

ORDINANCE NO. _____

AN EMERGENCY ORDINANCE OF THE CITY OF SANTA CRUZ
AMENDING SECTION 21.03.020 OF THE SANTA CRUZ MUNICIPAL CODE
PERTAINING TO RELOCATION ASSISTANCE IN CASES OF
TEMPORARY (LESS THAN 90 DAYS) DISPLACEMENT

FINDINGS:

WHEREAS, on March 17, 2010 the City of Santa Cruz Chief Building Official, in response to structural engineering reports documenting an immediate life safety hazard at the Monterey Tower condominium building located at 890 West Cliff Drive in the City of Santa Cruz attributable to the building's failing structural support components, issued to all tenants in the building, occupying the building as either owners or renters, a Notice and Order to Immediately Vacate Dangerous Building ("Notice and Order");

WHEREAS, in accordance with the Santa Cruz Municipal Code said Notice and Order required landlords who are renting their Monterey Tower condominium units to tenants as of March 17, 2010 to pay relocation assistance to said tenants in accordance with applicable requirements of Chapter 21.03 of the Municipal Code;

WHEREAS, said obligation to pay relocation assistance on the part of said Monterey Tower landlords is current and ongoing;

WHEREAS, as of March 17, 2010, it was not apparent to the Chief Building Official and structural engineers who issued the engineering reports upon which the Chief Building Official relied, that the resident displacement occasioned by the Chief Building Official's Notice and Order would require residents to be displaced from their condominium units in the building for more than three months, or for any period of time approaching three months, thereby rendering said tenant displacement to be temporary in nature rather than extended or permanent.

WHEREAS, in its current form, Santa Cruz Municipal Code can be interpreted to require landlords in all cases where tenants are required to immediately vacate residential premises pursuant to a Notice and Order to pay three months relocation whether or not the displacement will be three months in length or less;

WHEREAS, the legislative intent of the City Council in adopting its relocation assistance ordinance, codified at Chapter 21.03 of the Santa Cruz Municipal Code, in 1991 was to address the need for tenant relocation assistance under those circumstances where displacement due to hazardous or substandard health or structural conditions would result in extended or permanent displacement;

WHEREAS, the City Council recognizes that relocation assistance is nonetheless necessary to address temporary displacements such as those described above currently being experienced by tenants who are renting residential premises at the Monterey Tower;

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WHEREAS, the intent of the relocation assistance ordinance is to assure that all displaced tenants receive relocation benefits, up to a maximum of three months reasonable rental costs, intended to cover the actual costs of acquiring permanent or temporary replacement rental housing; and

WHEREAS, the City Council therefore hereby intends, on an emergency basis, to amend Santa Cruz Municipal Code Chapter 21.03 to specifically address temporary displacement of the type described above in a manner which is equitable to both the landlord and the tenant and which simultaneously addresses the legislative objective for the City's relocation assistance ordinance which is to assure that a displaced tenant is able to immediately find and pay for adequate temporary replacement housing for the period of his or her displacement.

NOW THEREFORE BE IT ORDAINED by the City of Santa Cruz as follows:

SECTION 1. Section 21.03.020 of the Santa Cruz Municipal Code is hereby amended to read as follows:

21.03.020 DEFINITIONS.

For purposes of this chapter, the following words and phrases, whenever used, shall be construed as defined in this section:

- (a) "Relocation assistance" shall mean a relocation payment and the right of first refusal to reoccupy a residential structure, as defined in this section.
- (b) "Relocation payment" shall mean:
 - (1) The immediate payment of two months' fair market value rent for a unit of comparable size, as established by the most current Federal Department of Housing and Urban Development schedule of fair market rents, or two months of the tenant's actual rent at the time of relocation, whichever is greater, or other arrangements of equal benefit which are agreeable to the tenant as evidenced by a written agreement between the tenant and the property owner. Such agreement shall at a minimum contain each of the following components:
 - (A) The names of the current occupants of the unit being vacated, and an indication of who is considered the head of household therein;
 - (B) The address and the number of the unit from which the tenant is being displaced;
 - (C) A statement indicating the amount of relocation payment to which the tenant is entitled, according to the most current Federal Department of Housing and Urban Development schedule of fair market rent for the size of the subject unit;
 - (D) A statement that the tenant has waived the right to such relocation payment, and describing what, if any, alternative arrangements of equal benefit the landlord has agreed to provide the tenant, which is acceptable to the tenant in lieu of relocation payment; and
 - (E) The address, if known, of the location to which the tenant plans to move.

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(2) Where a tenant is required to vacate a structure with less than thirty days' notice, relocation payment shall also include the immediate payment of one additional month's fair market value rent for a unit of comparable size, as established by the most current Federal Department of Housing and Urban Development schedule of fair market rents, or the provision of alternative, safe and legal housing for thirty days after the tenant vacates, whichever the tenant prefers.

(3) Where it is anticipated that a tenant will be required to vacate the residence for less than three months while said residence is being repaired, the relocation assistance required by this chapter will be the actual rent, including any required deposits, incurred by the tenant for temporary housing during tenant's temporary displacement. However, in no event shall the landlord be liable for more than three months fair market value rent for a residential unit of comparable size to the unit from which the tenant has been temporarily displaced. The landlord may elect to use the tenant's security deposit and/or last month's rent on deposit to make this relocation payment. However, upon re-occupancy of the residential unit after repairs, the landlord, should he or she make this election, may not require the tenant to replenish any such security deposit or last month's rent deposit which the landlord elected to use to satisfy his/her relocation assistance obligation hereunder. Nothing herein shall be construed to preclude the landlord and tenant from independently agreeing to an alternative arrangement mutually satisfactory to both the landlord and tenant relative to financial compensation for the tenant's displacement from the unit and future tenancy at the subject unit or other unit to which the tenant chooses to relocate.

(4) "Immediate payment" of any relocation payment shall mean payment delivered to the tenant prior to the time the tenant vacates the unit, or in the case of an order requiring immediate evacuation of the unit, immediately following evacuation.

(5) A relocation payment shall be a separate requirement and obligation payable to a tenant in addition to the refund of any security deposit pursuant to California Civil Code Section 1950.5 or the payment of interest accrued on said security deposit pursuant to Chapter 21.02 of this code.

(c) "Right of first refusal" shall mean the right of a tenant to reoccupy a residential structure on the site formerly occupied by said tenant, once the residential structure is repaired and becomes habitable, or once housing is redeveloped on the site.

SECTION 2. For the reasons set forth in the Findings, this Ordinance is declared to be an emergency measure adopted under Section 612 of the Santa Cruz City Charter, and is necessary to preserve the public peace, health, safety property and general welfare.

SECTION 3. This ordinance shall take effect immediately and be enforced immediately upon its final adoption.

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PASSED FOR INTRODUCTION AND FINAL ADOPTION as an emergency ordinance this 13th day of April, 2010, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Mayor

ATTEST: _____
City Clerk

This is to certify that the above and foregoing document is the original of Ordinance No. 2010-____ and that it has been published or posted in accordance with the Charter of the City of Santa Cruz.

City Clerk