



Summary of the Tenant Relocation Assistance Ordinance

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City of Hayward Housing Division

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Este formulario está disponible en español en nuestra oficina y en nuestro sitio web: www.hayward-ca.gov/housing
可以在我們的辦公室和網站上以西班牙語獲取此表格：www.hayward-ca.gov/housing

This guide is a summary of the Tenant Relocation Assistance Ordinance (TRAO). It is not intended to be a complete description or a substitute for the Ordinance. This summary can be given to a tenant to meet the TRAO's noticing requirements. If this summary is different from the TRAO, the language from the TRAO applies. Review of the full TRAO is encouraged. It is located on the City's Housing Division website: www.hayward-ca.gov/housing. The City's Rent Review Office can answer questions regarding the TRAO. The Rent Review Office cannot give legal advice.

I. Overview

The TRAO creates two kinds of relocation assistance. The first is permanent relocation assistance. It helps tenants with moving costs when they are facing no fault evictions. The second is Temporary Relocation Assistance. It provides financial help to tenants who cannot stay in their rental unit for a temporary time because the landlord must do substantial repairs to the unit. This summary describes each of these types of assistance. It provides information about what is required of tenants and landlords as part of the new TRAO. The following sections describe the Permanent Relocation Assistance requirements, the Temporary Relocation Assistance Requirements, and the noticing requirements.

II. Permanent Relocation Assistance

Permanent Relocation Assistance helps tenants with moving costs. It only applies to no-fault evictions. No fault evictions are explained below. The applicability section explains what types of units this applies to. Certain units are exempt which is also explained below. Lastly, the compliance section explains what can happen if either the tenants or the landlords do not follow the ordinance.

Applicability

Permanent Relocation Assistance applies to all rental units in the City of Hayward, **except:**

- Hotels or motels
- Nonprofit hospitals, religious facilities, extended care homes, or licensed residential care homes for the elderly
- Dormitories
- Housing where the tenant shares a bathroom or kitchen with owner
- Owner-occupied single-family homes where the owner rents rooms or accessory dwelling units on the property
- Duplexes where the owner lives in one unit
- Single unit properties with owners who are not real estate trusts, LLCs, or Corporations.
- New housing built within the last 15 years

No Fault Evictions

Landlords have the right to end a tenancy but only for certain reasons. These reasons are described in the City's Just Cause for Eviction provision. There are some reasons for ending tenancy that are not caused by the tenant. These are called no fault evictions. When they

occur, the tenant is eligible for financial assistance from the landlord. No fault evictions include:

- Demolishing a rental unit after obtaining permits and not rebuilding it
- Owner or owner's family move in
- Owner moves in based on terms of the lease
- Any no fault eviction allowable under state or federal law

Payment of Permanent Relocation Assistance

The landlord must provide relocation assistance for no-fault evictions. The landlord can choose to do one of the following:

- Make a payment to the tenant equal to the amount of one month's rent, or
- Waive the last month's rent.

The landlord must serve the tenant a termination notice to tell the tenant that they must leave the rental unit. On the notice, the landlord must tell the tenant the reason for no longer renting the unit to them.

When there is a no-fault eviction, the landlord must tell the tenant about their rights to relocation assistance. The landlord must also tell the tenant how the assistance will be provided. When landlord chooses to pay relocation assistance, they must pay the tenant within 15 days.

Noncompliance

When a landlord does not provide relocation assistance for a no-fault eviction, the termination notice becomes void. A tenant who accepts relocation assistance and does not leave can be sued.

III. Temporary Relocation Assistance

Temporary relocation assistance helps tenants who must leave their unit because it needs substantial repairs. The assistance provides the tenant money to cover some of the living costs. This assistance makes sure that tenants have a safe place to stay during construction. The applicability section explains what types of units this applies to. The compliance section explains what can happen if either the tenants or the landlords do not follow the ordinance.

Applicability

Temporary Relocation Assistance applies to all units **except:**

- A mobile home or mobile space
- Hospital, extended care facility, convalescent home, nonprofit home for the aged, or dormitory where rooms are offered along with services like meals, cleaning services, or social programs
- Motels, hotels, inns, tourist houses, rooming houses, and boarding houses that are not occupied by the same tenant for more than 30 days in a row

Landlords must pay temporary relocation assistance when:

- Substantial repairs must be made to the unit, or
- A government agency (like Code Enforcement) tells the tenant to leave or the tenant leaves due to health/safety conditions

In some cases, tenants may need to leave the unit for repairs, but landlords are not required to make temporary relocation payments. This happens if a governmental agency determines that:

- The damage was caused by natural disaster. Examples include a fire, flood, or earthquake.
- The tenant or their guest caused or substantially contributed to the damage.

Payment of Temporary Relocation Assistance

Tenants have two options for how they get assistance. Option one is to receive relocation payments and keep paying rent. Option two is to not receive relocation payments and not pay rent.

Landlords must begin assistance payments within three days of notifying the tenant that they will have to leave their unit. Landlords can also offer a comparable housing unit instead of making payments. The unit must be similar in size and amenities. Landlords must still pay moving costs.

Temporary relocation assistance is given to tenants for every day they are displaced. This is called a per diem. Hayward City Council sets the per diem rates. The current rates are:

Table 1. Per Diem Rates for Temporary Relocation Assistance.

Payment	Amount	Frequency
Hotel or motel	\$161	Per day per household
Meal expenses	\$32	Per day per person
Laundry	\$1	Per day per household
Pet	\$31 for cat \$56 for dog	Per day per animal

Payment of Temporary Relocation Assistance when Displacement Exceeds 60 Days

When repairs are not made within 60 days, the requirements change. Tenants must begin receiving payments and must pay rent again.

When repairs are not made within 120 days, the landlord must make *rent differential payments*. The tenant will not pay rent. Rent differential payments are the difference between a tenant’s rent and the fair market rent for a unit of that size. Tenants get these payments after 60 days if they had to leave because of a government order. Table 2 lists the current Department of Housing and Urban Development (HUD) fair market rents for Alameda County.

Table 2. Fiscal Year 2020-2021 Alameda County Fair Market Rents (FMRs) by Unit Bedrooms

Efficiency	One-Bedroom	Two-Bedroom	Three-Bedroom	Four-Bedroom
\$1,488	\$1,808	\$2,239	\$3,042	\$3,720

Appeal Process

If a landlord or a tenant believes that there was an issue with whether assistance should be paid, they may be allowed to file an appeal with the Rent Review Office. Only certain decisions can be appealed:

- If the landlord caused or contributed to conditions leading to an order to vacate
- If a tenant or guest of the tenant caused or contributed to the conditions leading to an order to vacate
- If there are health or safety conditions that require the tenant to vacate without a governmental agency’s order
- If a comparable unit qualifies as comparable
- If a tenant has good cause to vacate a comparable unit after 120 days

Noncompliance

If a tenant does not agree to leave the unit, landlords may temporarily terminate the tenancy. In that case, tenants are still eligible for temporary relocation assistance.

IV. Noticing Requirements

The landlord is responsible for notifying the tenant about their rights under the TRAO. They must also tell tenants when they are eligible for assistance.

Initial Notice. Landlords must notify all tenants of their rights under the new TRAO by September 19, 2020. Landlords must also notify new tenants of the TRAO any time they enter a lease with new tenants. The TRAO describes how landlords should provide notice. They must:

- Give written notice that the rental unit is subject to the TRAO
- Give a copy of this summary or a copy of the ordinance to their tenants

Upon Receipt of a Termination Notice. Any time a landlord gives a tenant a notice to terminate, the landlord must notify tenants if they are eligible for relocation assistance. The landlord must send a copy of that notice to the City’s Rent Review Office.

The City of Hayward’s Rent Review Office has created forms to help landlords follow these noticing requirements:

- This summary document
- A template notice for telling tenants if they live in a unit covered by the TRAO
- A template notice for telling tenants their rights under the TRAO