



CITY OF SACRAMENTO

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CITY PLANNING DEPARTMENT  
927 TENTH STREET SACRAMENTO, CA 95814  
SUITE 300 TELEPHONE (916) 449-5604

MARTY VAN DUYN  
PLANNING DIRECTOR

April 1, 1982

FILED  
By the City Council  
Office of the City Clerk  
*referred to  
Bud/Fin &  
cont to 4-20-82  
APR 6 1982*

City Council  
Sacramento, California

Honorable Members in Session:

SUBJECT: An emergency ordinance adding to Chapter 9 of the City Code provisions for tenant relocation assistance. (M-647)

SUMMARY:

On February 23, 1982 the City Council directed staff to prepare an emergency ordinance in an effort to address concerns over tenants who are residing in residential structures proposed for demolition or conversion to office space. As amended by the Planning Commission on March 25, the ordinance will provide a moving allowance and assistance in locating comparable housing to certain tenants residing in affected structures.

BACKGROUND INFORMATION

The draft ordinance presented to the Planning Commission on March 25, 1982 provided for tenant relocation assistance in projects where tenants would be dislocated as a result of demolition, renovation or conversion of residential units to office space. The following is a brief summary of the relocation provisions and how they were to be provided:

1. A certificate shall be required to undertake activities in a multiple family residential structure which will cause or has caused tenants to vacate the structure due to the activity. The type of activities which this ordinance pertains to are as follows:
  - a. demolition
  - b. renovation
  - c. alteration
2. A certificate shall be issued for a fee, by the Planning Director, when the applicant has successfully demonstrated that relocation assistance has been provided to eligible tenants or former tenants of the residential structure. The following provisions shall be offered to eligible tenants:

FILED  
By the City Council  
Office of the City Clerk  
*cont to  
4-27-82  
APR 20 1982*

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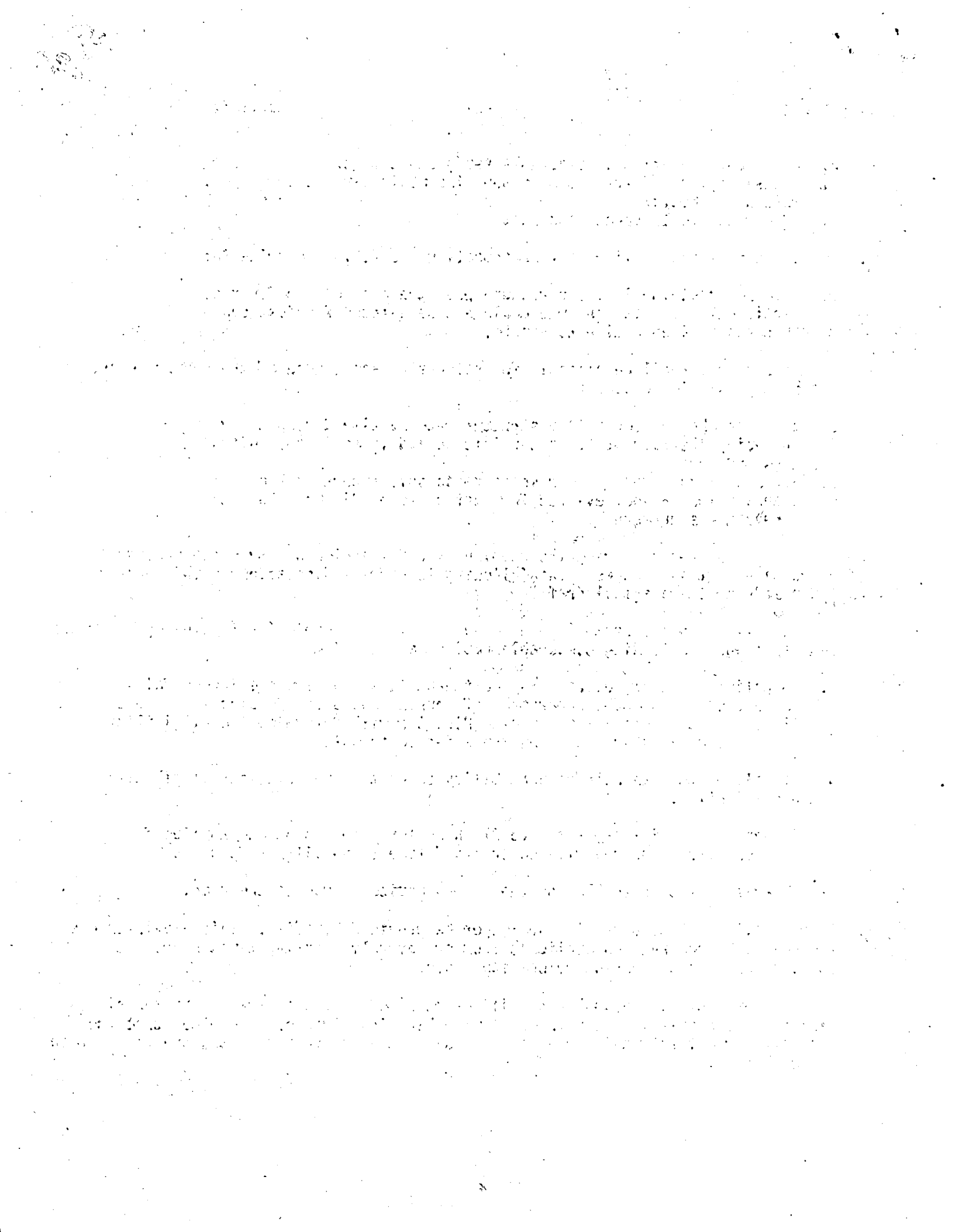
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#1920

- a. assistance locating a comparable replacement unit;
  - b. a cash payment of from \$300 to \$600 for moving and other relocation costs;
  - c. 60-day notice to vacate the unit.
3. An eligible tenant shall be a tenant meeting the following criteria:
- a. a tenant residing in the structure when the application for the certificate is filed and who could not be evicted for just cause or has not given notice to vacate.
4. A former tenant shall be eligible for relocation assistance if the former tenant meets the following criteria:
- a. a tenant who resided in the structure at any time during the year preceding the request for a certificate and lived in the unit at least 60 days;
  - b. a tenant whose present address is reasonably ascertainable;
  - c. a tenant who was not evicted for just cause or did not elect to vacate the structure.

Due to concerns expressed during the hearing, the Commission approved the proposed ordinance with certain changes. The following is a brief discussion of the changes that were made to the original draft.

1. Only qualified low/moderate income tenants will be eligible for the moving allowance and assistance in finding comparable replacement housing.
  - a. A qualified low or moderate income tenant is a tenant whose income falls below 110% of the U.S. Department of Housing and Urban Development income limits for the area. The Planning Director will determine the eligibility from applications submitted by the affected tenants.
  - b. It will be the tenant's responsibility to contact the City for eligibility determination.
  - c. The applicant will pay a fee to Planning for each tenant who applies for the benefits. The fee will cover staff time to qualify the tenants.
2. All tenants will be eligible for the 60-day notice to vacate their unit.
3. 'Former eligible' tenants will no longer be provided benefits. This provision was included to discourage an applicant from prematurely evicting tenants prior to application to avoid paying relocation costs.
4. As a new provision, the applicant will be required to submit a two-year rental history on the existing structure. If the Planning Director determines that the applicant prematurely evicted tenants to avoid the relocation costs, the application may be denied.



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5. Language has been added to exempt units that are being renovated for the purpose of upgrading the housing stock. This exemption was added so that renovation efforts of older residences not be discouraged.

Although the proposed ordinance will make provisions to assist certain tenants who are forced to relocate due to redevelopment activity, it does not provide an answer to the growing problem of a diminishing rental housing supply. Since those at the lower end of the economic scale are most affected when the rental housing stock is reduced, subsidies and efforts by all members of the community will be necessary to ensure that adequate affordable housing be provided these individuals.

The Planning Commission, in approving the proposed ordinance, expressed concern over the problem of adequate comparable replacement housing for these individuals and directed staff to let their concerns be known to the Council. It was suggested that further study be provided on this issue.

CONCLUSION

The proposed ordinance is an emergency measure which will provide immediate relocation assistance to certain tenants in structures that will be forever removed from the rental housing supply. The ordinance as proposed should allow redevelopment efforts to continue while reducing some of the financial burden of relocation on lower income tenants who are often most affected by these efforts. It is becoming increasingly evident that without more concerted efforts by the City and business community that many of these individuals will be unable to find affordable housing in the not too distant future.

STAFF RECOMMENDATION

Staff and the Planning Commission recommend the Council approve the attached emergency ordinance regarding tenant relocation assistance.

Respectfully submitted,

  
Marty Van Duyn  
Planning Director

FOR CITY COUNCIL INFORMATION  
WALTER J. SLIPE  
CITY MANAGER

MVD:SC:cp  
Attachments  
M-647

April 6, 1982  
All Districts



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# ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

AN ORDINANCE ADDING ARTICLE XXIII TO CHAPTER 9 OF THE CITY CODE, RELATING TO TENANT RELOCATION ASSISTANCE AND DECLARING SAID ORDINANCE TO BE AN EMERGENCY MEASURE TO TAKE EFFECT IMMEDIATELY

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Article XXIII is hereby added to Chapter 9 of the City Code:

ARTICLE XXIII  
Tenant Relocation Assistance Certificate

Sec. 9.801 Certificate Required.

No person shall be issued a permit required by this Chapter without first obtaining a tenant relocation assistance certificate pursuant to this Article if the activity necessitating the permit will:

- A. Cause, or has caused, tenants residing in four or more units in the structure to vacate; and
- B. Result in the demolition of the structure or the conversion of the structure to non-residential use(s).

Sec. 9.802 Certificate Application Procedure.

Applications for a tenant relocation assistance certificate shall be filed with the Planning Director and shall contain the following:

- A. A certificate fee, as established by resolution of the City Council; and
- B. Name and address of current owner(s) of the existing structure;
- C. Address of the existing structure;
- D. A written report, accompanied by an affidavit or declaration given under penalty of perjury, which includes:

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1. the name and address of every current tenant;
2. for each current tenant:

a) whether the applicant admits no grounds for an eviction for cause exist, or, alternatively, the basis of an eviction for cause; and

b) whether the tenant, on his or her own initiative, has given notice of an intent to vacate the structure not later than sixty (60) days following the certificate application filing date, and, if applicable, evidence of such notice, and the date of such notice.

3. the names of each former tenant who resided in the structure at any time in the two years preceding the certificate application filing date for a continuous period exceeding 60 days;

4. the current address of each former tenant, as described in Section 9.803-D3, or, alternatively, the reason(s) why such address is not ascertainable;

5. the reason(s) why each former tenant, as described in Section 9.803-D3, vacated the structure; and

6. the monthly rental rate for each unit in the structure for each month in the two years preceding the certificate application filing date.

E. A form, to be sent to each current tenant after review and approval of the form by the Planning Director, which in non-technical language:

1. explains the eligibility criteria for relocation assistance and the types and amount of assistance available to eligible tenants;

2. directs tenants who believe they are eligible for relocation assistance to contact the Planning Department within ten (10) days;

3. advises tenants that failure to contact the Planning Department within ten (10) days shall waive any right to receive any relocation assistance for which the tenant may be eligible pursuant to this Article; and



4. States the date when each current tenant must vacate the existing structure. The date of vacancy for any eligible tenant shall be at least 60 days following proof of service of the form required by this Section 9.802E.

F. Such other information as may be required by the Planning Director to further the purposes of this Article.

Sec. 9.803 Certificate Insurance.

A tenant relocation assistance certificate shall be issued by the Planning Director upon receipt of a complete application if no ground for certificate denial exists pursuant to Section 9.807. The Planning Director shall deem an application complete if the application:

A. Satisfies the requirements of Section 9.802;

B. Includes proof of service, indicating date of service, to each current tenant of the form described in Section 9.802E;

C. Documents the relocation assistance provided to, or voluntarily declined by, each current tenant determined eligible by the Planning Director pursuant to Section 9.804B.

Sec. 9.804 Determination of Tenant Eligibility.

A. The Planning Director shall deem a tenant eligible for relocation assistance if:

1. on the certificate application filing date, the tenant:

a) resided in the structure;

b) was party to an oral or written agreement authorizing occupancy of a unit in the structure;

c) could not be evicted for cause; and

d) had not, on his or her own initiative, given notice of an intent to vacate the structure not later than 60 days following the certificate application filing date; and

2. within 30 days of proof of service of the form described in Section 9.802E, the tenant provided to the Planning Director evidence which demonstrates the low income or moderate income status of the tenant. Failure of a tenant to provide such evidence within this time period shall waive any right of the tenant to receive

relocation assistance for which the tenant may be eligible pursuant to this Article.

B. Within 45 days of receipt by the Planning Director of a certificate application which satisfies the requirements of Sections 9.803A and 9.803B, the Planning Director shall provide the applicant written notice of which tenant(s) are eligible for relocation assistance pursuant to this Article.

Sec. 9.805 Relocation Assistance.

Prior to the issuance of a tenant relocation assistance certificate, the applicant shall provide the following relocation assistance to each tenant determined eligible pursuant to Section 9.804B:

A. Assistance in locating comparable replacement housing, which shall include, but not be limited to, providing a report on the availability of comparable housing units; and

B. Payment of a cash relocation fee of \$600 if the tenant occupies or occupied an unfurnished unit in the existing structure, or \$500 if the tenant occupies or occupied a furnished unit in the existing structure, or \$300 if the tenant occupies or occupied a unit containing less than 400 square feet in the existing structure.

Sec. 9.806 Remedies.

In addition to any other remedy specified in this Section, and cumulative with any other remedy available in law or in equity, any current or former tenant aggrieved by a violation of this Article or acts constituting grounds for certificate denial pursuant to Section 9.807 shall have a cause of action against the applicant for all damages suffered by such person as a direct consequence of any such violation.

Sec. 9.807 Certificate Denial.

The Planning Director shall not issue a tenant relocation assistance certificate, and no permit required by this Chapter for which a tenant relocation assistance certificate is needed shall be issued if the Planning Director finds that one or more vacant units within the structure have intentionally been created or maintained for the purpose of reducing the number of eligible tenants entitled to relocation assistance pursuant to this Article.

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If a certificate is denied pursuant to this Section, no new certificate application shall be submitted for a period of one year from the effective date of the denial.

Sec. 9.808 Exemption.

A permit required by this Chapter incidental to a condominium conversion subject to the tenant relocation assistance provisions of the City Zoning Ordinance shall be issued without compliance with the requirements of this Article.

Sec. 9.809 Appeals.

Any person aggrieved by a decision or any action of the Planning Director may appeal therefrom in accordance with Chapter 18 of the Zoning Ordinance.

Sec. 9.810 Definitions.

As used in this Article,

A. "Certificate application filing date" shall mean the date the applicant submits to the Planning Department any of the information specified in Section 9.802.

B. "Comparable replacement housing" shall mean housing which is:

1. decent, safe, and sanitary, and in compliance with all local and state housing codes;

2. open to all persons regardless of race, creed, national origin, ancestry, religion, marital status, or gender;

3. possesses substantially equivalent facilities in terms of rent range, apartment size, major kitchen and bathroom facilities, special facilities, where necessary to the tenant, for the handicapped, infirm or senior citizens, and willingness to accept children where necessary to the tenant; and

4. is located in an area comparable to the location of the existing structure in terms of accessibility to the tenant's place of employment, community and commercial facilities, schools and public transportation.

C. "Eviction for cause" shall mean an eviction for one or more of the following reasons:

1. the tenant has failed to pay the rent to which the landlord is entitled.

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2. the tenant has violated an identifiable obligation or covenant of the tenancy other than the obligation to surrender possession upon proper notice and has failed to cure such violation after receiving written notice thereof from the landlord.

3. the tenant is committing, or permitting to exist, a nuisance in, or is causing damage to the rental unit or to the appurtenances thereof, or to the common areas of the property containing the rental unit, or is creating an unreasonable interference with the comfort, safety, or enjoyment of any of the other residents of the same or any adjacent building.

4. the tenant is using or permitting a rental unit to be used for any illegal purpose.

5. the tenant had a written lease or rental agreement which terminated on or after the effective date of this Article, but refused, after written request or demand by the landlord, to execute a written extension or renewal thereof for a further term of like duration with similar terms and conditions.

6. the tenant has refused the landlord reasonable access to the unit for the purpose of making repairs or improvements, or for the purpose of inspection as permitted or required by the lease or by law, or for the purpose of showing the rental unit to any prospective purchaser or mortgagee.

7. the person in possession of the rental unit at the end of the lease or rental term is a subtenant or assignee not approved by the landlord, where the lease or rental agreement expressly requires approval by the landlord of any assignment or subtenancy.

D. "Low Income" shall mean 80% or less of the median income as established annually by the U.S. Department of Housing and Urban Development for the Standard Metropolitan Statistical Area within which the structure is located as adjusted for the number of members of the household.

E. "Moderate Income" shall mean 81% - 120% of the median income as established annually by the U.S. Department of Housing and Urban Development for the Standard Metropolitan Statistical Area within which the structure is located as adjusted for the number of members of the household.

F. "Planning Director" shall mean the Director of the Planning Department or his or her designee.

G. "Unit" shall mean a group of rooms or a single room, with or without kitchen or bathroom facilities within the unit, intended for occupancy as separate living quarters by a family or other group of persons living together, or by a person living alone.

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SECTION 2.

This ordinance is hereby declared to be an emergency measure to take effect immediately. The facts constituting the emergency are as follows: There has been a recent marked increase in applications for land use entitlements to enable the demolition of multi-family rental structures or conversion of such structures to non-residential uses. These activities result in the displacement of many low or moderate income tenants who need immediate assistance in locating and moving -- given the diminishing supply of replacement rental units.

ENACTED:

EFFECTIVE:

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MAYOR

ATTEST:

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CITY CLERK

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City Planning Commission  
Sacramento, CA

Members in Session:

Subject: An emergency ordinance adding to Chapter 9 of the City Code provisions for tenant relocation assistance. (M - 647)

SUMMARY

On February 3, 1982 the City Council directed staff to prepare an emergency ordinance to address concerns over tenant relocation problems. This request was due to recent requests to eliminate residential units and the development of office space.

The attached draft ordinance will make provisions for developer sponsored relocation assistance to tenants of units that will be removed from the rental housing market.

BACKGROUND INFORMATION

In the last six months there have been 13 applications to convert or demolish rental housing units for the purpose of developing office space. These requests have involved approximately 200 residential units. In addition to these requests, recent inquiries by developers indicate that at least one residential hotel and other smaller projects will be forthcoming. The Redevelopment agency has indicated that since 1978, 12 multiple-family structures with 110 residential units have been removed from the housing market in Alkali Flat alone.

One recent request in the Central City involved the demolition of two residential hotels. On February 3, the City Council in approving this proposed office project, placed a condition prohibiting demolition of the existing residential hotels for 90 days. During the 90-day time period staff was instructed to prepare an emergency ordinance relating to tenant relocation provisions.

The purpose of the ordinance is to address concerns over tenant relocation problems. The basis for this concern was due to the fact that many of the tenants residing in the affected structures had special housing needs which could create relocation problems for these individuals. Many of the residents in these structures are elderly and lower income individuals who require low cost housing and central locations to meet transportation and service needs.

Planning staff in cooperation with the City Attorney and Redevelopment Agency have developed the attached ordinance to help mitigate concerns over tenant relocation problems in multiple family residential units.

The proposed provisions will apply to structures where activity to repair, demolish, or alter the structure will result in the need for tenants to vacate their units.

The following is a brief summary of the provisions that are included in the proposed ordinance:

1. A certificate shall be required to undertake activities in a multiple family residential structure which will cause or has caused tenants to vacate the structure due to the activity. The type of activities which this ordinance pertains to are as follows:
  - a. demolition
  - b. renovation
  - c. alteration
  
2. A certificate shall be issued for a fee, by the Planning Director, when the applicant has successfully demonstrated that relocation assistance has been provided to eligible tenants or former tenants of the residential structure. The following provisions shall be offered to eligible tenants.
  - a. assistance locating a comparable replacement unit.
  - b. a cash payment of from \$300 to \$600 for moving and other relocation costs.
  - c. 60-day notice to vacate the unit.
  
3. An eligible tenant shall be a tenant meeting the following criteria:
  - a. a tenant residing in the structure when the application for the certificate is filed and who could not be evicted for just cause or has not given notice to vacate.
  
4. A former tenant shall be eligible for relocation assistance if the former tenant meets the following criteria:
  - a. a tenant who resided in the structure at any time during the year preceding the request for a certificate and lived in the unit at least 60 days.
  - b. a tenant whose present address is reasonably ascertainable.
  - c. a tenant who was not evicted for just cause or did not elect to vacate the structure.

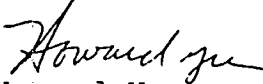
It is under the direction of council and the opinion of staff that efforts be made to ensure that tenants not be unduly burdened with relocation problems due to private development activities. It is also in the best interest of the private development community and residents that orderly relocation take place and plans be established to accomplish this goal.

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STAFF RECOMMENDATION:

Staff recommends the Commission approve the attached ordinance relating to tenant relocation provisions.

Respectfully submitted,

  
Howard Yee  
Principle Planner

HY:SC:kmh



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# ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

AN ORDINANCE ADDING ARTICLE XXIII TO CHAPTER 9 OF THE CITY CODE, RELATING TO TENANT RELOCATION ASSISTANCE AND DECLARING SAID ORDINANCE TO BE AN EMERGENCY MEASURE TO TAKE EFFECT IMMEDIATELY.

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Article XXIII is hereby added to Chapter 9 of the City Code:

## ARTICLE XXIII

9.801 Certificate Required.

No person shall be issued a permit required by this Chapter to move, demolish, repair or otherwise alter an existing residential structure if such activity will cause, or has caused in the preceding year, tenants residing in four or more units in the structure to vacate without first obtaining a tenant relocation assistance certificate pursuant to this Article.

9.802 Certificate Application Procedure.

Applications for a tenant relocation assistance certificate shall be filed with the Planning Director and shall contain the following:

- A. A certificate fee, as established by resolution of the City Council; and
- B. Name and address of current owner(s) of the existing structure;
- C. Address of the existing structure;
- D. A written report, accompanied by an affidavit or declaration given under penalty of perjury, which includes:
  - 1. the name and address of every current tenant;
  - 2. for each current tenant, whether the applicant admits the tenant is an eligible current tenant or, alternatively, the basis for asserting that the tenant is ineligible;

3. the name and current address of each potentially eligible former tenant. If the current address of a potentially eligible former tenant cannot be ascertained, the applicant shall explain in the report the steps the applicant has taken to ascertain the current address of such tenant(s);

4. for each potentially eligible former tenant, the date when such tenant vacated, the address vacated, whether the applicant admits the tenant is an eligible former tenant, or, alternatively, the basis for asserting that the tenant is ineligible.

5. such other information as may be required by the Planning Director to further the purposes of this Article.

E. Proof of service, indicating the date of service, to each current tenant and each potentially eligible former tenant of a form which in non-technical language explains the eligibility criteria for relocation assistance, the relocation assistance available to each eligible tenant, and the date when each current tenant must vacate the existing structure. The date of vacancy for any current tenant shall be at least 60 days following the date of service of the form required by this subsection to the tenant. Prior to circulation and signing by any tenant, such form shall be reviewed and approved by the Planning Director to insure compliance with this subsection.

F. Proof of service, indicating date of service, to each eligible tenant of a written statement which

1. describes the relocation assistance received or voluntarily declined by the tenant and the date of receipt or decline of assistance, and

2. advises the tenant that if the assistance described in the statement has not been received, the tenant must so notify the City Planning Department in writing within ten (10) days. Failure to so notify the Planning Department shall waive the tenants right to receive any relocation assistance for which the tenant may be eligible pursuant to this Article.

G. Nothing in this section shall prohibit a single proof of service to an eligible tenant indicating concurrent receipt of the form required by subsection E and the statement required by subsection F.

9.803 Certificate Issuance.

A. A tenant relocation assistance certificate shall be issued by the Planning Director upon receipt of a complete application. The Planning Director shall deem an application complete if the application:

1. satisfies the requirements of Section 90.802; and

2. documents that the applicant has exercised reasonable diligence in attempting to notify all potential eligible tenants that relocation assistance may be available to them pursuant to this Article, and

3. indicates that all eligible tenants have been notified of their eligibility for relocation assistance available to them pursuant to this Article, have received the statement required by Section 9.802 F at least 15 days before the application complete date and have accepted, declined, or voluntarily waived such relocation assistance.

B. Within 30 days after the filing of an application and payment of fees, the Planning Director shall issue the certificate or provide written notice to the applicant of the additional information or actions necessary in order to comply with the requirements of this Article.

9.804 Relocation Assistance.

Prior to the issuance of a tenant relocation assistance certificate the applicant shall provide the following relocation assistance:

A. To each potentially eligible and eligible tenant, the form described in Section 9.802 E.

B. To each eligible tenant:

1. the statement described in Section 9.802 F;

2. assistance in locating comparable replacement housing, which shall include, but not be limited to, providing a report on the availability of comparable housing units;

3. payment of a cash relocation fee of \$600 if the tenant occupies or occupied an unfurnished unit in the existing structure, or \$500 if the tenant occupies or occupied a furnished unit in the existing structure, or \$300 if the tenant occupies or occupied a unit containing less than 400 square feet in the existing structure.

9.805 Remedies.

In addition to any other remedy specified in this Section, and cumulative with any other remedy available in law or in equity:

A. Any eligible current tenant who is a defendant in an action to recover possession, and who is otherwise entitled to the benefits of this Article, shall be entitled to defend such action upon the ground of a violation by the applicant or the owner or landlord of the provisions of this Article;

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B. Any eligible tenant aggrieved by a violation of this Article shall have a cause of action against the applicant for all damages suffered by such person as a direct consequence of any such violation.

9.806 Exemption.

A permit required by this chapter incidental to a condominium conversion subject to the tenant relocation assistance provisions of the City Zoning Ordinance shall be issued without compliance with the requirements of this Article.

9.807 Appeals.

Any person aggrieved by a decision of any action of the Planning Director may appeal therefrom in accordance with Chapter 18 of the Zoning Ordinance.

9.808 Definitions.

As used in this Article,

A. "Comparable replacement housing" shall mean housing which is:

- 1. decent, safe, and sanitary, and in compliance with all local and state housing codes;
- 2. open to all persons regardless of race, creed, national origin, ancestry, religion, marital status, or gender;
- 3. possesses substantially equivalent facilities in terms of rent range, apartment size, major kitchen and bath-room facilities, special facilities, where necessary to the tenant, for the handicapped, infirm or senior citizens, and willingness to accept children where necessary to the tenant; and
- 4. is located in an area comparable to the location of the existing structure in terms of accessibility to the tenant's place of employment, community and commercial facilities, schools and public transportation.

B. "Eligible current tenant" shall mean a tenant:

- 1. residing in the existing structure on application filing date for the certificate required by this Article; and
- 2. who on such date could not be evicted for cause; and
- 3. who on such date has not, on his or her initiative, given notice of his or her intent to vacate the existing structure.

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3-25-82

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C. "Eligible former tenant" shall mean a tenant:

1. who resided in the existing structure at any time in the year preceding the application filing date for the certificate required by this Article and the continuous duration of such tenancy exceeded 60 days; and

2. whose current address is reasonably ascertainable by the applicant; and

3. who was not evicted for cause or did not, on his or her initiative, elect to vacate the existing structure.

D. "Potentially eligible former tenant" shall mean a tenant with the characteristics specified in C 1. and C 2. of this section.

E. "Eviction for cause" shall mean an eviction for one or more of the following reasons:

1. The tenant has failed to pay the rent to which the landlord is entitled.

2. The tenant has violated an identifiable obligation or covenant of the tenancy other than the obligation to surrender possession upon proper notice and has failed to cure such violation after receiving written notice thereof from the landlord.

3. The tenant is committing, or permitting to exist, a nuisance in, or is causing damage to the rental unit or to the appurtenances thereof, or to the common areas of the property containing the rental unit, or is creating an unreasonable interference with the comfort, safety, or enjoyment of any of the other residents of the same or any adjacent building.

4. The tenant is using or permitting a rental unit to be used for any illegal purpose.

5. The tenant had a written lease or rental agreement which terminated on or after the effective date of this Article, but refused, after written request or demand by the landlord, to execute a written extension or renewal thereof for a further term of like duration with similar terms and conditions.

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6. The tenant has refused the landlord reasonable access to the unit for the purpose of making repairs or improvements, or for the purpose of inspection as permitted or required by the lease or by law, or for the purpose of showing the rental unit to any prospective purchaser or mortgagee.

7. The person in possession of the rental unit at the end of the lease or rental term is a subtenant or assignee not approved by the landlord, where the lease or rental agreement expressly requires approval by the landlord of any assignment or subtenancy.

F. "Unit" shall mean a group of rooms or a single room, with or without kitchen or bathroom facilities within the unit, intended for occupancy as separate living quarters by a family or other group of persons living together, or by a person living alone.

SECTION 2.

This ordinance is hereby declared to be an emergency measure to take effect immediately. The facts constituting the emergency are as follows: There has been a recent marked increase in applications for land use entitlements to enable the demolition of multi-family rental structures or conversion of such structures to non-residential uses. These activities result in the displacement of tenants, many of low or moderate income, and all of whom need immediate assistance in locating and moving -- given the diminishing supply of replacement rental units.

ENACTED:  
EFFECTIVE:

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MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

m-647

M-647

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CITY OF SACRAMENTO

CITY PLANNING DEPARTMENT

927 TENTH STREET  
SUITE 300

SACRAMENTO, CA 95814  
TELEPHONE (916) 449-5604

MARTY VAN DUYN  
PLANNING DIRECTOR

4-6-82

*Holy* ~~3-30-82~~

*cc: Van Duyn  
Carstens  
Miller  
Yee*

February 24, 1982

MEMORANDUM

TO: Lorraine Magana, City Clerk  
FROM: Connie Petersen  
SUBJECT: Request to Set Public Hearing

Please schedule the following item for hearing on March 30, 1982.  
All necessary support material is attached.

Emergency Ordinance adding Article XXIII to Chapter  
9 of the City Code relating to tenant relocation  
assistance.

cp  
Attachment

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CITY OF SACRAMENTO

CITY PLANNING DEPARTMENT  
927 TENTH STREET  
SUITE 300  
SACRAMENTO, CA 95814  
TELEPHONE (916) 449-5604

MARTY VAN DUYN  
PLANNING DIRECTOR

February 24, 1982

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*Req: 4-6-82*  
*cc: Van Duyn*  
*Carstens*  
*Miller*  
*Yee*

MEMORANDUM

TO: Lorraine Magana, City Clerk  
FROM: Connie Petersen  
SUBJECT: Request to Set Public Hearing

Please schedule the following item for hearing on ~~March 20~~, 1982.  
All necessary support material is attached.

*apr 6*

*m-647*

Emergency Ordinance adding Article XXIII to Chapter 9 of the City Code relating to tenant relocation assistance.

cp  
Attachment



Tenant Relocation Assistance Ordinance Meeting List

Sacramento Old City Assoc.  
P.O. Box 2288  
Sacramento CA 95811

Lesley Luevana  
1725 "K" Street  
Sacramento CA 95814

James Cathcart  
1830 N Street  
Sacramento CA 95814

East Sacto. Improv. Assoc.  
Sidney C. F. Pope  
1332 - 40th Street  
Sacramento CA 95819

Derek Casady  
2019 21st Street  
Sacramento CA 95818

Sacto. Tenant Assoc.  
Cindy Cavanaugh  
1107 9th St.  
Sacramento CA 95814

League of Women Voters  
2206 "K" Street  
Sacramento CA 95814

Howard Evanson  
1912 12th Avenue  
Sacramento CA 95818

United Way  
331 "J" Street  
Sacramento CA 95814  
Attn Gary Rosenberg

So. Natomas Community Assoc.  
P.O. Box 15362  
Sacramento CA 95813

Skip Jahn  
3429 Del Mesa Ct.  
Sacramento CA 95821

Volunteers of America  
John Olmstead  
919 7th St.  
Sacramento CA 95814

Please indicate the following items to be  
All necessary support materials is attached.

Tom Bannon  
Sacramento Board of Realtors  
P.O. Box 160446  
Sacramento CA 95816

Jim Thompson  
1431 26th St.  
Sacramento CA 95816

Community Serv. Planning Council  
James Mills  
1820 "J" Street  
Sacramento CA 95814

Betty Gwiazdon  
Sacto. Apt. Assoc. Inc.  
1330 -21st Street, #104  
Sacramento CA 95814

Barbara McCain  
1015 "F" Street  
Sacramento CA 95814

Gene Moriguchi  
Legal Services of No. Calif.  
1235 "H" St.  
Sacramento CA 95816

Tom Pappas  
Builders Exchange of Sacto.  
P.O. Box 1462  
Sacramento CA 95807

Dennis Bylo  
1330 "N" Street  
Sacramento CA 95814

Paul Stewart II  
Sacto. Bldg. Industry Assoc.  
2211 Royale Road  
Sacramento CA 95815

Alan Clarke  
31 Timberwood Ct.  
Sacramento CA 95833

Al Caples  
Building & Construction  
Trades Council  
2245 Florin Rd., Suite 6  
Sacramento CA 95822

Dia Goode  
2130 6th St.  
Sacramento CA 95818

Sacramento Metropolitan  
Chamber of Commerce  
P.O. Box 1017  
Sacramento CA 95805

Karolyn Simon  
1400 45th Street  
Sacramento CA 95819

AFFIDAVIT OF MAILING

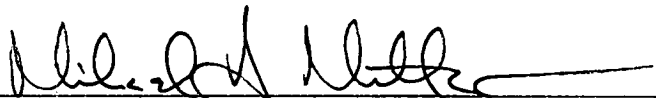
ON MAR 15 1982, NOTICES OF HEARING, A TRUE AND CORRECT COPY OF WHICH IS ATTACHED HERETO AND BY THIS REFERENCE INCORPORATED HEREIN, WERE MAILED ON THE FOLLOWING PROJECT:

**EMERGENCY ORDINANCE ADDING ARTICLE XXIII TO CHAPTER 9 OF THE CITY CODE RELATING TO TENANT RELOCATION ASSISTANCE (M-647)**

THE ABOVE DESCRIBED HEARING NOTICES WERE MAILED BY PLACING COPIES THEREOF IN THE UNITED STATES MAIL, POSTAGE PREPAID, AND ADDRESSED TO THE FOLLOWING, AS INDICATED BY A CHECK MARK WHERE APPLICABLE:

- ( ) OWNER OF PROPERTY:
- ( ) APPLICANT:
- ( ) APPELLANT (IF APPLICABLE):
- ( **x** ) MAILING LIST FOR M-NUMBER **647**
- ( ) SIGNERS OF PETITION (IF APPLICABLE)

I DECLARE UNDER PENALTY OF PERJURY THE FOREGOING IS TRUE AND CORRECT. EXECUTED AT SACRAMENTO, CALIFORNIA, ON THE 15<sup>TH</sup> DAY OF **MARCH**, 1982.



SIGNATURE OF PERSON MAILING NOTICE





# CITY OF SACRAMENTO

## OFFICE OF THE CITY CLERK

915 I STREET  
CITY HALL ROOM 203

SACRAMENTO, CALIFORNIA 95814  
TELEPHONE (916) 449-5428

LORRAINE MAGANA  
CITY CLERK

March 10, 1982

TO: INTERESTED PARTIES

On March 8, 1982, the following matter was filed with my office to set a hearing date before the City Council:

EMERGENCY ORDINANCE ADDING ARTICLE XXIII TO CHAPTER 9 OF THE CITY  
CODE RELATING TO TENANT RELOCATION ASSISTANCE (M-647)

This hearing has been set for APRIL 6, 1982, 7:30 p.m., Council Chamber, Second Floor, City Hall, 915 "I" Street, Sacramento, California. Interested parties are invited to appear and speak at the hearing.

Pursuant to Council Rules of Procedure 4.5, continuance of the above matter may be obtained only by the property owner of the above property, applicant, or appellant, or their designee, by submitting a written request delivered to this office no later than 12:00 Noon the day prior to the scheduled hearing date. If written request is not delivered to this office as specified herein, a continuance may only be obtained by appearing before the City Council at the time of the hearing and submitting a verbal request to the Council.

Any questions regarding this hearing should be directed to the **City Planning Department, 927 Tenth Street, Sacramento, California, phone 449-5604.**

Sincerely,

  
Lorraine Magana  
City Clerk

LM/mm

cc: M-647 Mailing List (26)



Tenant Relocation Assistance Ordinance Mailing List

Sacramento Old City Assoc.  
P.O. Box 2288  
Sacramento CA 95811

Lesley Luevana  
1725 "K" Street  
Sacramento CA 95814

James Cathcart  
1830 N Street  
Sacramento CA 95814

East Sacto. Improv. Assoc.  
Sidney C. F. Pope  
1332 - 40th Street  
Sacramento CA 95819

Derek Casady  
2019 21st Street  
Sacramento CA 95818

Sacto. Tenant Assoc.  
Cindy Cavanaugh  
1107 9th St.  
Sacramento CA 95814

League of Women Voters  
2206 "K" Street  
Sacramento CA 95814

Howard Evanson  
1912 12th Avenue  
Sacramento CA 95818

United Way  
331 "J" Street  
Sacramento CA 95814  
Attn Gary Rosenberg

So. Natomas Community Assoc.  
P.O. Box 15362  
Sacramento CA 95813

Skip Jahn  
3429 DeI Mesa Ct.  
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P.O. Box 1017  
Sacramento CA 95805

Karolyn Simon  
1400 45th Street  
Sacramento CA 95819





## CITY OF SACRAMENTO

20

CITY PLANNING DEPARTMENT  
927 TENTH STREET SACRAMENTO, CA 95814  
SUITE 300 TELEPHONE (916) 449-5604

MARTY VAN DUYN  
PLANNING DIRECTOR

April 19, 1982

City Council  
Sacramento, California

Honorable Members in Session:

SUBJECT: Emergency Ordinance Adding Article XXIII to  
Chapter 9 of the City Code Relating to Tenant  
Relocation Assistance/Supplemental Report (M-647)

SUMMARY:

The following is a discussion of information requested by the Budget and Finance Committee on April 13, 1982. Staff recommends that the Council delay action on this item for 30 days.

BACKGROUND INFORMATION

The proposed relocation Ordinance was presented to the Budget and Finance Committee on April 13, 1982. Upon review and consideration, the Committee directed staff to present the original relocation Ordinance to the City Council on April 20, 1982. This Ordinance would require assistance in relocating low-moderate eligible tenants to other units and a payment of a fee ranging from \$300.00 to \$600.00.

The Committee also requested staff to investigate an alternative policy or substitute Ordinance by which tenant relocation assistance could be funded primarily - if not exclusively - by tax increment money. Mr. Connelly also asked for a report on how many tenants still reside in the Mark Twain and the legal effect of the draft Ordinance considered by the Committee on the Mark Twain if that Ordinance is adopted April 20th, 1982.

Alternative Options

The following are alternative options:

1. Adopt the original Ordinance in its current form which will require assistance in relocation and a fee ranging from \$300.00 to \$600.00.

Effect: Mandatory owner-funded assistance  
Optional Agency - funded assistance  
Optional owner cooperation with Agency.

2. Adopt the proposed Ordinance with addition of a provision to Section 9.805 which would require that applicants enter into an owner-participation agreement, if their structure is located in a Redevelopment area, to assist the Agency in providing supplemental publically funded relocation assistance.

Effect: Mandatory owner-funded assistance  
Optional Agency - funded assistance  
Mandatory owner cooperation with the Agency

3. Adopt a substitute Ordinance (attached Exhibit A-1) applicable only to structures within Redevelopment areas which would mandate that owners provide to the Agency tenant information and otherwise aid the Agency in providing public funds and other assistance to tenants, and would prohibit evictions prior to the Agency's provision of such assistance.

Effect: No owner-financed assistance  
Optional Agency - funded assistance  
Mandatory owner cooperation with the Agency

4. Adopt the substitute Ordinance described above and mandate the Agency to provide specific types of assistance.

Effect: No owner-financed assistance  
Mandatory Agency - funded assistance  
Mandatory owner cooperation with the Agency

Staff would not suggest any of the last three options that would involve tax increment money until the Agency has had the opportunity to assess the financial implications of the funding source. In discussions with the Agency staff, they indicated that a minimum of 30 days would be necessary to consider the financial implications of utilizing tax increment money.

The Redevelopment staff indicated that relocation assistance can be provided for tenants displaced as a result of the Mark Twain Demolition. The Agency staff will present a report to the Council that will discuss a relocation program for the Mark Twain in detail. The program can be used in the interim until staff can evaluate the use of tax increment money.

#### Number of Tenants Residing in Mark Twain

This information will be provided in the Agency report.

Applicability of Proposed Ordinance to Mark Twain

In its current form, the Ordinance requires the property owner to provide relocation assistance (\$600-\$300 cash moving allowance plus information on available comparable replacement housing) to eligible tenants. To be "eligible", a tenant must (a) have low or moderate income; (b) reside in the structure on the date the owner applies for a tenant relocation certificate; (c) not have voluntarily given notice of his independent intent to vacate; and (d) not have given the owner grounds for an eviction for cause. The current draft also seeks to prevent circumvention of the Ordinance by prohibiting conversion or demolition if the owner has intentionally created vacancies for the purpose of reducing the number of eligible tenants entitled to owner-funded relocation assistance.

If the proposed draft is adopted, it would have the following effects on the Mark Twain:

- (a) tenants vacated prior to adoption of the Ordinance would receive no assistance;
- (b) tenants still residing in the structure on the Ordinance adoption date would be entitled to the cash moving allowance and information on the availability of comparable housing. Additionally, these tenants would have 60 days from date the owner applies for the Ordinance-mandated "relocation certificate" to vacate. Thus, the Ordinance would postpone demolition until at least 60 days following the owner's application for a relocation certificate.
- (c) the fact that the owner evicted tenants prior to adoption of the Ordinance would not constitute grounds for denying issuance of the relocation certificate or demolition permit because such evictions could not be deemed for the purpose of evading an Ordinance not yet adopted.

RECOMMENDATION: Staff recommends that the City Council not take action on any alternative for 30 days.

Respectfully submitted,

  
Marty Van Duyn  
Planning Director

FOR CITY COUNCIL INFORMATION:  
WALTER J. SLIPE  
CITY MANAGER

MVD:HY:mm  
Attachments  
M-647

April 20, 1982  
All Districts

~~EXHIBIT~~  
SUBSTITUTE ORDINANCE

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

AN ORDINANCE ADDING ARTICLE XXIII TO CHAPTER  
9 OF THE CITY CODE, RELATING TO TENANT  
RELOCATION ASSISTANCE AND DECLARING SAID  
ORDINANCE TO BE AN EMERGENCY MEASURE TO  
TAKE EFFECT IMMEDIATELY

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Article XXIII is hereby added to Chapter 9 of the City Code:

ARTICLE XXIII

Tenant Relocation Assistance Certificate

Sec. 9.801 Certificate Required.

No person shall be issued a permit required by this Chapter without first obtaining a tenant relocation assistance certificate pursuant to this Article if the activity necessitating the permit will:

- A. Cause, or has caused, tenants residing in four or more units in the structure to vacate;
- B. Result in the demolition of the structure or the conversion of the structure to non-residential use(s); and
- C. Occur on a structure located within a Redevelopment project area.

Sec. 9.802 Certificate Application Procedure.

Applications for a tenant relocation assistance certificate shall be filed with the Executive Director and shall contain the following:

- A. Name and address of current owner(s) of the existing structure;
- B. Address of the existing structure;
- C. A written report, accompanied by an affidavit or declaration given under penalty of perjury, which includes:

1. the name and address of every current tenant;
2. whether each current tenant, on his or her own initiative, has given notice of an intent to vacate the structure not later than sixty (60) days following the certificate application filing date, and, if applicable, evidence of such notice, and the date of such notice.
3. the name of each former tenant who resided in the structure at any time in the year preceding the certificate application filing date for a continuous period exceeding 60 days;
4. the current address of each former tenant, as described in Section 9.802-C3, or, alternatively, the reason(s) why such address is not ascertainable;
5. the reason(s) why each former tenant, as described in Section 9.802-C3, vacated the structure; and
6. the monthly rental rate for each unit in the structure for each month in the year preceding the certificate application filing date.

D. A form, to be sent to each current tenant after review and approval of the form by the Executive Director, which in non-technical language:

1. explains the eligibility criteria for relocation assistance and the types and amount of assistance available to eligible tenants;
2. directs tenants who believe they are eligible for relocation assistance to contact the Executive Director within ten (10) days;
3. advises tenants that failure to contact the Executive Director within ten (10) days shall waive any right to receive relocation assistance provided by the Redevelopment Agency; and
4. states the date when each current tenant must vacate the existing structure. The date of vacancy shall be at least 60 days following proof of service of the form required by this Section 9.802D.

F. Such other information as may be required by the Executive Director to further the purposes of this Article.

Sec. 9.803 Certificate Issuance.

A tenant relocation assistance certificate shall be issued by Executive Director upon receipt of a complete application if no ground for certificate denial exists pursuant to Section 9.804. The Executive Director shall deem an application complete if the application:

A. Satisfies the requirements of Section 9.802; and

B. Includes proof of service, indicating date of service, not less than sixty (60) days prior to the certificate issuance date, to each current tenant of the form described in Section 9.802D.

Sec. 9.804. Certificate Denial.

The Executive Director shall not issue a tenant relocation assistance certificate, and no permit required by this Chapter for which a tenant relocation assistance certificate is needed shall be issued if the Executive Director finds that one or more vacant units within the structure have intentionally been created within the preceding year for the purpose of reducing the burden of compliance with the requirements of this Article.

If a certificate is denied pursuant to this Section, no new certificate application shall be submitted for a period of one year from the effective date of the denial.

Sec. 9.805. Exemption.

A permit required by this Chapter incidental to a condominium conversion subject to the tenant relocation assistance provisions of the City Zoning Ordinance shall be issued without compliance with the requirements of this Article.

Sec. 9.806. Appeals.

Any person aggrieved by a decision or any action of the Executive Director may appeal therefrom in accordance with the appeal procedure of a Planning Director decision provided in Chapter 18 of the Zoning Ordinance.

Sec. 9.807 Definitions.

As used in this Article,

A. "Certificate application filing date" shall mean the date the applicant submits to the Planning Department any of the information specified in Section 9.802.

B. "Executive Director" shall mean the Executive Director of the Sacramento Redevelopment Agency or his or her designee.

C. "Unit" shall mean a group of rooms or a single room, with or without kitchen or bathroom facilities within the unit, intended for occupancy as separate living quarters by a family or other group of persons living together, or by a person living alone.

SECTION 2.

This ordinance is hereby declared to be an emergency measure to take effect immediately. The facts constituting the emergency are as follows: There has been a recent marked increase in applications for land use entitlements in Redevelopment areas to enable the demolition of multi-family rental structures or conversion of such structures to non-residential uses. These activities result in the displacement of many low or moderate income tenants who need immediate assistance in locating and moving -- given the diminishing supply of replacement rental units.

ENACTED:

EFFECTIVE:

---

MAYOR

ATTEST:

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CITY CLERK

EXHIBIT C  
SUBSTITUTE ORDINANCE

20

**ORDINANCE NO.**

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

AN ORDINANCE ADDING ARTICLE XXIII TO CHAPTER  
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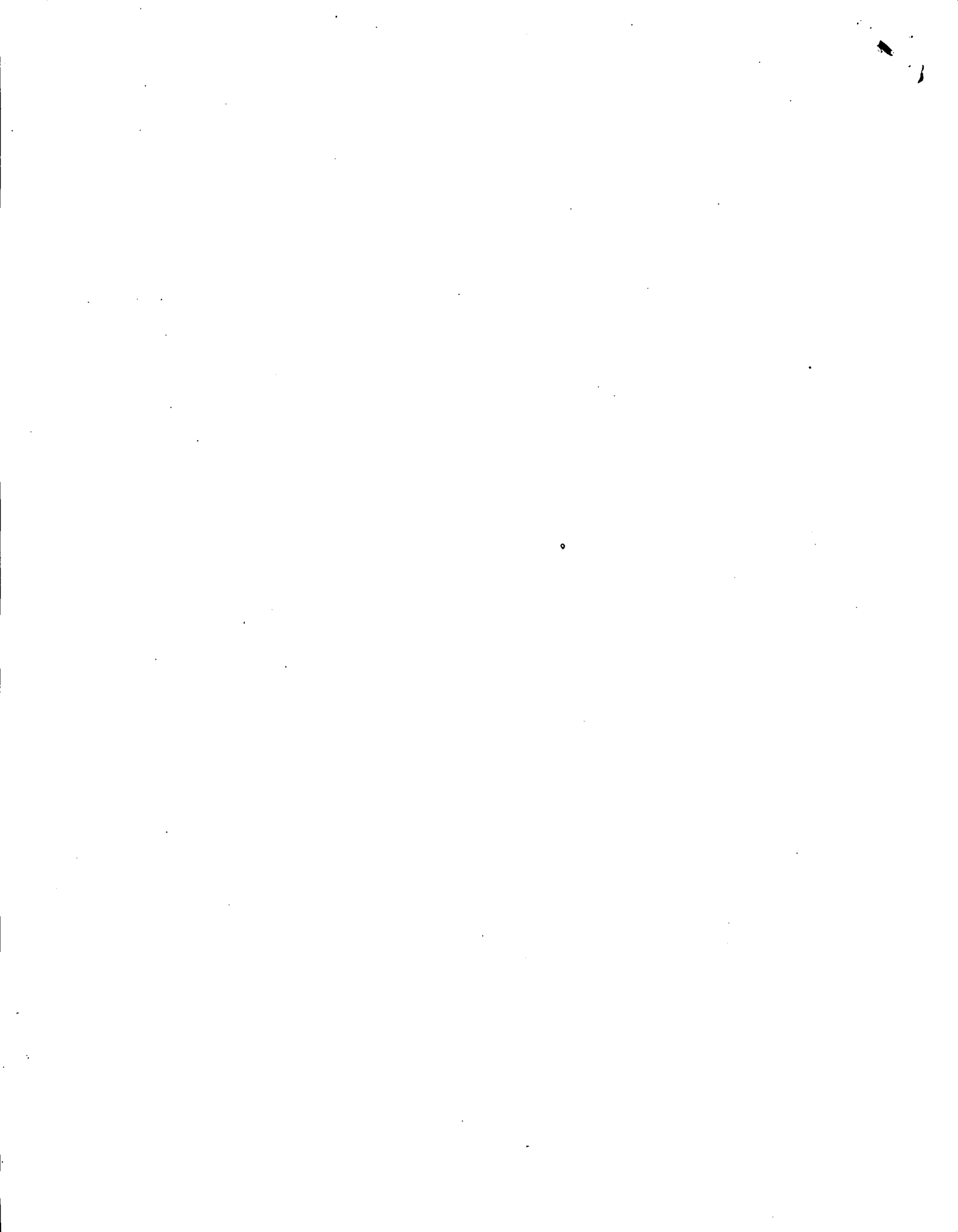
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ENACTED:

EFFECTIVE:

\_\_\_\_\_  
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ATTEST:

\_\_\_\_\_  
CITY CLERK