



SUMMARY

Tenant Relocation Assistance Ordinance

EFFECTIVE JANUARY 17, 2025

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

I. Overview

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 Tenant Relocation Assistance webpage: <https://www.hayward-ca.gov/content/tenant-relocation-assistance>. The City's Rent Review Office can answer general questions regarding the TRAO but cannot give legal advice. A copy of Ordinance is codified within Hayward's Municipal Code at Section 12-2.01 et seq, which can be found at the link below:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH12HO_ART2TEREAS

The TRAO creates three kinds of relocation assistance:

1. **Permanent Relocation Assistance** helps tenants with moving costs when they are facing no fault evictions.
2. **Temporary Relocation Assistance due to substantial repairs** 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.
3. **Relocation Assistance due to a governmental agency's order to vacate** provides financial help for tenants who cannot stay in their rental unit because of health and safety violations.

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, the relocation assistance based on government order to vacate, and the noticing requirements.

In addition to this summary, landlords and tenants are encouraged to review the TRAO Regulations, which provide implementation guidance for the TRAO. The regulations are available on the Housing Division website or by contacting the Housing Division for a copy.

II. Permanent Relocation Assistance

Permanent relocation assistance helps tenants with moving costs. Permanent relocation assistance only applies to no-fault evictions. No fault evictions are explained below.

Applicability

Permanent relocation assistance applies to all rental units in the City of Hayward, **except**:

- Hotels or motels unless a tenant lives there more than 30 days
- 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 permanent 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 unit. On the notice, the landlord must explain 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 14 calendar days of providing the termination notice to the tenant.

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. Temporary relocation assistance provides the tenant money to cover some of the living costs or alternative housing through a comparable unit. Temporary relocation assistance ensures that tenants have a safe place to stay during construction. A landlord who provides temporary relocation assistance to a tenant is not obligated to provide permanent relocation assistance to the tenant. Tenants maintain the first right of refusal to reoccupy the unit following the completion of repairs.

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

Payment of Temporary Relocation Assistance

A temporary relocation payment is a one-time payment given to tenants based on the number of days the tenant is displaced from the unit and the size of the unit, calculated with the U.S. Department of Housing & Urban Development's Fair Market Rents (FMRs) for Alameda County:

- For displacement lasting 30 calendar days or more, the payment shall be three times (3x) the current FMR
- For displacement lasting fewer than 30 calendar days, the payment shall be three times (3x) the current FMR, prorated based on the number of days the tenant is displaced

Table 1. Fiscal Year 2025 Alameda County Fair Market Rents (FMRs) by Unit Bedrooms

Efficiency	1-Bedroom	2-Bedroom	3-Bedroom	4-Bedroom
\$1,937	\$2,201	\$2,682	\$3,432	\$4,077

Landlords can also offer a comparable housing unit instead of making a temporary relocation payment. The unit must be similar in size and amenities. Landlords must pay for actual moving costs. The tenant maintains the sole discretion in determining whether a unit is comparable.

The landlord must provide temporary relocation assistance to a tenant when a unit needs substantial repairs, requiring the tenant to temporarily vacate the unit for the repairs to be completed. If the landlord is providing a temporary relocation payment, landlords must provide payment either:

- immediately upon the tenant's acceptance to vacate the rental unit if the tenant agrees to vacate; OR
- immediately after the tenant vacates the unit if the tenant does not agree to vacate

IV. Relocation Assistance based on Order to Vacate

Relocation assistance (order to vacate) helps tenants who must leave their unit because a governmental agency (e.g., Code Enforcement) issues an order to vacate for health and safety conditions. Relocation assistance provides the tenant money to cover some of the living costs or alternative housing through a comparable unit. A landlord who provides relocation assistance to a tenant is not obligated to provide permanent relocation assistance to the tenant if the tenant chooses to permanently vacate or the unit cannot be reoccupied. Tenants maintain the first right of refusal to reoccupy the unit following the completion of repairs.

Applicability

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

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

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

Payment of Relocation Assistance

Landlords must pay relocation assistance in compliance with both City and California State Law. The City required relocation assistance payment is equal to the temporary relocation payment. This is a one-time payment given to tenants based on the number of days the tenant is displaced from the unit and the size of the unit, calculated with the U.S. Department of Housing & Urban Development's Fair Market Rents (FMRs) for Alameda County:

- For displacement lasting 30 calendar days or more, the payment shall be three times (3x) the current FMR
- For displacement lasting fewer than 30 calendar days, the payment shall be three times (3x) the current FMR, prorated based on the number of days the Tenant is displaced

In addition to providing temporary relocation assistance per Hayward's Ordinance, landlords must provide relocation assistance required pursuant to the California's Health & Safety Code (HSC), 17975 et seq. For relocation assistance required by HSC, the landlord must make a payment to the tenant that includes:

1. Two times (2x) the current FMR based on the unit size as illustrated in Table 2;
2. A utility deposit in the amount of \$875; and
3. Any security deposit held by the landlord

The relocation assistance required by HSC is not prorated based on the length of displacement.

Table 2. Fiscal Year 2025 Alameda County Fair Market Rents (FMRs) by Unit Bedrooms

Efficiency	1-Bedroom	2-Bedroom	3-Bedroom	4-Bedroom
\$1,937	\$2,201	\$2,682	\$3,432	\$4,077

If a landlord offers comparable housing and the tenant accepts, the amount of relocation assistance provided is reduced by the temporary relocation payment amount. The unit must be similar in size and amenities. Landlords must pay for actual moving costs. The tenant maintains the sole discretion in determining whether a unit is comparable. Importantly, if a landlord opts to provide a tenant with

a comparable housing unit instead of making a temporary relocation payment per Hayward's Ordinance, the landlord is still obligated to provide relocation assistance based on the HSC.

The landlord must provide temporary relocation assistance to a tenant when a unit needs to be vacated due to a governmental agency's order to vacate for health and safety conditions. If the landlord is providing a temporary relocation payment, landlords must provide payment either:

- 10 days after the order to vacate is mailed to the owner and posted at the property; OR
- at least 20 days before the date the tenant is required to vacate, whichever is later

Appeal Process

If a landlord or a tenant disagrees with certain City determinations related to relocation assistance, they may file an appeal with the Rent Review Office. Reasons for appeal include:

- Whether the landlord caused or contributed to the conditions giving rise to the governmental agency's order to vacate due to a natural disaster
- Whether the tenant, or guest, caused or contributed to the conditions leading to an order to vacate
- Whether the tenant has good cause to vacate a comparable unit

V. 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 TRAO by February 17, 2025. 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