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RENT *Stabilization*

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RELOCATION ASSISTANCE

I. Under what conditions must landlords provide relocation assistance?

- A. Landlords are required to provide monetary relocation assistance when evicting tenants from units covered by the RSO when:
- 1) The eviction is due to condominium conversion or for commercial use of the property (LAMC 151.09.A.10). Landlords must file a **Landlord Declaration of Intent to Evict** prior to giving notice to tenants.;
 - 2) The landlord evicts for the occupancy for her/himself, spouse, parents, children or for a resident manager (LAMC 151.09.A.8). Landlords must file a **Landlord Declaration of Intent to Evict** prior to giving notice to tenants.;
 - 3) The unit requires permanent eviction for Primary Renovation in accordance with a Tenant Habitability Plan accepted by the Los Angeles Housing Department. (LAMC 151.09.A.9). (Ordinance No. 176,544, effective 5/2/05.);
 - 4) The unit is permanently removed from the rental housing market or requires eviction for demolition (LAMC 151.09.A.10).. A **County Recorded Memorandum** must be filed together with the **Landlord Declaration of Intent to Evict** AND tenants must receive a 120-day written notice. (See further instructions in Ordinance 173,868, effective 5/16/2001.);
 - 5) The landlord evicts to comply with a governmental agency's Order to Vacate (LAMC 151.09.A.11). Landlords must file a **Landlord**

Declaration of Intent to Evict prior to giving notice to tenants.;

;

- 6) The Secretary of Housing and Urban Development is both the owner and plaintiff and seeks to recover possession in order to vacate the property prior to sale (LAMC 151.09.A.12).

- B. Effective September 29, 2006, tenants in rental units converted from apartments to condominiums, the demolition of existing multi-family housing, or the change of a mobile home park to a different use (“Ellis” evictions) are also entitled to relocation assistance even when the property in questions is not subject to the RSO. If a tentative parcel or tract map for a condominium conversion has been approved by the Planning Department, the tenant may elect to relocate without receiving a notice of termination of tenancy from the landlord. The landlord is still responsible for the payment of relocation assistance in these cases.

II. Who is eligible for relocation assistance?, when, and for what amounts?

Monetary relocation assistance is available to **Eligible** and **Qualified** tenants within 15 days of the notice of termination for evictions based on the grounds set forth in L.A.M.C. Section 151.09 in Subdivisions A.8 (Landlord evicts for self, spouse, parents, or children, or for a resident manager); A9 (Primary Renovation); A.10 (Permanent removal of the unit from the rental housing market); A.11 (Government agency’s Order to Vacate); and A.12 (Eviction by the Secretary of Housing & Urban Development {HUD} to vacate property prior to sale) of the Rent Stabilization Ordinance.

If a tentative parcel or tract map for a condominium conversion has been approved by the Planning Department, tenants are entitled to payment of relocation assistance within 15 days of the tenant’s notice to the landlord of intention to terminate the tenancy.

Qualified Tenant: Any tenant who satisfies any of the following criteria on the date of service of the written notice of termination described in California Civil Code Section 1946: 62 years of age or older; handicapped as defined in Section 50072 of the California Health and Safety Code; disabled as defined in Title 42 United States Code Section 423; a person residing with and on whom is legally dependent (as determined for federal income tax purposes) one or more minor children. All other tenants are considered Eligible Tenants.

Effective July 1, 2009, the required relocation assistance amounts are as follows:

Type of Tenant	Less than 3 years	3 years or more	Income Below 80% AMI
Eligible	\$ 7,300	\$ 9,650	\$ 9,650
Qualified	\$15,500	\$18,300	\$18,300

HUD 2009 Area Median Income Limits 80% AMI (Los Angeles)

1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
\$44,400	\$50,750	\$57,100	\$63,450	\$68,550	\$73,600	\$78,700	\$83,750

III. Are there any exemptions from relocation assistance?

Exemptions from relocation assistance:

- 1) When the tenant received actual written notice prior to entering into a written or oral tenancy agreement that an application to subdivide the property or convert the building to a condominium, stock cooperative or community apartment project was on file with or had been approved by the City.
- 2) When the landlord evicts to comply with a governmental agency's Order to Vacate due to hazardous conditions caused by a natural disaster.
- 3) If evicting to replace a resident manager with another resident manager (amended by Ordinance 166,130, effective 9/8/90). However, if the resident manager is a "Manager-Tenant" receiving free or reduced rent with no other compensation, he/she may be entitled to relocation assistance. See RAC Regulations 920.00 "Managers as Tenants."

IV. How shall payment be made?

- 1) The entire fee shall be paid to a tenant who is the only tenant in a rental unit.
- 2) If a rental unit is occupied by two or more tenants then each tenant of the unit shall be paid an equal, pro-rata share of the fee.

In no event shall the landlord be liable to pay more than the maximum relocation amounts set forth above to all tenants residing in a rental unit. If a tenant is entitled to monetary relocation benefits pursuant to City

administrative agency action or any provision of local, state or federal law, then those benefits shall operate as a credit against any fee required to be paid to the tenant under this section.

V. Relocation Assistance Escrow Accounts

In lieu of direct payment to the tenant(s), the landlord, at his sole discretion and cost, may establish an escrow account for the tenant(s). See RAC Regulations 960.00 "Relocation".

A. WHERE

The landlord may place the escrow account in any bank, savings and loan association, or credit union with federal deposit insurance or with any broker who is licensed by the California Real Estate Commission, or by any escrow service licensed by the California Corporate Commission that is reasonably accessible to the tenant(s) during normal business hours

B. WHAT - Escrow instructions must provide the following:

- 1) Payments to tenants for:
 - a) First and last month's rent
 - b) Security deposits
 - c) Utility connection charges and deposits
 - d) Moving expenses

Release of the remaining funds when the tenant vacates the unit, and

- 3) A dispute resolution process.

The landlord is entitled to receive a copy of all escrow documents.

C. WHEN

All payments from escrow must be made within three (3) working days of receiving a request for payment.

D. HOW

Payments may be made directly to the tenant(s) upon presentation of a receipt and/or to the recipient of the expense on behalf of the tenant(s).

VI. On what basis does a tenant file a complaint, and how?

A. NON-PAYMENT DISPUTE

In an action by the landlord to recover possession of a rental unit, the tenant may raise as an affirmative defense the failure of the landlord to provide relocation assistance.

A tenant complaint may be filed with the Rent Stabilization Division for illegal eviction/failure to pay relocation fees when relocation assistance has not been provided by the landlord. The complaint may be made by filling out a form and delivering to the LAHD offices by mail or in person, by calling (213) 808-8888 or on the LAHD web at www.lahd.lacity.org.

California Health & Safety Code Section 50651 and Ordinance 174,477 (effective 3/21/2002) provide for tenant relocation fees when a local enforcement agency orders the unit vacated due to an immediate threat to the tenants' health and safety and the owner fails or refuses to pay the relocation fee to displaced tenants. The fees may be paid by the enforcement agency issuing the order and shall be recovered from the owner at the rate of 1½ times the original relocation fee paid.

B. RELOCATION ESCROW ACCOUNT DISPUTE

When there exists a dispute against the Relocation Escrow Account, a letter regarding the situation may be sent via Certified mail or delivered in person to the Los Angeles Housing Department, Director of the Rent Stabilization Division, Los Angeles Housing Department, P.O. Box 17280, Los Angeles, CA 90017-0280 by the second (2) business day from receipt of the dispute notice to the opposing person. A copy of the escrow account instructions should accompany this notice. (For further details, see RAC regulation 916.00.)

