

ORDINANCE NUMBER _____ (CCS)

(City Council Series)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
SANTA MONICA AMENDING SANTA MONICA MUNICIPAL CODE 4.36.020
REGARDING RELOCATION EXPENSES

WHEREAS, tenants living in rental units exempt from the City's Rent Stabilization Ordinance pursuant to Charter Section 1801(c)(4) are at risk of being displaced from those units due to no fault of their own due to large increases in rent that they are unable to pay; and

WHEREAS, Government Code Section 7060.1(c) authorizes local governments to mitigate any adverse impact resulting from tenants being permanently displaced from their homes through no fault of their own; and

WHEREAS, finding replacement rental housing in the City or surrounding communities is very difficult irrespective of income;

WHEREAS, judicial decisions interpreting Government Code Section 7060.1(c) consistently authorize monetary payments as a form of mitigation for displaced tenants; and

WHEREAS, the City's long established temporary and permanent relocation benefits are vital to Santa Monica tenants, especially to those who must vacate their

homes through no fault of their own, and such benefits are consistent with Government Code Section 7060.1 and decisional precedents; and

WHEREAS, relocation benefits must be sufficient in amount to reasonably mitigate the multitude of adverse impacts faced by tenants being permanently or temporarily displaced from their homes through no fault of their own; and

WHEREAS, enhanced relocation benefits are necessary to cover increased costs associated with relocations for senior citizens, disabled persons, or persons caring for minor children; and

WHEREAS, the City Council is authorized to set permanent and temporary relocation benefit fees by resolution; and

WHEREAS, on January 8, 2019, the City Council adopted Resolution No. 11158 (CCS) establishing permanent and temporary relocation benefit fees; and

WHEREAS, these permanent and temporary relocation benefits are reasonably necessary and do not impose a prohibitive price on landlords' right to exit the rental housing business.

SECTION 1. Santa Monica Municipal Code Section 4.36.020 is hereby amended as follows:

4.36.020 When permanent relocation fee required.

(a) A landlord shall pay a relocation fee to a tenant whose tenancy is terminated or caused to be terminated in any of the following circumstances: A relocation fee shall be paid in accordance with the provisions of this Chapter by any landlord who terminates or causes the termination of a tenancy for any of the following reasons:

(1) The landlord has filed a notice of intent to withdraw the tenant's rental housing unit ~~seeks to withdraw all rental housing units from the rental housing market pursuant to as provided in~~ Government Code Section 7060 et seq.

(2) The landlord has filed a notice of intent ~~seeks to recover possession of the tenant's~~ a rental housing unit pursuant to Section 1806(a)(8), 1806(a)(9), 2304(a)(8), or 2304(a)(9) of the City Charter.

(3) The landlord has filed an application for removal permit pursuant to City Charter Section 1803(t) ~~seeks to recover possession to demolish or otherwise withdraw the tenant's rental housing unit from the rental housing market. a rental housing unit, excluding single-family homes as defined in Charter Section 2302, from residential rental housing use, including units that were illegally converted to residential use, after having obtained all proper permits from the City, if any such permits are required. For purposes of this subsection, a tenant's rental housing unit does not include a single-family home as defined in City Charter Section 2302 but does include any unit that was illegally converted to residential use.~~

(4) The landlord has been granted an exemption from provisions governing controlled rental units as provided for by Charter Section 1801(c)(4) and, at any time thereafter, has notified the tenant of intent to increase the rent in an amount exceeding that which would have been permitted pursuant to City Charter Section 1805.

(b) A relocation fee required pursuant to this Chapter shall be due and payable to a tenant after the tenant receives ~~shall be paid in accordance with the provisions of this Chapter to a displaced tenant who serves a landlord with a notice to terminate tenancy after having received~~ written notice from either the landlord or the Santa Monica Rent Control Board of any circumstance set forth in subdivision (a) above. ~~that the landlord has filed a notice of intent to withdraw residential rental units pursuant to Government Code Section 7060.4 and Santa Monica Rent Control Board Regulation 16002(a) or an application for removal permit pursuant to Santa Monica Charter Section 1803(t).~~

(c) A relocation ~~The~~ fee required by this Chapter shall be due and payable to ~~a displaced tenant~~ whether or not the landlord actually utilizes the rental housing unit for the purposes ~~stated in the notice of eviction.~~ described in subsection (a).

SECTION 2. Any provision of the Santa Monica Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

SECTION 3. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 4. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within 15 days after its adoption. This Ordinance shall become effective 30 days from its adoption.

APPROVED AS TO FORM:

LANE DILG
City Attorney