

ORDINANCE NO.

AN ORDINANCE AMENDING ARTICLE XIII OF CHAPTER 36
RELATING TO TENANT RELOCATION ASSISTANCE

THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW DOES HEREBY
ORDAIN AS FOLLOWS:

Section 1. Chapter 36, Article XIII, of the Mountain View City Code is hereby
amended to read as follows:

“ARTICLE XIII. TENANT RELOCATION ASSISTANCE.

SEC. 36.38. Statement of Purpose.

The purpose of this article is to help mitigate the adverse health, safety, and economic impacts experienced by low- and very low-income residents of rental housing who are displaced from their residences due to a demolition of a rental unit, a remodel or redevelopment of a rental unit, a conversion of a residential unit to a condominium unit, or a change of use of real property from a residential use to a nonresidential use, no-cause eviction, and owner move-in by requiring the property owner to provide these residents with advance notice of such actions and mitigate the impact on these residents consistent with this article.

SEC. 36.38.05. Definitions.

a. **Application.** An application required to be submitted to the City for discretionary or ministerial approval of a land use change or improvement of real property that will result in a displacement of a residential household.

b. **Displace or Displacement.** The vacating of residential households from _____ (___) rental unit(s) upon notice from the landlord as the result of or to enable any of the following:

1. The landlord seeks to withdraw all rental housing units from the rental housing market as provided in Government Code §7060, *et seq.*;

2. The landlord seeks to recover possession to demolish or otherwise remove a rental unit from residential rental housing use after having obtained all proper permits from the City, if any such permits are required;

3. The landlord seeks to recover possession to remodel, renovate, or rehabilitate the rental unit(s) resulting in displacement of tenants and the project requires discretionary or ministerial permits from the City;

4. The landlord seeks the conversion of a building into a condominium, community apartment, or stock cooperative, as those terms are defined in the California Government Code and Business and Professions Code;

5. A change of use of real property from a residential use to a nonresidential use that requires a permit from the City;

6. The change from rental units to ownership units where the units were rented out for a period of time after being approved for sale;

7. The landlord seeks to recover possession of the rental unit through a no-cause termination of a tenancy pursuant to Civil Code §1946.1; or

8. The landlord seeks to recover possession of the rental unit in good faith for use and occupancy as a primary residence by the landlord, or the landlord's spouse, domestic partner, children, parents, or grandparents.

For the purposes of this article, a displacement does not include a vacation of a rental unit as the result of any of the following:

1. A conversion of any portion of a mobile home park regulated and processed pursuant to Chapter 28 of this Code;

2. A landlord's compliance with an enforcement order of the City Chief Building Official for which the property owner has been ordered to pay relocation expenses pursuant to Health and Safety Code §17975, *et seq.*, or any other State or Federal law;

3. A vacation of a rental unit resulting from the damage or destruction of the unit which is caused by a fire or natural disaster;

4. Temporary displacement due to remodeling, renovation, or rehabilitation of the rental unit(s) in those instances when the landlord provides tenants with alternative housing on-site or nearby;

5. The residential household has not paid rent as required by the lease or was found to have committed an unlawful detainer pursuant to Subdivisions 2, 3, 4, or 5 of §1161 of the Code of Civil Procedure as evidenced by a final judgment of a court of competent jurisdiction; or

6. The residential household received written notice, prior to entering into a lease to become a tenant, that an application was on file with the City or had already been approved by the City.

c. **Eligible Residential Household.** A displaced residential household with an annual household income that does not exceed eighty percent (80%) of the median household income for Santa Clara County as adjusted for household size according to the California Department of Housing and Community Development (HCD) for some units as adjusted annually.

d. **Landlord.** An owner, lessor, or sublessor of property (including any person, firm, corporation, or other entity) who receives or is entitled to receive rent for the use of any rental unit, or the agent, representative, or successor of any of the foregoing.

e. **Lease.** An agreement, written or oral, implied in fact, or implied in law, in which a landlord, for compensation, conveys the right to occupy a rental unit to the exclusion of others for a period of time or from period to period.

f. **Property.** A parcel or lot upon which a rental unit is located.

g. **Relocation Assistance.** Relocation assistance is provided per rental unit, not per tenant. If multiple residential households or individuals occupy a single rental unit, relocation assistance shall be paid to the household or individual entitled to occupy a rental unit under a valid lease with the landlord. Relocation assistance shall include all of the following:

1. A full refund of a tenant's security deposit, except for funds that may be necessary to repair tenant's damage to property in rental units that will be reoccupied prior to undergoing renovation or demolition.

2. A sixty (60) day subscription to a rental agency.

3. The cash equivalent of three (3) months' rent, based on the median monthly rent for a similar-sized unit with the same number of bedrooms and bathrooms as determined by a survey taken at least once a year of apartment rents in Mountain View.

4. An additional Three Thousand Dollars (\$3,000) per rental unit for special-circumstances households adjusted annually for inflation based on the Consumer Price Index for the San Francisco Bay Area.

h. **Rental Unit.** A dwelling unit (as defined in MVCC §36.60.11) in the City of Mountain View provided three (3) or more dwelling units exist in a single structure and

are being used as residential rental housing. For purposes of this ordinance, a rental unit shall not include:

1. A room or any other portion of any residential unit which is occupied by the landlord or a member of the landlord's immediate family.

2. A single-family dwelling, except where ____ (____) or more dwelling units are located on a property.

3. A mobile home.

4. Housing accommodation in hotels, motels, inns, tourist homes, and boarding or lodging houses.

5. A unit in a common-interest development where units are owned by different individuals who share ownership of common areas and facilities.

i. **Residential Household.** Any person or group of persons entitled by a lease to occupy a particular rental unit to the exclusion of others.

j. **Special-Circumstances Households.** An eligible residential household with any of the following characteristics:

1. At least one (1) member is sixty-two (62) years of age or older;

2. At least one (1) member qualifies as disabled as defined by Title 42, United States Code, No. 423 or handicapped as defined by California Health and Safety Code §50072; or

3. Is a household with one (1) or more minor children (under eighteen (18) years of age) who are legally dependent (as determined for Federal income tax purposes).

k. **Tenant.** A person or persons entitled by a lease to occupy a rental unit to the exclusion of others.

l. **Third-Party Agency.** Relocation assistance specialist, agency, and/or other third-party agency preapproved and hired by the City and paid for by the landlord to assist with the relocation assistance process set forth in this ordinance. The third-party agency shall provide bilingual assistance, as necessary, hold informational meetings with tenants, respond to questions, verify current household incomes, oversee check disbursements to eligible households, and provide verification of compliance with this ordinance to the City and the landlord.

SEC. 36.38.10. Requirement to Provide Relocation Assistance.

No landlord shall cause the displacement of residential households without paying relocation assistance to eligible residential households in accordance with the provisions of this article.

SEC. 36.38.15. Relocation Assistance Procedure.

a. **Displacement Related to Development and Building Permits.**

1. **Notice of Intent.**

(a) **Landlord Required to Provide Notice of Intent.** Landlord shall provide a Notice of Intent on a City preapproved form to residential households residing on the property within thirty (30) days of filing an application for discretionary or ministerial approval of a land use change or improvement of real property by the City that will result in a displacement of a residential household. The Notice of Intent shall be personally delivered or served by mail, in the manner required by Code of Civil Procedure § 1162. Landlord shall also provide a copy of the Notice of Intent to the City.

(b) **Contents.** The Notice of Intent shall contain all of the following information:

(1) The name and address of the current property owner and/or developer of the project on the property;

(2) If applicable, a description of the application(s) being filed and a general time frame for the project approval and the residential household's right to receive written notice for each hearing and right to appear and be heard at the land use hearing;

(3) An explanation of the relocation assistance available to eligible residential households and special-circumstances households, information on eligible residential household incomes, and the procedure for submitting claims for relocation assistance; and

(4) Other information deemed necessary or desirable by the City.

(c) **Notice of Intent Verification.** Within forty-five (45) days of the filing of an application for discretionary or ministerial approval of a land use change or improvement of real property, the landlord or agent of the landlord shall submit to the Community Development Department a duplicate copy of the Notice of Intent given to each residential household and a declaration indicating that each notice was personally delivered or served by mail, in the manner required by Code of Civil Procedure § 1162.

(d) **Notice to Third-Party Agency.** Landlord shall provide the following information to the third-party agency: the address, number of each rental unit being displaced, monthly rents for those units, the number of bedrooms and bathrooms of each rental unit, the names of every member of the residential household who is a signatory on the lease for the rental unit, the household income as shown on any lease-related documents, and the number of household members, including children. Where there is no written lease, the landlord shall provide the name of every person the landlord considers to be a resident under an oral lease.

2. **Payments Escrow Account.** The landlord shall open an escrow account and deposit relocation assistance funds into that account no later than thirty (30) days after filing an application that will be used by the third-party agency for relocation assistance payments to eligible residential households. The amount of the deposit shall be determined by the Community Development Department and unused funds shall be returned to the landlord after all relocation assistance has been paid as verified by the third-party agency.

3. **Claim Form.** To qualify for relocation assistance, tenants must complete a claim form and provide it to the third-party agency who will determine their eligibility for relocation assistance. Residential households must file a claim before the date to vacate as stated on the notice of termination in order to be eligible for relocation assistance payments. After determination of eligibility, one-half of the relocation assistance shall be paid to eligible residential households within fifteen (15) days of the date the claim form is submitted to the third-party agency and the remaining one-half shall be paid when the household vacates the unit.

4. **Verification of Payment.** Prior to issuance of demolition permits, building permits, or other City permits that would result in the displacement of tenants from a rental unit subject to this article, the City must receive verification from the third-party agency that all eligible residential households who applied and qualified for assistance have received relocation assistance. This verification shall be submitted in a form acceptable to the City.

5. **Notice of Termination.** Landlord shall provide a written notice of termination to all tenants subject to displacement at least ninety (90) days prior to the date a tenant must vacate the rental unit. The date to vacate shall not be prior to the City's determination that the landlord has complied with this article.

b. Displacement Related to No-Cause Eviction [and Owner Move-In][Withdrawal of Rental Units].

1. Notice of Intent.

(a) **Landlord Required to Provide Notice of Intent.** A landlord who intends to provide a residential household with a notice of termination for no cause [or for landlord move-in][or withdrawal of rental units], shall first provide the residential household with a Notice of Intent using a City-preapproved form at least thirty (30) days prior to the issuance of the notice of termination. The notice shall be personally delivered to the residential households or served by mail, in the manner required by Code of Civil Procedure § 1162. Landlord shall also provide a copy of the Notice of Intent to the City.

(b) **Contents.** The Notice of Intent shall contain all of the following information:

(1) The name and address of the current property owner;

(2) An explanation of the relocation assistance available to eligible residential households and special-circumstances households, information on eligible residential household incomes, and the procedure for submitting claims for relocation assistance;

(3) Other information deemed necessary or desirable by the City.

(c) **Notice of Intent Verification.** Concurrent with the service of a Notice of Intent to a tenant of a rental unit, the landlord or agent of the landlord shall submit to the Community Development Department a duplicate copy of the Notice of Intent given to each residential household and a declaration indicating that each notice was personally delivered or sent by First-Class Mail, postage prepaid.

(d) **Notice to Third-Party Agency.** Within five (5) business days of providing a Notice of Intent, landlord shall provide the following information to the third-party agency as identified by the City: address of each rental unit being displaced, the number of bedrooms and bathrooms of each unit, the names of every member of the residential household who is a signatory on the lease for the rental unit, the household income as shown on lease-related documents, and the number of household members, including children. Where there is no written lease, the landlord shall provide the name of every person the landlord considers to be a resident under an oral lease.

2. Claim Form. To qualify for relocation assistance, tenants must complete a claim form and provide it to the third-party agency within fifteen (15) days of

receiving the Notice of Intent in order to be eligible for relocation assistance payments. The third-party agency will determine their eligibility for relocation assistance. After determination of eligibility, and within fifteen (15) days of the date the claim form is submitted to the third-party agency, the full amount of relocation assistance shall be paid directly to the residential household.

3. Relocation Assistance and Fees.

(a) **Relocation Assistance.** Landlord shall have the option of either: (1) opening an escrow account and depositing relocation assistance funds into that account no later than thirty (30) days after serving the Notice of Intent; or (2) directly paying the full amount of relocation assistance as determined by the third-party agency to eligible residential households within fifteen (15) days of the date a tenant submits a claim form and provides proof of payment to the third-party agency. Any unused escrow funds shall be returned to the landlord after all relocation assistance has been paid as verified by the third-party agency and the City.

(b) **Fees.** The landlord shall pay a fee to the City for the cost of the assistance of the third-party agency to provide relocation assistance pursuant to this article in an amount set by resolution of the City Council.

4. Verification of Compliance. Within five (5) days of receiving verification from the third-party agency, the City shall review landlord's compliance with this article.

SEC. 36.38.35. Alternate Mitigation.

a. As an alternative to the required relocation assistance, a landlord may submit an alternate mitigation strategy that meets the goals of this article. An alternate strategy may include, but shall not be limited to, providing other mitigation and concessions to tenants such as permanent relocation of displaced tenants into similar apartments on-site or nearby, ongoing rent concessions or suitable notice, and other elements of mitigation that would serve the goals and purposes of this article. With each such alternate submission, the landlord shall provide complete information as determined necessary by the Community Development Director. Alternate mitigation proposals must be approved by the City Council.

b. A landlord who is withdrawing residential rental units pursuant to Government Code §7060, *et seq.* may elect to comply with the notice provisions of Government Code §7060.4.

SEC. 36.38.40. Administrative Regulations.

The Community Development Director may, from time to time, promulgate regulations implementing the provisions of this article, violations of which shall be considered a violation of this section.

SEC. 36.38.45. Mitigation Not Exclusive.

Nothing in this section shall be interpreted to interfere with the City's ability and/or obligation to require relocation assistance for displaced tenants who are not covered by this article."

Section 2. The provisions of this ordinance shall be effective thirty (30) days from and after the date of its adoption.

Section 3. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the other remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Section 4. Pursuant to Section 522 of the Mountain View City Charter, it is ordered that copies of the foregoing proposed ordinance be posted at least two (2) days prior to its adoption in three (3) prominent places in the City and that a single publication be made to the official newspaper of the City of a notice setting forth the title of the ordinance, the date of its introduction, and a list of the places where copies of the proposed ordinance are posted.

Section 5. This ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) (the activity will not result in a direct or reasonable foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378 of the CEQA Guidelines because it has no potential for resulting in physical change to the environment, directly or indirectly).
