

POTENTIAL ENFORCEMENT AND REMEDY PROVISIONS

Modeled on RHDRP provisions

- a. Violation of provisions of this article shall not constitute a crime.
- b. At any time, a tenant may bring action in the courts of the State alleging a violation by the landlord of the provisions of this article or may seek a court order directing compliance with the provisions of this article.

Modeled on provisions in the Right to Lease Ordinance

Tenant's remedies

- a. Defense to action to recover possession. Failure of a landlord to comply with any of the provisions of this chapter shall provide tenant with a defense in any legal action brought by the landlord to recover possession of the rental unit.
- b. Injunctive relief. A tenant may seek relief on his or her own behalf and on behalf of other affected tenants to enjoin the landlord's violation of Article XIII.
- c. Remedies are nonexclusive. Remedies provided in this section are in addition to any other existing legal remedies and are not intended to be exclusive.
- d. Any person who fails to provide the notice required in this ordinance or displace residential households without paying relocation assistance to eligible households in accordance with this article shall be guilty of an infraction/a misdemeanor.
- e. The remedies provided in this section are cumulative and in addition to any other remedies available at law or in equity. In addition to other remedies provided by this article or by other law, any violation of this article may be remedied by an enforcement action brought by the City, including, but not limited to, administrative or traditional nuisance abatement proceedings, civil or criminal code enforcement proceedings, and suits for injunctive relief.

Other provisions to consider

(Similar to Provision A above) Any person who fails to provide relocation assistance as required by this ordinance or who violates any provision of this ordinance shall be liable in a civil action to the residential household to whom such assistance is due for damages in the amount of the relocation fee the person has failed to pay, a civil penalty in the amount of Five Hundred Dollars (\$500), and reasonable attorneys' fees and costs as determined by the court. The court may also award punitive damages in a proper case as defined by Civil Code Section 3294. Any person, including the City, may enforce the provisions of this ordinance by means of a civil action.

A landlord's failure to comply with any requirement of this ordinance may be asserted as an affirmative defense in an action brought by the landlord to recover possession of the rental unit. Additionally, any attempt to recover possession of a rental unit in violation of this ordinance shall render the landlord liable to the tenant for actual and punitive damages, including damages for emotional distress, in a civil action for wrongful eviction. The tenant may seek injunctive relief and money damages for wrongful eviction. The prevailing party in an action for wrongful eviction shall recover costs and reasonable attorneys' fees.

(Alternative to RHDRP language) Any residential household may seek relief from the appropriate court within the jurisdiction in which the affected rental unit is located to enforce any provision of this ordinance or its implementing regulations or to restrain or enjoin any violation of this ordinance and implementing regulations.