

PLANNING DEPARTMENT

GOVERNMENTAL CENTER

Alvin D. James
Planning Director

COUNTY OF SANTA CRUZ

701 OCEAN STREET SANTA CRUZ, CALIFORNIA 95060
FAX (831) 454-2131 TDD (831) 454-2123 PHONE (831) 454-2580

September 8, 1998

Agenda: September 22, 1998

Board of Supervisors
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

RE: AMENDMENTS TO CHAPTER 8.45 OF THE COUNTY CODE (RELOCATION ASSISTANCE FOR DISPLACED TENANTS)

Members of the Board:

In Spring of 1998, your Board reviewed the ongoing code compliance activities involving Marmo's Trailer Park. Your Board directed that several actions be taken to address the complex issues surrounding the efforts to bring the Park into compliance with use permit and health regulations. One of the actions was to amend the County Code Chapter 8.45 - Relocation Assistance for Displaced Tenants to extend the existing protections to mobilehomes, including certain travel trailers and travel trailer spaces. County Code Chapter 8.45 requires property owners to pay for the relocation and three months rent of safe, legal housing if their tenants are displaced due to unsafe or hazardous conditions of their rentals or if these rentals are illegal and subject to code enforcement actions.

Proposed Ordinance

As directed by your Board, the proposed ordinance amendment adds mobilehomes and mobilehome spaces as a category of dwelling subject to the ordinance. Travel trailers and recreational vehicles will fall under the authority of the proposed ordinance if they meet the definition of a "mobilehome", as defined by California Civil Code Section 798.3. This Civil Code Section definition of "mobilehome" includes any travel trailer or recreational vehicle that has continually occupied a space for more than 9 months.

The proposed ordinance amendment, as it pertains to mobilehomes and spaces, would require the payment of either: 1) relocation expenses (moving the coach to a new park), three months of rent in a trailer park with a comparable lease, and payment of the difference between the rents at the two parks for 3 months, or 2) relocation expenses to move the coach to a storage yard, storage charges for three months and three months rent for safe, legal housing until alternative housing can be found by the tenant. If the mobilehome owner is not the resident, then the park owner(s) would also be responsible for providing relocation assistance to any tenants renting the mobilehome. Staff believes these ordinance provisions are the minimum necessary to assist this particular type of displaced tenant.

The proposed ordinance amending Chapter 8.45 of the County Code does more than just add mobilehomes as a new category of dwelling subject to the ordinance. The proposed ordinance also re-orders certain sections, and revises and adds definitions to the ordinance to clarify and amplify the wording of the whole ordinance.

Discussion and Recommendation

As your Board is aware, one of the biggest challenges facing the County in the coming year is housing. Your Board has directed the Planning Department to investigate the feasibility of converting existing recreational vehicle and travel trailer parks to permanent mobilehome parks. This direction stems from two current situations where travel trailer parks have metamorphosed into permanent housing. The results of this change include serious health and safety problems, which have brought the matter to the forefront of the County's code compliance program. Unfortunately, the easiest way for the property owner to resolve the matter, tenant eviction, results in the displacement of families who cannot easily find replacement housing in the current housing market. The proposed ordinance will, at least in the interim, provide additional time for these displaced persons to find replacement housing.

Because the proposed ordinance deals with the implementation of a new direction in housing policy, staff believes that the proposed ordinance would benefit from review by the Housing Advisory Commission. The Commission is scheduled to meet on October 7, 1998. This ordinance could be placed on the agenda for Commission review and their recommendation forwarded to your Board in late October.

It is, therefore, RECOMMENDED that your Board:

1. Review and comment on the proposed Ordinance (Attachment 1);
2. Direct the Planning Department to schedule the ordinance revision for review by the Housing Advisory Commission on October 7, 1998; and
3. Direct the Clerk of the Board to place this Ordinance on the October 27, 1998, agenda for review and conceptual approval by your Board.

Sincerely,



Alvin D. James
Planning Director

RECOMMENDED:



Susan A. Mauriello
County Administrative Officer

Attachments: 1. Ordinance Amending Chapter 8.45 of the Santa Cruz County Code Relating to Relocation Assistance for Displaced Tenants

cc: County Counsel
Housing Advisory Commission

ORDINANCE NO. __

**ORDINANCE AMENDING CHAPTER 8.45 OF THE SANTA CRUZ COUNTY
CODE RELATING TO RELOCATION ASSISTANCE FOR DISPLACED
TENANTS**

The Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

The Santa Cruz County Code is hereby amended by adding new Chapter 8.45 to read as follows:

**RELOCATION ASSISTANCE FOR
DISPLACED TENANTS**

Sections:

- 8.45.010 Intent and purpose.**
- 8.45.020 Definitions.**
- 8.45.030 Relocation assistance requirements.**
- 8.45.040 Exceptions.**
- 8.45.050 Rent increases during repairs.**
- 8.45.060 Violations and penalty.**
- 8.45.070 Enforcement by tenant or tenants association.**

8.45.010 Intent and purpose.

A. The Board of Supervisors finds that tenants who are required to vacate ~~structures dwellings~~ rented for residential purposes due to unsafe or hazardous living conditions, or due to illegal use of the ~~structures dwelling~~ as a residence, oftentimes confront difficulties in finding temporary housing while said ~~structures dwelling~~ is being repaired, and/or difficulties in finding other permanent affordable housing. Further, said difficulties create a financial hardship for said tenants.

B. The Board of Supervisors finds that mobilehome owners who are required to vacate or move their mobilehome due to unsafe or hazardous living conditions which are the responsibility of the park owner, or due to an illegal rental of a mobilehome space, oftentimes confront difficulties and expenses in finding temporary housing or space for their mobilehome.

C. The Board of Supervisors also finds that property owners who do not

properly maintain residential rental properties or mobilehome parks, and who allow said structures dwellings or parks to become unsafe or hazardous, and or who create residential units or mobilehome spaces illegally should bear responsibility for the hardship their actions create for said tenants. Therefore, the Board of Supervisors finds and declares that it is necessary to enact this chapter to protect the public health, safety and welfare.

8.45.020 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" means:~~

~~———— 1. ——— The immediate payment of three 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 three months of the tenant's actual rent at the time of relocation, whichever is greater, unless the property owner provides safe and legal housing that is equivalent in size, number of bedrooms and location within the same or an adjoining planning area of the county for the period that the tenants is required to vacate the structure, as evidenced by a written agreement binding the property owner to provide such specified replacement housing, tendered to the tenant for acceptance.~~

~~———— 2. ——— Where, under the provisions of this chapter, a tenant is required to vacate a structure with less than thirty days notice, relocation payment shall also include the immediate payment of the cost of alternative, safe and legal temporary housing for an additional one month after the tenant vacates the structure, unless the property owner provides safe and legal housing that is equivalent in size, number of bedrooms and location within the same or an adjoining planning area of the county for thirty days after the tenant vacates, as evidenced by a written agreement binding the property owner to provide such specified replacement housing, tendered to the tenant for acceptance.~~

~~———— 3. ——— 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 8.42 of this Code.~~

A. "Dwelling" means any structure which serves as the place of permanent or customary and usable abode of a person, including, but not limited to, a single family dwelling, multi-family dwelling, a unit of a condominium or cooperative housing project, a mobilehome as herein defined, or any other residential unit which is considered to be real property under State law. A structure need not be decent, safe, or sanitary to be considered a dwelling.

B. "Mobilehome" means a structure designed for human habitation meeting one of the following definitions:

1. A manufactured home as defined in Section 18007 of the Health and Safety Code; or

2. A mobilehome, as defined in Section 18008 of the Health and Safety Code; or

3. A recreational vehicle as defined in Section 18010 of the Health and Safety Code, that has occupied a site for nine or more continuous months in a mobilehome park, a recreational vehicle park, or a travel trailer park, under a rental agreement with a term of one month or longer.

C. "Mobilehome Space" means an area occupied as a space for a mobilehome in a park.

ED. "Right of First Refusal" shall mean the right of a tenant to reoccupy a residential structure dwelling on the site formerly occupied by said tenant, once the residential structure dwelling is repaired and becomes habitable, or once housing is redeveloped on the site. A mobilehome owner vacating a mobilehome space shall have the right to reoccupy the same or a comparable space within the same park, once the site has been restored.

8.45.030 Relocation assistance requirements.

A. Relocation ~~Payment~~ Assistance Due. The owner of a residential structure dwelling or mobilehome park shall provide directly to the tenant or tenants a relocation payment or substitute housing relocation assistance pursuant to subdivisions B. and C. of this section, within one week of any notice of eviction or other order requiring a tenant or tenants to vacate any structure dwelling or mobilehome space, rented for residential purposes due to (a) unsafe or hazardous living conditions (regardless of the date such use commenced), or (b) due to illegal use of the structure or the mobilehome space for residential purposes as a residence except where such use commenced before January 1,

1978, and the use and number of residential-unit dwellings or mobilehome spaces is not in violation of the terms of any development permit issued for the property.

B. Relocation Assistance. The following relocation assistance shall be provided as applicable:

1. For tenants renting a dwelling. The immediate payment of three 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 three months of the tenant's actual rent at the time of relocation, whichever is greater, unless the property owner provides safe and legal housing that is equivalent in size, number of bedrooms and location within the same or an adjoining planning area of the county for the period that the tenants is required to vacate the dwelling, as evidenced by a written agreement binding the property owner to provide such specified replacement housing, tendered to the tenant for acceptance.

a. Where, under the provisions of this chapter, a tenant is required to vacate a dwelling with less than thirty days notice, relocation payment shall also include the immediate payment of the cost of alternative, safe and legal temporary housing for an additional one month after the tenant vacates the dwelling, unless the property owner provides safe and legal housing that is equivalent in size, number of bedrooms and location within the same or an adjoining planning area of the county for thirty days after the tenant vacates, as evidenced by a written agreement binding the property owner to provide such specified replacement housing, tendered to the tenant for acceptance.

b. 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 8.42 of this Code.

2. For mobilehome owners renting a space and residing in the affected mobilehome, the park owner shall do one of the following:

a. Pay the cost of all expenses required to relocate the affected mobilehome to another comparable mobilehome space within the same or an adjoining planning area of the county in a park that is willing to offer a comparable lease to the mobilehome owner as evidenced by a written binding agreement. The park owner shall also pay the mobilehome owner the difference, if any, between the space rental paid at the park owner's park and the rent charged at the mobilehome owner's new park for a period of three (3) months; or

b. Pay the cost of all expenses to remove and transport the mobilehome to a storage site, and pay all storage fees for a period of three (3) months. In addition, the park owner shall pay for comparable, safe and legal temporary housing for a period of three (3) months after the mobilehome owner vacates the mobilehome, unless the park owner alternatively provides safe and legal housing that is equivalent in size, number of bedrooms and location within the same or an adjoining planning area of the county for three (3) months after the mobilehome owner vacates, as evidenced by a written agreement binding the park owner to provide such specified replacement housing, tendered to the mobilehome owner for acceptance. 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 798.39; or

c. If it is not necessary to remove the affected mobilehome, but the persons dwelling in the mobilehome must be relocated, the park owner shall pay for comparable, safe and legal temporary housing for a period of three (3) months after the mobilehome owner vacates the mobilehome, unless the park owner alternatively provides safe and legal housing that is equivalent in size, number of bedrooms and location within the same or an adjoining planning area of the county for three (3) months after the mobilehome owner vacates, as evidenced by a written agreement binding the property owner to provide such specified replacement housing, tendered to the mobilehome owner for acceptance. 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 798.39

3. For mobilehome owners renting a space, but not residing in the affected mobilehome: the payment of all relocation expenses required to remove and transport the mobilehome to another comparable mobilehome space within the same or an adjoining planning area of the county in a park that is willing to offer a comparable lease to the mobilehome owner as evidenced by a written binding agreement, or to remove and transport the mobilehome to a storage site. If the mobilehome is moved to a storage site, the park owner shall pay all storage fees for a period of three (3) months.

In addition to the relocation assistance provided a non-resident mobilehome owner, the park owner shall also provide relocation assistance to any tenant residing in the mobilehome. The park owner shall pay for comparable, safe and legal temporary housing for a period of three (3) months after the mobilehome tenant vacates the mobilehome, unless the park owner alternatively provides safe and legal housing that is equivalent in size, number of bedrooms and location within the same or an adjoining planning area of the county for three (3) months after the mobilehome tenant vacates, as evidenced by a written agreement binding the property owner to provide such specified replacement housing, tendered to the mobilehome tenant for acceptance.

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 798.39.

BC. Right of First Refusal. Any tenant evicted or required to vacate any residential structure dwelling or mobilehome space pursuant to the provisions of this chapter shall be given the right of first refusal to reoccupy a residential structure dwelling or mobilehome space on the site once said structure becomes habitable, or once housing is redeveloped on the site.

1. The owner of said structure dwelling or mobilehome park shall, at the time the tenant vacates, personally provide written notice advising the tenant of the right of first refusal. Said notice shall include a current address and telephone number which can be used by the tenant to contact the owner.

2. It shall be the tenant's responsibility to provide the owner of said structure dwelling or mobilehome park with contact information consisting of the tenant's current address and/or telephone number to be used for future notification, and to provide updated contact information to the owner upon change of said information.

3. Thereafter, when said structure dwelling or mobilehome space, or a redeveloped structure dwelling on the same site, becomes habitable, the property owner shall give written notice to the tenant advising said tenant that the structure dwelling or mobilehome space is ready for occupancy. Said written notice shall be made by certified mail, return receipt requested.

4. If the property owner cannot locate a previous tenant after two attempts over a period of two weeks made by certified mail, return receipt requested, or if the tenant has not responded within one week after receiving the notice provided by the property owner, the property owner shall be deemed to have complied with the first right of refusal provision of this chapter, and the tenant's right of first refusal shall thereafter be forfeited.

8.45.040 Exceptions.

A. Any tenant evicted or required to vacate as a result of unsafe or hazardous living conditions or illegal use defined in Section 8.45.030(A), who is then in default of rent, or who refuses to vacate or who has caused or substantially contributed to condition(s) giving rise to the abatement, shall not be entitled to receive relocation assistance from the property owner. The knowledge of a tenant of the illegal nature of a structure dwelling or mobilehome space offered for rent by a landlord for residential use

shall not by itself disqualify a tenant from eligibility for the relocation assistance provided by this chapter. A tenant lawfully withholding rent pursuant to California Civil Code Section 1942 or pursuant to other statutory or common law to repair conditions rendering the rented ~~structure dwelling~~ untenable shall not be considered to be in default of rent, and shall be eligible for the relocation assistance provided by this chapter.

B. Property owners are not required to provide relocation assistance to any tenant evicted or required to vacate a ~~residential structure dwelling or mobilehome space~~ that becomes unsafe or hazardous due to fire, flood, earthquake, or other event that is beyond the control of the property owner, provided that such event causes the tenant to be evicted or requires the tenant to vacate the ~~residential structure dwelling or mobilehome space~~ within thirty days after such event.

8.45.050 Rent increases during repairs.

It is unlawful for a property owner to increase the amount of rent for any ~~structuredwelling or mobilehome space~~ rented for residential purposes during the time that repairs are being made pursuant to any order requiring said repairs.

8.45.060 Violation and penalty.

A. Any person knowingly and wilfully violating or causing or permitting the violation of the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punished in accordance with Section 1.12.030 of the Santa Cruz County code.

B. Except as provided in subsection A of this section, any person violating or causing or permitting the violation of this chapter shall be deemed guilty of an infraction, and shall be punished by a fine in accordance with Section 1.12.040 of this code, provided, however, that any offense which would otherwise be an infraction shall be a misdemeanor if a defendant has been convicted of three or more violations of this chapter within the twelve-month period preceding the commission of the offense in the accusatory pleading. For this purpose, a bail forfeiture shall be deemed to be a conviction of the offense charged.

C. The remedies and penalties provided for in this chapter shall be in addition to any other available remedies and penalties provided for by the Santa Cruz County code or other law.

8.45.070 Enforcement by tenant or tenant's association.

The tenant or a tenant association or organization of which the tenant is a member

may file a civil legal action to enforce the relocation assistance provisions of this chapter.

SECTION II

This ordinance shall take effect on the 3 1st day after the date of final passage.


PASSED AND ADOPTED this ____ day of _____, 1998, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

Chairperson of the
Board of Supervisors

Attest: _____
Clerk of the Board

APPROVED AS TO FORM:



Assistant County Counsel