



Ordinance Fact Sheet

TO: CITY COUNCIL

DATE: September 20, 2004

FROM: CITY ATTORNEY

TITLE OF PROPOSED ORDINANCE:

AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 9 (PUBLIC PEACE, MORALS AND WELFARE) OF THE PASADENA MUNICIPAL CODE AND TITLE 16 (SUBDIVISIONS) WHICH SHALL BE KNOWN AS THE TENANT PROTECTION ORDINANCE

PURPOSE OF ORDINANCE:

The Housing Affordability Task Force convened by the City Council recommended that the City Council adopt a tenant protection ordinance and amend the condominium conversion provisions to provide greater protection to tenants. The recommendations were approved by the City's Community Development Committee. On May 24, 2004 the City Council directed the City Attorney to prepare the tenant protection ordinance. The City Council also directed that the ordinance be reviewed by the public. City staff and the City attorney's office did meet with members of the community, including Pasadena United for Solutions on Housing (PUSH).

POLICY CHANGES:

A new Chapter 9.75 titled "Tenant Protection" will be added to Title 9 of the Municipal Code (Public, Peace, Morals and Welfare). Single family homes and condominiums are exempt from the provisions of Chapter 9.75. Pursuant to the provisions of the new Chapter, should a landlord elect to remove the rental unit for purposes of demolition, as a result of a government order due to violations of health and Safety laws, or permanently remove the rental unit from the rental housing market, the landlord or property owner will be required to pay the displaced tenant a relocation allowance. Landlord shall also be required to pay tenants for temporary relocation. In situations involving temporary relocation, landlords will be required to pay tenants a per-diem

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MEETING OF 09/20/2004

AGENDA ITEM NO. 9.A.(1)

allowance equal to two times the pro-rated base rent. Landlords will also be required to provide their tenants multi-lingual informational sheets outlining the protections of the ordinance.

The proposed ordinance will also amend Chapter 16 relating to condominium conversions. The amendments will provide tenants the right to purchase unit, to terminate lease, and to a relocation allowance.

REASONS WHY LEGISLATION IS NEEDED:

This legislation is needed to provide tenants in good standing with the protection and assistance to assure that they find affordable and sanitary housing.


PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED:

The housing department will prepare the multi-lingual tenant/landlord rights informational sheet. The housing department will also monitor compliance with the provisions of this ordinance.

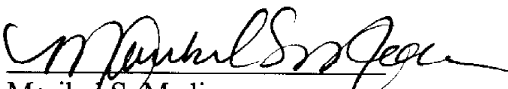
FISCAL IMPLICATIONS:

The administrative costs of monitoring the tenant protection provisions are relatively minor. Funding for the proposed protections is available through the Community Development Block Grant and the Affordable Housing Program Budget.

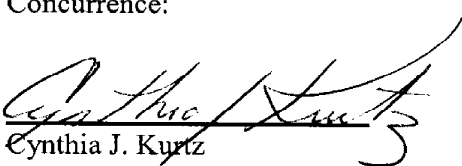
Respectfully submitted,


MICHELE BEAL BAGNERIS
City Attorney

Prepared by:


Maribel S. Medina
Assistant City Attorney

Concurrence:


Cynthia J. Kurtz
City Manager

Introduced by Councilmember _____

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 9 (PUBLIC PEACE, MORALS AND WELFARE) OF THE PASADENA MUNICIPAL CODE AND TITLE 16 (SUBDIVISIONS) WHICH SHALL BE KNOWN AS THE TENANT PROTECTION ORDINANCE

The People of the City of Pasadena ordain as follows:

SECTION 1. This ordinance, due to its length and corresponding cost of publication will be published by title and summary as permitted by Section 508 of the Charter. The approved summary of this ordinance is as follows:

“SUMMARY

Ordinance No. _____ amends Title 9 (Public Peace, Morals and Welfare) and Title 16 of the Municipal Code (Subdivisions). A new Chapter 9.75 will be added to Title 9 entitled “Tenant Protection” which will require landlords to distribute multi-lingual landlord/tenant rights information sheets prepared by the City, to their tenants. Landlords will also be required to pay relocation allowance to tenants in good standing in certain evictions. Landlords will also be required to pay their tenants a per-diem allowance and storage costs for temporary relocation. The amendments to Title 16 involve protection of tenants when rental apartments are being converted to condominiums. The amendments include: increase in the relocation allowance for displaced tenants, relocation counseling, tenants right to purchase unit and additional requirements for tenants who are age 62 or older, handicapped, low income or single parent households with custody of minor children.

Ordinance No. _____ shall take effect 30 days from its publication by title and summary.”

SECTION 2. Title 9 of the Pasadena Municipal Code entitled, “**Public Peace, Morals and Welfare**” shall be amended by adding a new Chapter 9.75 which shall be entitled, “**Tenant Protection**” and shall read as follows:

Chapter 9.75 – Tenant protection

Sections:

- 9.75.010 - Purpose
- 9.75.020 - Definitions
- 9.75.030 - Applicability

- 9.75.040 - Inapplicability of Chapter to Certain Evictions
- 9.75.050 - Distribution of multi-lingual landlord/tenant rights information sheet
- 9.75.060 - Relocation allowance for tenants in good standing transition to new housing
- 9.75.070 - Temporary relocation
- 9.75.080 - Remedies

9.75.010 - Purpose

The purpose of this ordinance is to assist existing tenants in good standing.

9.75.020 - Definitions

For purposes of this Chapter, the following words and phrases shall have the following meaning:

(a) **Disabled Person.** Any person who is receiving benefits from a federal, state, or local government, or from a private entity on account of a permanent disability that prevents the person from engaging in regular, full-time employment.

(b) **Displaced Tenant.** Any tenant who vacates a rental housing unit in the City for any of the reasons set forth in Section 9.750.060.

(c) **Landlord.** Any owner, lessor, sublessor, or any other person entitled to receive rent for the use and occupancy of a rental housing unit, or any agent, representative or successor of any of the foregoing.

(d) **Minor Child.** Any person younger than eighteen years of age.

(e) **Senior Citizen.** Any person sixty-two years of age or older.

(f) **Tenant.** Any tenant, subtenant, lessee, sublessee, or any other person occupying a rental housing unit pursuant to a rental housing agreement.

(g) **Unit or Rental Unit.** Any residential housing unit excluding single family residences and condominium units.

9.75.030 - Applicability

Single family residences and condominiums are exempt from the provisions of this Chapter.

9.75.040 - Inapplicability of Chapter to certain evictions

A. The requirements set forth in this Chapter shall not apply to any tenant whose tenancy is terminated pursuant to a lawful notice to terminate tenancy pursuant to State law.

B. The requirements set forth in this Chapter shall not apply if rental unit is rendered not habitable as a result of an earthquake or other natural disaster.

C. The requirements set forth in this Chapter shall not apply if the eviction is a result of the tenant having caused such physical damage to the unit, that the unit is not habitable.

9.75.050 – Distribution of multi-lingual landlord/tenant rights information sheet

Landlords or Property owners shall be required to provide to each existing tenant, a one-page information sheet, which outlines the provisions of this chapter. The information sheet will be multi-lingual, with languages to be determined at the sole discretion of the City. The sheet shall also include, but not be limited to the following information: links to appropriate web-sites, Housing and Community Development Division, and City's Housing Mediation Contractor. The City's housing department shall prepare the information sheet.

9.75.060 – Relocation allowance for tenants in good standing

A. For households at or below 140% of the median income, by household size, Landlord shall pay a relocation allowance equal to two (2) months fair market rents as established by the U.S. Department of Housing and Urban Development ("HUD") for a rental unit of a similar size. In addition to the relocation allowance, Landlord shall also pay a moving expense allowance in the amount of \$1,000 for adult households or \$3,000 for households with dependents, disabled or senior members.

B. The relocation allowance provided for in this section shall be automatically increased every year in accordance with changes in the HUD fair market rents. The moving expense allowance provided in this section shall be adjusted annually in accordance with the Consumer Price Index (for Los Angeles-Long Beach) pursuant to Section 1.08.060 of the City's Municipal Code.

C. Except for units which are owner occupied or occupied by owner's family members, the relocation allowance provided for in this section shall be triggered if any of the following circumstances occur:

1. **Demolition:** A Landlord or Property owner seeks to recover possession of the unit for purpose of demolition.
2. **Government Order to Vacate:** The landlord seeks to recover possession of the rental unit in order to comply with a governmental agency's order to vacate, order to comply, order to abate, or any other order that necessitates vacating the rental unit as a result of a significant or extended violation of housing, health, building or safety laws of the State of California or the City of Pasadena which would result in a constructive eviction.
 - a. **Non-exclusive remedy:** This provision does not in any manner limit the rights of the City or tenant to recover from the landlord or property owner any relocation or placement assistance provided to assist eligible renters and/or other city costs incurred for the

correction/abatement of distressed properties which the City is legally entitled to recover.

- b. Permanent Removal of Unit from the Rental Market: The landlord seeks to remove the rental unit permanently from the rental housing market.

9.75.070 Temporary Relocation

A. If a landlord is required to temporarily recover possession of a rental housing unit in order to comply with housing, health, building, safety laws of the State of California or the City of Pasadena, or if a tenant is required to vacate a unit upon the order of any government officer or agency, the landlord shall not be required to pay the relocation allowance as defined in this Chapter, but shall provide temporary relocation benefits to the displaced tenant as provided for in this Section.

B. Landlord shall pay tenant an amount based on a daily rate equal to two (2) times the daily pro-rata portion of the rental rate of the tenant's unit. For each day that temporary housing is required tenant shall not be required to pay rent.

C. Landlord shall pay the actual costs of moving and storage if tenant is required to remove personal property from the rental unit. Landlord may select a storage facility within a five (5) mile radius of tenant's rental unit.

D. The displacement and relocation of a tenant pursuant to this Section shall not terminate the tenancy of the displaced tenant. The displaced tenant shall have the right to reoccupy his/her unit upon the completion of the work necessary for the unit to comply with housing, health, building or safety laws or any governmental order and the tenant shall retain all rights of tenancy that existed prior to the displacement

E. Should temporary relocation exceed 120 days, landlord may opt to terminate tenancy. Landlord shall however be required to comply with Section 9.75.60 of this chapter including paying all relocation fees.

9.75.080 Remedies

A. Any landlord who fails to provide relocation assistance as required by this Section shall be liable in a civil action to the tenant to whom such assistance is due for damages in the amount of the relocation fee the landlord has failed to pay, a civil penalty in the amount of five hundred dollars and reasonable attorney's fees and costs as determined by the court. The court may also award punitive damages in a proper case. The tenant and/or the City, may enforce the provisions of this Chapter by means of a civil action.

B. 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, shall be deemed against public policy and shall be void.

SECTION 3. Chapter 16.46.050, of Title 16 of the Pasadena Municipal Code, entitled “**Relocation allowance for displaced tenants**” shall be amended as follows:

1. By adding the following sub paragraph under paragraph “A”

“For households at or below 140% of the median income, by household size, Subdivider shall pay a relocation allowance equal to two (2) months fair market rents as established by (“HUD”) for a rental unit of a similar size. In addition to the relocation allowance, Subdivider shall also pay a moving expense allowance in the amount of \$1,000 for adult households or \$3,000 for households with dependents, disabled or senior members, except when tenant has given notice of intent to move prior to receipt of subdivider’s notification of intent to convert.”

2. By replacing paragraph “C” in its entirety as follows:

“The relocation allowance provided for in this Section shall be automatically increased every year in accordance with changes in the HUD fair market rents . The moving expense allowance provided in this section shall be adjusted annually in accordance with the Consumer Price Index (for Los Angeles-Long Beach) pursuant to Section 1.08.060 of the City’s Municipal Code.”

SECTION 4. The first paragraph under sub-paragraph “A” of Section 16.46.060, entitled “**Relocation Counseling**”, shall be amended as follows:

“A. The subdivider shall submit a counseling assistance plan to provide relocation counseling and assistance to qualified tenants, to aid such tenants in finding and relocating to equivalent housing.”

The second paragraph under sub paragraph “A” shall not be amended and shall remain in full force and effect.

SECTION 5. Section 16.46.070, entitled “**Notices to Tenants**”, shall be amended as follows:

1. Amending paragraph “E” in its entirety to read as follows:

“Subdivider shall deliver the notices provided for in this Section by personal delivery, or mailing the notice, postage prepaid, by certified letter with return receipt requested. Proof of service of the notices required by this Section shall be provided to the City by affidavit or declaration, including a copy of the notice served, a list of tenants’ names and the apartment

number each occupier, and a list of vacant apartment numbers. Such proof shall be part of the application for conversion.”

2. By adding a new paragraph “G” to read as follows:

“The notice that the subdivider must provide to tenants pursuant to this Section shall include all of the following information:

- a. Name and address of current owner;
- b. Name and address of proposed subdivider;
- c. Approximate date on which the tentative map/conversion permit application is proposed to be filed;
- d. Tenant’s right to purchase condominium, if applicable;
- e. Tenant’s right of notification to vacate;
- f. Tenants right of termination of lease;
- g. Statement of limitations on rent increase;
- h. An explanation of all provisions made by the subdivider for special cases;
- i. An explanation of all provisions made by the subdivider for moving expenses of displaced tenants;
- j. Tenant’s right to receipt of notice for each hearing and right to appear and be heard at any such hearing.”

SECTION 6. A new Section 16.46.072, entitled “**Tenants Right to Purchase**”, shall be added to Chapter 16.46 to read as follows:

“Any present tenant or tenants shall be given the exclusive right to contract for the purchase of the unit upon the terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report. If tenant exercises right to purchase, the subdivider is not required to pay for moving expenses as provided for in this Chapter.”

SECTION 7. A new Section 16.46.074, entitled “**Vacation of Units**”, shall be added to Chapter 16.46 to read as follows:

“Each non-purchasing tenant, not in default under the obligations of the rental agreement of lease under which the unit is occupied, will have not less than 180 days from the date of approval of the conversion by the Subdivision Committee or, if an appeal is filed, the date of approval by the City Council, to find substitute housing and to relocate.”

SECTION 8. A new Section 16.46.076, entitled “**Tenants Right to Terminate Lease**”, shall be added to Chapter 16.46 to read as follows:

“Any present tenant or tenants shall have the right to terminate their lease or rental agreement without penalty, following the receipt of notification from the owner of the intent to convert.”

SECTION 9. A new Section 16.46.078, entitled “**Household with Disabled Persons, Senior Citizens, or Minor Children**”, shall be added to Chapter 16.46 to read as follows:

“In cases where the household has a tenant or tenants who are disabled, senior citizens, or minor children, Subdivider shall allow an additional period of time, not exceeding six (6) months beyond the time specified in Section 16.46.070D. In addition, if the tenant or tenants have minor children, the subdivider shall not require that tenant vacate the unit until the end of the school year in which the 180 day notice expires.”

SECTION 10. A new Section 16.46.85, entitled “**Increase in Rents**”, shall be added to Chapter 16.46 to read as follows:

“From the date of approval of the application to convert until the date of conversion, tenant’s rent will not be increased more frequently than once annually nor at a rate greater than the rate of increase in the Consumer Price Index (Los Angeles- Long Beach) on an annualized basis, for the same period. This limitation will not apply if rent increases are provided for in leases or contracts in existence prior to the filing date of the application to convert.”

SECTION 11. A new Section 16.46.100, entitled “**Remedies**”, shall be added to Chapter 16.46 to read as follows:

A. Any Subdivider who fails to provide relocation assistance as required by this Section shall be liable in civil action to the tenant to whom such assistance is due for damages in the amount of the relocation fee the Subdivider has failed to pay, a civil penalty in the amount of five hundred dollars and reasonable attorney's fees and costs as determined by the court. The court may also award punitive damages in a proper case. The tenant and/or the City, may enforce the provisions of this Chapter by means of a civil action.

B. No Subdivider 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, shall be deemed against public policy and shall be void.

SECTION 12. This ordinance shall take effect 30 days after its publication.

Signed and approved this _____ day of _____, 2004.

Bill Bogaard

Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council on the City of Pasadena at its regular meeting held on _____, 2004, by the following vote:

AYES:

NOES:


ABSENT:

ABSTAIN:

Published:

Jane L. Rodriguez, CMC
City Clerk

APPROVED AS TO FORM:



Maribel S. Medina
Assistant City Attorney