

ORDINANCE NO. _____

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

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

SECTION I

Section 8.45.020 of the County Code is hereby amended to read as follows:

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. “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. “Illegal use” means the use of a structure or space for a dwelling in violation of zoning regulations.

C. 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 or longer.

D. “Mobilehome space” means an area occupied as a space for a mobilehome in a park.

E. “Right of first refusal” means the right of a tenant to reoccupy a dwelling on the site formerly occupied by said tenant, once the 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.

F. “Tenant” means a person who has occupied a structure or mobilehome space for a dwelling for a period of 30 days or more under a written or verbal agreement with the owner by which the tenant has paid rent or provided other valuable consideration to the owner in exchange for the right of occupancy.

SECTION II

Subsection A. of Section 8.45.030 is hereby amended to read as follows:

A. Relocation Assistance Due and Notice to Tenant of Entitlement. The owner of a dwelling or mobilehome park shall provide directly to the tenant or tenants 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 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) an illegal use of the structure or the mobilehome space for residential purposes. On or before the date the owner gives tenant(s) notice of eviction or other notice to vacate a dwelling or mobilehome space subject to this chapter, the owner shall provide written notice in English and Spanish advising the tenant of the right to relocation assistance and the right of first refusal specified in subdivision C. of this section. Except as otherwise provided by Section 8.45.040, the owner shall not be entitled to possession of the dwelling or mobilehome space pursuant to a notice of eviction or other notice to vacate if the owner has failed to provide the notice of the right to relocation assistance or fails to tender the relocation assistance required by this chapter for the tenant to vacate the dwelling or mobilehome space.

SECTION III

Section 8.45.040 is hereby amended to read as follows:

8.45.040 Exceptions.

A. Any tenant evicted or required to vacate as a result of unsafe or hazardous living conditions or illegal use, as 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 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 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 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 dwelling or mobilehome space within thirty days after such event; and provided that pre-existing violations of building or fire codes by the property owner were not a major factor contributing to the event or contributing to the level of damage which requires the tenant to vacate the dwelling or mobilehome space.

C. Property owners are not required to provide relocation assistance to a tenant who is being evicted for reasons which are independent of, and which occur prior to, any actions taken by government enforcement agencies to abate either unsafe or hazardous conditions or an illegal use of the structure or mobilehome space.

D. Whenever the County posts a notice to vacate, the County rather than the property owner shall be responsible for giving notice to the tenant of the right to relocation assistance.

SECTION III

Section 8.45.060 is hereby amended to read as follows:

8.45.060 Enforcement by tenant or tenant's association.

A. The tenant or a tenant association or organization of which the tenant is a member may file a civil action to enforce the relocation assistance provisions of this chapter.

B. In cases where (1) a tenant is evicted or required to vacate as a result of unsafe or hazardous living conditions, (2) the owner of a dwelling or mobilehome park fails or refuses to pay relocation assistance pursuant to this chapter, and (3) the tenant or a tenant association or organization of which the tenant is a member is required to file a civil legal action to enforce the payment of relocation assistance, the owner of the dwelling or

ORDINANCE NO. _____

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

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

SECTION I

Section 8.45.020 of the County Code is hereby amended to read as follows:

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. "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. "Illegal use" means the use of a structure or space for a dwelling in violation of zoning regulations.~~

~~BC~~ 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 180 10 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 or longer.

~~CD~~ "Mobilehome space" means an area occupied as a space for a mobilehome in a park.

DE. “Right of first refusal” means the right of a tenant to reoccupy a dwelling on the site formerly occupied by said tenant, once the 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.

F. “Tenant” means a person who has occupied a structure or mobilehome space for a dwelling for a period of 30 days or more under a written or verbal agreement with the owner by which the tenant has paid rent or provided other valuable consideration to the owner in exchange for the right of occupancy.

SECTION II

Subsection A. of Section 8.45.030 is hereby amended to read as follows:

A. **Relocation Assistance Due and Notice to Tenant of Entitlement** The owner of a dwelling or mobilehome park shall provide directly to the tenant or tenants 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 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) an ~~due to~~ illegal use of the structure or the mobilehome space for residential purposes. ~~On or before the date the owner gives tenant(s) notice of eviction or other notice to vacate a dwelling or mobilehome space subject to this chapter, the owner shall provide written notice in English and Spanish advising the tenant of the right to relocation assistance and the right of first refusal specified in subdivision C. of this section. Except as otherwise provided by Section 8.45.040, the owner shall not be entitled to possession of the dwelling or mobilehome space pursuant to a notice of eviction or other notice to vacate if the owner has failed to provide the notice of the right to relocation assistance or fails to tender the relocation assistance required by this chapter for the tenant to vacate the dwelling or mobilehome space.~~

SECTION III

Section 8.45.040 is hereby amended to read as follows:

8.45.040 Exceptions.

A. Any tenant evicted or required to vacate as a result of unsafe or hazardous living conditions or illegal use, as 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 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 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 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 dwelling or mobilehome space within thirty days after such event; and provided that pre-existing violations of building or fire codes by the property owner were not a major factor contributing to the event or contributing to the level of damage

C. Property owners are not required to provide relocation assistance to a tenant who is being evicted for reasons which are independent of, and which occur prior to, any actions taken by government enforcement agencies to abate either unsafe or hazardous conditions or an illegal use of the structure or mobilehome space.

D. Whenever the County posts a notice to vacate, the County rather than the property owner shall be responsible for giving notice to the tenant of the right to relocation assistance.

SECTION III

Section 8.45.060 is hereby amended to read as follows:

8.45.060 ~~Violation and penalty.~~ Enforcement by tenant or tenant's association.

~~_____ 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 this 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 this code or other law.~~

A. The tenant or a tenant association or organization of which the tenant is a member may file a civil action to enforce the relocation assistance provisions of this chapter.

B. In cases where (1) a tenant is evicted or required to vacate as a result of unsafe or hazardous living conditions, (2) the owner of a dwelling or mobilehome park fails or refuses to pay relocation assistance pursuant to this chapter, and (3) the tenant or a tenant association or organization of which the tenant is a member is required to file a civil legal action to enforce the payment of relocation assistance, the owner of the dwelling or mobilehome park shall be liable for treble the amount of the relocation assistance otherwise provided by this chapter if the Court finds that the owner did not have a bona fide legal basis for disputing the obligation to pay relocation assistance.

SECTION IV

Section 8.45.070 is hereby repealed.

~~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 V

This ordinance shall take effect on the 31st day after the date of final passage.

PASSED AND ADOPTED this _____ day of _____, 2000, by the Board of Supervisors for the County of Santa Cruz by the following vote:

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

MARDI WORMHOUDT
Chair of the Board of Supervisors

Attest: _____
Clerk of the Board

Approved as to Form:



DWIGHT L. HERR, County Counsel

DISTRIBUTION: Planning Department
County Administrative Office
County Counsel