

Measures to Prevent Tenant Displacement OR Measures to Preserve Residents in Rental Units where Code Violations May Exist

1) Educate and Incentivize Property owners to maintain quality rental units: Everyone has the desire to live in quality housing. The majority of tenants maintain their rental units in superior condition and the majority of landlords are responsive to housing concerns brought to their attentions by tenants. A small minority of tenants are disruptive and a small amount of landlords are unresponsive.

With this in mind, the first approach in maintaining the current housing stock is thru educational outreach program to both landlords and tenants. Proactively enforcing housing codes can exacerbate displacement of residents. However, jurisdictions can be forward-thinking by informing owners of the benefits of preserving current residents and informing residents in ways to upkeep their homes.

One agency rewards responsive owners through lower annual inspection fees and or the implementation of a self-certification program resulting in less frequent housing inspections.

Example: The City of San Jose operates an inspection program using a tiered system for multi-family housing only (3 or more units). This model combines pro-active and complaint-driven approaches to code enforcement. Three tiers are established based on the number and severity of code violations over the last 13 years. Fees are charged by unit and range from \$25.93-\$116.91 annually. Tier I pays the least, landlords can conduct self-certified inspections each year and have tenants sign off, and has only 10% of units inspected every 6 years. Tier II pays a higher fee than Tier I and has 25% of units inspected every 5 years. Tier III pays the highest annual fees, a greater percentage of units are inspected and inspections are conducted more frequently. The City will respond to complaints from all tiers.

The incentive to move from tier III to tier I is great for landlords. The higher tiers pay less and are subject to less inspection more infrequently. When repairs are needed at reinspection if repairs have not been made, property owners are charged a \$255.36 reinspection fee. If repairs are still not made, the owner's permit is revoked and \$1267.01 is charged to reinstate the permit. Fees finance the entire inspection program. Fee structures should be thoughtfully considered to ensure jurisdiction's ability to maintain an effective program.

More information: <http://www.sanjoseca.gov/DocumentCenter/View/59641>

2) Landlord support: When inspectors find unpermitted units, the enforcement agency can make efforts to bring the unit into compliance in order to avoid displacing the tenant. Depending on the needed repairs, inspectors can provide a list and reasonable timeframe for completion. Several jurisdictions have implemented amnesty program thru which landlords can legalize unpermitted second units without penalties.

Examples: City of Ventura and [Marin County](#) adopted ADU amnesty programs to allow owners to legalize their unpermitted second units without penalties. Both cities revised their existing development and building standards to be able to accommodate second units, offered incentives for homeowners to

legalize second units, and dedicated staff time and resources to help homeowners navigate the amnesty process.

More information on model practices:

21 Elements: <http://www.21elements.com/Resources/second-units.html>

@SVHOME: http://content.govdelivery.com/attachments/topic_files/CAMENLO/CAMENLO_144/2013/08/23/file_attachments/233789/HESC%2BMemo%2BSecond%2BUnit%2BAmnesty_8_26_13_233789.pdf

Marin County 2nd unit Amnesty Program:

http://marin.granicus.com/MetaViewer.php?view_id=33&clip_id=1772&meta_id=177566

Marin County Amnesty Permit Submittal checklist:

[file:///C:/Users/bseara/Downloads/program_guidelines_amnesty%20\(3\).pdf](file:///C:/Users/bseara/Downloads/program_guidelines_amnesty%20(3).pdf)

3) Collaboration and Partnerships: Many Community Based Organizations (CBOs), service providers and tenant groups want to help prevent displacement of tenants. Such partnerships benefit tenants, landlords and the local jurisdiction. Before, during and after a formal inspection, CBOs can ensure tenants know their rights, set up translation services and provide materials in appropriate languages. The example below highlights a jurisdiction that collaborated with tenants' rights organizations.

Example: Alameda County's Healthy Home Alliance started as a collaboration with Oakland code enforcement, city-funded service providers, the County's Asthma Start and Healthy Housing programs, and tenants' rights organizations, and more recently it has expanded to include other cities, public agencies, and nonprofit partners. When County public health nurses identify mold or other asthma triggers in units, the City provides case management and opens a file on the unit. In one instance, the organization Causa Justa: Just Cause worked with tenants in a large building before a building-wide inspection to prepare tenants and share information about tenants' rights. Code enforcement officials had more access and ease during the inspection because of this collaboration. Tenants had resources about the rights available to them.

For more information on the healthy Homes Alliance: <http://www.achhd.org/hh-alliance.htm>

4) Refer and track tenant cases: To keep tenants in their homes through repairs and ensure tenants know about and use relocation benefits, a body can be tasked with tracking and following up on individual inspection cases. This serves as a space to ensure programs are utilized and policies are implemented. One jurisdiction meets monthly to report on statistics.

Example: Members of The Alameda County Healthy Homes Alliance's Proactive Code Enforcement Committee meet every month to track individual cases where inspection deemed a unit needed repairs. Oakland's policies include relocation benefits for short and long term/permanent displacement and priority on housing waitlists for displaced tenants in the same neighborhoods where they live. Staff can ensure these policies are being followed at monthly meetings.

Mitigation of Displacement Impact on Residents

5) Provide relocation assistance: Relocation assistance helps tenants who have been permanently or temporarily displaced because repairs are required on their units. It can also be available when tenants must vacate an unpermitted unit. Many rent stabilization and tenant protection ordinances include provisions for relocation assistance, but it is possible to provide relocation assistance even without such an ordinance. Most cities require that landlords cover the full cost of relocation expenses when code enforcement deems a unit uninhabitable. A City or the County could consider funding a revenue source to provide this or offset the cost. The examples below highlight two cities that charge relocation fees and moving costs to the landlord. It also shows how two jurisdictions upfront relocation fees when landlords fail to comply, and the mechanisms they use to collect unpaid relocation fees.

Examples: In Los Angeles, when housing inspectors find an unpermitted unit, landlords pay tenants a relocation fee and discontinue operation of the unit. The relocation fee is between \$6,000 and \$19,500 depending on the length of tenancy and the presence of children.

In Redwood City, when a rental unit is vacated due to code enforcement, the owner of the unit has to pay for moving and relocation payments. The Director of Housing establishes the amount. When the owner fails to pay relocation payments, the Director of Housing authorizes the payment by the City on behalf of the owner. If the owner does fail to pay the City back, the City collects the unpaid relocation payments as a cost of abatement.

The recently adopted relocation assistance ordinance in San Mateo County allows the County to record a lien on a property whose owner failed to pay relocation fees.

6) Set up escrow accounts: In order to protect tenants from persistent habitability issues, the City of LA is able to hold rents in an escrow until repairs are complete.

Example: In Los Angeles, when units require substantial repairs and the owner is in non-compliance after two inspections, the case is referred to a General Manager's hearing and enters into the Rent Escrow Accounting Program (REAP). Tenants make subsequent rent payments to the city, which are deposited into an escrow account until the owner either completes the repairs or shows they are working with a contractor to complete the work. In the second case the funds are released to the contractor instead of the owner.

For more information on REAP: <http://hcidla.lacity.org/what-is-reap-for-renters>