy.
- C. If a tenant is entitled to relocation benefits pursuant to Section 1 of this Policy, the City shall provide either telephonic or written notice to the tenant notifying tenant of their entitlement to the relocation benefits. Written notice may be satisfied by posting a written notice on the premises stating that tenants may be entitled to relocation benefits. City will strive to post notice of the tenants' entitlement to relocation benefits at the same time the City posts the order to vacate.

Section 3. Amount of the Relocation

- A. The relocation payment shall be made available by the property owner or their designated agent to the tenant in each residential unit and shall be a sum equal to two months of the established fair market rent for the area as determined by the Department of Housing and Urban Development pursuant to Section 1437f of Title 42 of the United States Code.¹
- B. In addition, the relocation payment shall include an amount, as determined by the City, sufficient for utility service deposits. The relocation benefits shall be paid by the property owner or their designated agent in addition to the return, as required by law, of any security deposits held by the property owner.
- C. The relocation benefits shall be payable on a per residential unit basis.

Section 4. Failure of Property Owner to Make Timely Relocation Payments

¹ <https://www.huduser.gov/portal/datasets/fmr.html>



- A. Any owner or designated agent who does not make timely payment as specified in Section 2 of this Policy shall be liable to the tenant for an amount equal to 1 ½ times the relocation benefits payable pursuant to Section 3 of this Policy.
- B. Subsection (4)(A) of this Policy shall not apply when relocation benefits are payable fewer than 10 days after the date the order to vacate is first mailed and posted on the premises, if the property owner or their designated agent makes the payment no later than 10 days after the order is first mailed and posted.

Section 5. Advance Payments by the City

- A. If the property owner or their designated agent fails, neglects, or refuses to pay relocation payments to a displaced tenant or a tenant subject to displacement, except in the situations described in Subsections (1)(B) and (1)(C) of this Policy, the City may advance relocation payments as specified in Section 3 of this Policy. If the City, offers to advance relocation payments in accordance with this Policy, the City shall be entitled to recover from the property owner any amount paid to a tenant pursuant to this section except payments made pursuant to Subsection (1)(D) of this Policy. The City shall also be entitled to recover from the property owner or their designated agent an additional amount equal to the sum of one-half the amount so paid, but not to exceed ten thousand dollars (\$10,000), as a penalty for failure to make timely payment to the displaced tenant, and the City's actual costs, including direct and indirect costs, of administering the provision of benefits to the displaced tenant. Nothing in this Policy shall be construed to require the City to pay any relocation benefits to any tenant, or assume any obligation, requirement, or duty of the owner pursuant to this article.
- B. Any amounts paid by the City, except pursuant to subdivision (1)(D) of this Policy, and any applicable penalties and actual costs may also be placed as a lien against the property by the City by recording the lien in the Sonoma County Recorder's Office.
- C. If the City elects, at its own option pursuant to Subsection (5)(A) of this Policy, to advance relocation payments to displaced tenants when the property owner or their designated agent fails, neglects, or refuses to pay relocation payments to displaced tenants, shall prior to instituting any action to collect from the property owner or their designated agent relocation benefits paid pursuant to this section, or to impose a lien therefor, send to the property owner or their designated agent by first-class mail, postage prepaid, at the property owner's address as shown on the last equalized assessment roll, an itemized accounting of all benefits paid by the City to the owner's tenants, and any penalties or costs the City is seeking to recover as authorized pursuant to Subsection (5)(A) of this Policy. If the property owner or their designated agent contends that not all of the benefits are chargeable



to the property owner because the recipients were not displaced tenants, no benefits were payable pursuant to Section Subsections (1)(B) or (1)(C), or on other grounds, the owner or designated agent shall submit a written appeal to the City Manager within 20 days after receipt by the property owner or their designated agent of the itemized accounting. The City Manager or their designee, shall hold an administrative hearing for the purpose of determining the amount of benefits paid that are chargeable to the property owner or their designated agent, and any penalties or costs the City may recover pursuant to Subsection (5)(A) of this Policy. The property owner may appeal the determination made by the City Manager or their designee in accordance with Section 6 of this Policy.

Section 6. Appeal Process.

- A. *Request for Appeal.* A property owner wishing to appeal the determination of the City Manager or their designee must submit a written request for an appeal hearing to the City Clerk within seven (7) days of receiving the decision.
- B. *Deposit Requirement.* To perfect the appeal, the property owner must deposit the full unpaid amount in dispute with the City Clerk at the time of filing the appeal. However, the property owner may request a waiver of this deposit by demonstrating significant hardship or other extraordinary circumstances to the satisfaction of the City Clerk.
- C. *Failure to File or Deposit.* Failure to file a written appeal within the specified timeframe, or to deposit the full unpaid amount unless a hardship waiver is granted pursuant to this Section, shall result in the forfeiture of the property owner's right to appeal.
- D. *Hearing by City Council.* If the appeal is perfected, the City Council will hear the appeal within sixty (60) days of the filing date.
- E. The City Council's determination shall be subject to Section 1094.5 of the Code of Civil Procedure.
- F. If the property owner fails to obtain a more favorable decision than that set forth in the itemized accounting, the property owner or their designated agent shall be liable to the City for the costs of the administrative hearing and appeal, not to exceed five thousand dollars (\$5,000).
- G. The failure to receive the itemized accounting shall not relieve the property owner of any obligation to the City.

Section 7. Challenging the Order to Pay Relocation

Notwithstanding Subsections (2)(B) and (5)(A) of this Policy, if there are fewer than 10 days between the first posting and mailing of the order to vacate and the vacation date, and if the City advances relocation benefits to any tenants, prior to the expiration of the 10-day period, the property owner shall not be required to reimburse the City for a charge identified on the itemized accounting described in Subsection (5)(C) of this Policy if the property owner contests the charge within 30 days after the itemized accounting is mailed to the property owner or their designated



agent pursuant to Subsection (5)(C) of this Policy. The property owner or their designated agent shall pay the charge that was the subject of the appeal pursuant to Subsection (5)(C) of this Policy within 30 days after an adverse decision by the City Manager on the appeal is mailed to the property owner.

Section 8. Cumulative Remedies

The remedies under this Policy are cumulative and in addition to any other remedies available under federal, state, or local law.

Section 9. Providing Orders for this Policy

Any order by the City that requires a tenant's displacement and is issued to an owner, designated agent, or tenant, shall be accompanied by this Policy. Failure to provide this Policy shall not relieve any person of the obligations imposed by this Policy.

Section 10. Federal Funds First

When seeking reimbursement under this Policy for advance relocation payments made pursuant to displaced tenants when the owner fails, neglects, or refuses to pay relocation payments to displaced tenants pursuant to the provisions of this Policy, the City shall first explore the potential of using funds from any available federally funded program that provides tenant relocation assistance in cases of City enforcement activities.