

From Councilmember Rebecca Kaplan

Supplemental amendment to proposed Uniform Relocation Ordinance

(Deleting reference to O.M.C. 8.22.360(A)(8) to clarify that relocation payments do not need to be paid when owner previously resided in unit and has agreement with tenant that owner will move back in ("sabbatical" exception to owner-occupancy))

Article VIII – Relocation Payments for Owner or Relative Move-Ins

8.22.850 – Relocation Payments for Owner or Relative Move-Ins

- A. Applicability. An Owner who evicts a Tenant pursuant to O.M.C. Section 8.22.360(A) ~~(8)~~-(9) or where a Tenant vacates following a notice or other communication stating the Owner's intent to seek recovery of possession of the unit under any of these this O.M.C. Sections must provide relocation payment under this Section. Relocation payment procedures pursuant to code compliance or Ellis Act evictions will be governed by the Code Compliance Relocation Ordinance and the Ellis Act Ordinance.
- B. The property Owner shall be responsible for providing relocation payments, in the amounts specified in Section 8.22.820, to an eligible Tenant Household in the form and manner prescribed under this article and any rules and regulations adopted under this article.
- C. Time for payment
 - 1. The Owner must pay the Tenant half of the relocation payment provided for in Section 8.22.820(A) when the termination notice is given to the household and the remaining half when the Tenant vacates the unit provided that the Tenant agrees, in writing, not to contest an unlawful detainer based on the notice to terminate tenancy for the Owner or relative moving in to the Tenant's Rental Unit. If the Tenant does not so agree, then the entirety of the relocation payment is not due unless the Owner prevails in the unlawful detainer. If the Owner prevails in the unlawful detainer, the relocation payment must be paid to the Tenant prior to the Owner seeking a writ of possession for the Tenant to vacate the unit.
 - 2. The Owner must pay the Tenant the additional payment provided for in Section 8.22.820(B) within fifteen (15) days of the Tenant's notice of eligibility or the Tenant supplying documentation of the Tenant's eligibility.
- D. Failure to make the relocation payments in the manner and within such times as prescribed in this Section is not a defense to an unlawful detainer action. However, if an Owner fails to make the relocation payment as prescribed, the Tenant may file an action against the Owner and, if the Tenant is found eligible for the relocation payments, the Tenant will be entitled to recover the amount of the relocation payments plus an equal amount as damages and the Tenant's attorney's fees. Should the Owner's failure to make the payments as prescribed be found to be in bad faith, the Tenant shall be entitled to the relocation payments plus an additional amount of three times the amount of the relocation payments and the Tenant's attorney's fees.