

# TENANT RELOCATION ASSISTANCE ORDINANCE

## General Information

In recognizing the need to protect long-term tenants and tenant households from the adverse health, safety, and economic impacts of displacement, the San Leandro City Council has authorized the Tenant Relocation Assistance Ordinance to mitigate such impacts on residents.

The Tenant Relocation Assistance Ordinance became effective on October 18, 2017. [4-37]

For forms, further details, and frequently asked questions, please go to the City's website:

[www.sanleandro.org/depts/cd/housing/programs.asp](http://www.sanleandro.org/depts/cd/housing/programs.asp) or contact Kimberly Anderson at [kanderson@sanleandro.org](mailto:kanderson@sanleandro.org), (510) 577-6004.

## Who is eligible for tenant relocation assistance?

A tenant may be eligible for tenant relocation assistance if she or he lives...

- On a parcel where there are 2 or more tenant occupied housing units: For example, duplexes or multi-family rental units where at least two units are tenant-occupied; OR
- Rents a Mobile Home: Tenant Relocation Assistance applies if a tenant rents the mobile housing unit itself, but not the pad on which the unit is parked.

AND experiences either of the following actions:

- "Landlord Caused Termination": Landlord sends a termination of tenancy notice to a tenant in good standing. See below for exceptions.
- Greater than 12% Increase in Base Rent: Landlord increases the rent to greater than 12% from the base rent during a twelve-month period and the tenant chooses to vacate the residential property.

## What type of noticing does the landlord need to provide to the tenant(s)?

- Terminations not involving rent increases greater than 12%: Landlord must provide "Notice of Entitlement to Relocation Assistance" with the Notice of Tenancy Termination at least 90 days prior to the termination of tenancy.
- Terminations involving rent increases greater than 12% and the tenant elects to vacate: Landlord must provide a "Notice of Entitlement to Relocation Assistance" at the same time that the landlord provides notice of the rent increase.

## How much relocation assistance money can a tenant receive?

The tenant may receive the HIGHER of the following:

- 3 times the current monthly rent;
- 3 times the current Fair Market Rent for the Oakland-Fremont Metropolitan Area.

"Special-circumstance household" members, such as children under 18 years old, seniors 62 years and over, and persons with disabilities, may receive an additional \$1,000 per rental unit.

Landlords may deduct from the relocation assistance payment any unpaid rent and/or damages in excess of the security deposit.

A landlord shall provide total relocation assistance to an eligible tenant in an amount not to exceed \$7,000/rental unit.

## When does the landlord need to pay the relocation assistance to the tenant?

Terminations not involving rent increases greater than 12%: Landlord shall pay the eligible tenant:

- 50% within 5 days following notice delivered to a tenant of a landlord-caused termination;
- 50% within 5 days of the tenant vacating the residential property.

Terminations involving rent increases greater than 12% and the tenant elects to vacate: Landlord shall pay the eligible tenant:

- 50% within 5 days of receiving written notice from tenant to vacate the unit;
- 50% within 5 days of the tenant vacating the residential property.

## Exceptions to “landlord-caused termination” include the following:

- Tenant failure to pay rent, breach of lease or rental contract, or illegal activities.
- Failure to allow landlord access after legal notice.
- Residential property uninhabitable without landlord fault (e.g. tenant’s negligence or willful misconduct, earthquake, flood, fire.)
- Lawful termination of employment where such employment (e.g. on-site property manager) by the landlord was a condition of the lease.
- Temporary repairs where the landlord provides the tenant with alternative housing during the renovation period.
- Prior notice of renovations where the landlord notifies the tenant, before entering into a lease, of their intent to remodel the property. The landlord must submit plans with the City at the time they notify the tenant of the termination of tenancy.
- Landlord occupancy of the rental unit (limited to the landlord, their spouse, their parent(s), their spouse’s parent(s), their (grand)child(ren), or their spouse’s (grand)child(ren).