

City of Hayward

# Tenant Relocation Assistance Ordinance (TRAO) Regulations

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City of Hayward Housing Division

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## **CHAPTER 1: REGULATIONS OVERVIEW**

### **101. Purpose of Tenant Relocation Assistance Regulations**

The following regulations provide guidance and standards for the implementation of the Tenant Relocation Assistance Ordinance, Ordinance No. 20-15 (TRAO), codified in Chapter 12, Article 2 of City of Hayward Municipal Code. These Regulations apply unless otherwise preempted by the TRAO.

Key components of these regulations include:

- The types of relocation assistance
- Noticing requirements for landlords
- The process for making relocation payments
- The appeals process for rental assistance eligibility determinations
- The types of remedies available for non-compliance with the TRAO
- Criteria for determining if a landlord failed to pay the relocation assistance owed to a tenant
- City payments and cost recovery

## **CHAPTER 2: TYPES OF RELOCATION ASSISTANCE**

### **201. Permanent Relocation Assistance**

Permanent relocation assistance payments are to be paid by landlords to tenants when there is a no-fault eviction. No-fault evictions are based on allowable reasons for ending a tenancy that are not caused by the tenant. When tenancy is terminated for one of these, the tenant is eligible for relocation assistance from the landlord. No fault evictions include termination of tenancy based on the following reasons:

- The landlord is demolishing a rental unit after obtaining permits, and will not replace the residential rental unit
- The owner or owner's family move into the unit
- The owner moves in based on terms of the lease
- Any other no fault eviction that may be allowed under state or federal law

However, even if the termination of tenancy falls within one of the above-outlined reasons, in some instances permanent relocation assistance does not apply. Consistent with Civil Code section 1946.2(e), Tenants who live in the following types of units are not eligible for permanent relocation assistance:

- 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 (unless more than two units are rented)
- Owner-occupied single-family homes where the owner rents no more than two units or bedrooms including 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

Note that when the landlord has issued a no-fault eviction but fails to provide relocation assistance, the termination notice is void.

For more information on the distribution of permanent relocation assistance, see section Chapter 4, section 402 of this document.

For more information, see Section 12-2.03 of the TRAO.

## **202. Temporary Relocation Assistance**

Temporary relocation assistance is to be paid by the landlord to tenants who must leave their unit for the landlord to complete substantial repairs.

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

Tenants who live in the following types of units are not eligible for temporary relocation assistance:

- 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

Additionally, Temporary Relocation Assistance does not apply when:

- The damage was caused by natural disaster, for example: fire, flood, or earthquake.
- The tenant or their guest caused or substantially contributed to the damage that needs to be repaired.

If a landlord determines that temporary relocation assistance does not apply based on the reasons listed above, the tenant may appeal the decision using the process outlined in Chapter 6 of this document. For more information on the distribution of temporary relocation assistance, see section Chapter 5, section 502 of this document.

For more information, see Section 12-2.04 of the TRAO.

## **203. Relocation Due to a Government Order to Vacate**

When a tenant must temporarily or permanently relocate due to a government order (e.g., Code Enforcement Notice of Violation with a Notice to Vacate for health and safety reasons), California Health and Safety Code sections 17975 et seq. requires owner to pay relocation benefits in addition to those required under local law.

For more information, see Section 12-2.04 of the TRAO.

## CHAPTER 3: NOTICING REQUIREMENTS

### 301. Notice of the Ordinance and Regulations

To comply with noticing requires, landlords must provide written notice to their tenants that the unit is subject to the TRAO along with a copy of the TRAO or summary prepared by the Rent Review Office, along with a copy of these regulations.

The landlord must obtain a signed acknowledgement of receipt from the tenant(s). A form (“Notice to Tenants about the Tenant Relocation Assistance Ordinance Acknowledgement of Receipt”) is available on the City’s website.

If the tenant does not acknowledge receipt within ten days, the landlord must prepare a declaration under penalty of perjury stating that the information, documents, and notices required by the TRAO were delivered to the tenant, including the date they were provided. The property owner should retain the declaration in the event notification of the TRAO is disputed.

For more information, see Section 12-2.13 of the TRAO.

### 302. Notice of Relocation Assistance

Any time the landlord terminates a tenancy for a no-fault eviction (Sections 12-2.03 HMC) or to temporarily relocate tenants (Section 12-2.04 HMC), they must provide a notice to the tenant(s) that the tenants are entitled to relocation assistance. The landlord must also provide a copy of the notice to the Rent Review Officer. Submitting the notice to the City functions as proof to the City that the Landlord intends to pay. If the Landlord does not submit the notice to both the City and tenant, the City will notify the property owner of the presumed failure to pay and will proceed with the steps for recovery of payment listed in Chapter 8 of this document.

The following table summarizes the forms and timelines required for a landlord to provide notice of relocation assistance payments to a tenant.

**Table 1. Notice of Relocation Assistance Payment Forms**

	<b>Permanent Displacement (Section 12-2.03)</b>	<b>Temporary Displacement (Section 12-12.04(a-b))</b>	<b>Displacement due to Government Order to Vacate (Section 12-2.04(c))<sup>1</sup></b>
<b>Form Title</b>	Notice to Tenants about Right to Permanent Relocation Assistance	Notice to Tenants about Right to Temporary Relocation Assistance Form Packet	Notice of Requirement to Provide Relocation Assistance Due to Order to Permanently/Temporarily Vacate for Health and Safety Risks
<b>Form Availability</b>	City website or contact Rent Review Officer	City website or contact Rent Review Officer	Provided by Rent Review Officer after Notice to Vacate has been issued

<sup>1</sup> Article 2.5 Tenant Relocation Assistance (Sections 17975-17975.10) of the California Health and Safety Code also applies in cases of displacement due to a government order to vacate.

<b><i>Deadline to notify Tenant</i></b>	Issue at the same time as the notice to terminate tenancy	Issue at the same time as the notice to temporarily terminate tenancy	Within two business days of the tenant vacating the unit or at the same time as a notice to terminate or temporarily terminate the tenancy
<b><i>Deadline to file with the Rent Review Officer</i></b>	Within 30 days of giving to the tenant, with proof of service that includes time and date of service	Within 30 days of giving to the tenant, with proof of service that includes time and date of service	Within 30 days of giving to the tenant, with proof of service that includes time and date of service

## **CHAPTER 4: MAKING PERMANENT RELOCATION ASSISTANCE PAYMENTS**

This chapter describes how landlords will calculate and distribute permanent relocation assistance payments when issuing a no-fault termination of tenancy.

### **401. Permanent Relocation: Determination of Payment Amount**

In the case of a no-fault termination of tenancy, the landlord is responsible for determining the amount of payment owed to the tenant in compliance with the TRAO requirements. The landlord may choose between two payment options:

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

For more information, see Section 12-2.03 of the TRAO.

### **402. Permanent Relocation: Distribution of Payment**

The landlord shall distribute the permanent relocation assistance payment within 15 calendar days. Furthermore, the landlord must pay the first half of the assistance within three business days after receiving written confirmation from the tenant that they will move out by the date listed on the notice of relocation assistance. Thereafter, the landlord must pay the second half of the relocation assistance payment within three business days of the tenant vacating and removing all their belongings from the property.

For more information, see Section 12-2.07 of the TRAO.

### **403. Permanent Relocation: Proof of Service**

Within three business days of providing payment to tenants, landlords must submit proof of service of the payment to the Rent Review Officer with the time and date of when the payment was made to the tenant. Failure to provide proof of service is presumed a failure to pay assistance (see Chapter 8).

For more information, see Section 12-2.07 of the TRAO.

### **404. Tenant Failure to Vacate**

If a tenant fails to vacate after the expiration of the notice to terminate the tenancy, the actual amount of any relocation assistance or rent waiver provided in compliance with the TRAO shall be recoverable through the eviction process.

For more information, see Section 12-2.03 of the TRAO.

## CHAPTER 5: PROVIDING TEMPORARY RELOCATION ASSISTANCE FOR SUBSTANTIAL REPAIRS

This chapter describes how landlords will determine the type of temporary relocation assistance and calculate and distribute assistance payments when they need to complete substantial repairs that will temporarily displace the tenant.

### 501. Temporary Relocation: Determination Type of Assistance and Payment Amount

For temporary relocation assistance, the tenant has the option to choose how they will receive their payments. The tenant can choose between the following payment options:

1. Receive per diem (daily rate) temporary relocation payments while still paying rent,
2. Stop paying rent and not receive per diem payments, or
3. Move to a comparable unit, only if the landlord has a comparable unit available.

If the tenant chooses to pay rent and receive per diem payments, the landlord must pay per diem payments in the amounts outlined below in Table 1. Importantly, if the landlord estimates that repairs will take more than 60 days but less than 120 days, the tenant automatically must receive per diem payments and continue paying rent.

**Table 1. Per Diem Payment Schedule**

Payment	Amount	Frequency	Criteria
<b>Hotel or motel</b>	\$161	Per day per household	The relocation will be less than 120 days and tenant chose per diem assistance payment
<b>Meal expenses</b>	\$32	Per day per person	Applies if replacement housing does not have a kitchen
<b>Laundry</b>	\$1	Per day per household	Applies if the rental property included laundry facilities and the temporary accommodations lack laundry facilities
<b>Pet</b>	\$31 for cat; \$56 for dog	Per day per animal	Required if temporary housing does not allow pets

If repairs take 120 days or more to complete, the landlord must make rent differential payments. When receiving rent differential payments, tenants will not pay rent. Rent differential payments are the difference between a tenant’s rent and the Department of Housing and Urban Development (HUD) fair market rent for a unit of that size. Table 2 lists the current HUD fair market rents for Alameda County.

**Table 2. Fiscal Year 2021-2022 Oakland-Fremont HUD Metro Area Fair Market Rents (FMRs)**

Efficiency	One-Bedroom	Two-Bedroom	Three-Bedroom	Four-Bedroom
\$1,538	\$1,854	\$2,274	\$3,006	\$3,578

The landlord is required to provide the tenant with all relevant forms for determining the type and amount of relocation assistance. The landlord must use the “Notice to Tenants about Right to Temporary



Relocation Assistance Form Packet” provided by the City of Hayward and available on the City’s website to initiate the process of determining the appropriate amount of payment and communicating with the tenant. The landlord and tenant must complete the following steps:

1. The landlord must fill out the blue sections in Forms A and B from the “Notice to Tenants about Right to Temporary Relocation Assistance Form Packet”. The landlord must then serve the forms to the tenant.
2. Following receipt of the forms from the landlord, the tenant must complete the yellow sections in Form B and return it to the landlord within 30 days of receiving Forms A and B.
3. Thereafter, the landlord must use the information provided by the tenant in Form B to calculate the amount of relocation assistance and complete Form C, as well as provide a copy to the tenant. The landlord must make payments at the start of each month, with the first payment due immediately after the tenant agrees in writing to voluntarily vacate the unit or when the tenant vacates the unit after receiving a temporary notice to vacate.

For more information, see Section 12-2.06 of the TRAO.

### **502. Temporary Relocation: Distribution of Payment**

If the tenant chooses to receive per diem payments or if the landlord anticipates that repairs will take more than 60 days, the first payment must be made immediately after the tenant voluntarily agrees in writing to vacate the unit or after the tenant vacates the unit after being served with a temporary notice to vacate from the landlord. If the tenant chooses to stop paying rent and not receive payments, then the landlord must maintain documentation of that decision with the tenant’s signed confirmation.

For more information, see Section 12-2.07 of the TRAO.

### **503. Temporary Relocation: Proof of Service**

Within three business days of providing the payment to tenants, landlords must submit proof of service of the payment with the time and date of when the payment was made to the Rent Review Officer. Failure to provide proof of service is presumed a failure to pay assistance (see Chapter 8).

For more information, see Section 12-2.07 of the TRAO.

## **CHAPTER 6: MAKING RELOCATION ASSISTANCE PAYMENTS IN RESPONSE TO A GOVERNMENT ORDER TO VACATE**

This chapter describes how landlords will calculate and distribute temporary or permanent relocation assistance payments when a government agency issues an order to vacate.

### **601. Order to Vacate: Determination of Payment Amount**

For relocation initiated by a government order, such as a Code Enforcement order to vacate, landlords must comply with both the City’s TRAO and Article 2.5 of the California Health and Safety Code (Sect. 17975-17975.10).

When there is an order to vacate, the Rent Review Officer will review the case and issue a Determination Letter. The Determination Letter will notify the landlord and tenant(s) of the applicability of the TRAO and State code, what is required of the landlord, what type of relocation assistance, if any, is required to be paid to the tenant(s), what constitutes a failure to pay relocation assistance, and the consequences of

failing to pay assistance. The letter will include relevant forms for landlords to use to notify the tenants of their rights or to appeal the decision of the Rent Review Officer.

Temporary and state relocation payments will be required if a government agency determines that the unit must be vacated to address health and safety issues. Permanent and state relocation payments will be required only if the unit is unpermitted and cannot be brought to code. For relocation assistance required by the State, the landlord must make a payment to the tenant that includes:

1. An amount equal to two times the established fair market rent (FMR) as determined by the Department of Housing and Urban Development (HUD) (see Table 2);
2. A utility deposit in the amount of \$875; and
3. Any security deposit held by the landlord, as required by law.

For more information, see Section 12-2.06 of the TRAO.

**602. Order to Vacate: Distribution of Payment**

To comply with state-mandated relocation assistance requirements, payments must be made either 1) 10 days after the order to vacate is mailed to the owner and posted at the property or 2) at least 20 days before the date the tenant is required to vacate, whichever of the two is later. For example, if a notice to vacate is posted on June 1 with a vacate date of June 21, the latter option would be option 1, ten days after posting (i.e., June 11), instead of 20 days before the order to vacate (i.e., June 2).

Under the TRAO, if the repairs required by a notice of violation are not completed after 60 days, landlords must make rent differential payments as described in section 501 above.

For more information, see Section 12-2.07 of the TRAO.

**CHAPTER 7: APPEAL PROCESS**

This chapter describes what types of decisions can be appealed and what the process is for making those appeals.

**701. Appeals**

Under certain circumstances a landlord or a tenant can submit an appeal to the Rent Review Officer regarding tenant relocation assistance. The following disputed topics may be appealed:

<b>Reason for Appeal</b>	<b>Who Submits the Appeal</b>	<b>Time Frame for Submitting</b>
If the landlord did not cause or contribute to conditions leading to an order to vacate	Tenant	Within ten business days from receiving the Rent Review Officer’s Determination Letter
If a tenant or guest of the tenant did not cause or contribute to the conditions leading to an order to vacate	Landlord	Within ten business days from receiving the Rent Review Officer’s Determination Letter
If there are health or safety conditions that warrant a government order to vacate or require the tenant to vacate without a governmental agency’s order	Tenant or Landlord	Within ten business days from receiving the Rent Review Officer’s Determination Letter

If a different unit qualifies as comparable	Landlord	Within ten business days from receiving the Rent Review Officer's Determination Letter
If a tenant has good cause to vacate a comparable unit after 120 days and instead receive rent differential payments until the tenant can reoccupy the unit	Tenant	Within ten business days after the 120 days in a comparable unit

Appeal forms are available on the City website and by contacting the Rent Review Officer. Appeals must be submitted within ten business days of receiving the decision. Following submission of an appeal, the Rent Review Officer will provide all relevant documentation on the determination to a Hearing Officer, who may ask for additional documentation. The Hearing Officer will set a date for an appeal hearing between 15 and 30 days from when the request for a hearing is submitted. All parties will have the opportunity to testify and present witnesses on their behalf and, after reviewing testimony and evidence, and within 20 days of the conclusion of the hearing, the Hearing Officer shall issue a written decision, which will be final.

For more information, see Section 12-2.04 of the TRAO.

## **CHAPTER 8: FAILURE TO COMPLY AND RECOVERY OF COSTS**

This chapter describes the two types of remedies available under the TRAO: 1) civil remedies available to either the tenant or landlord in court and 2) City paid relocation assistance available under certain circumstances when landlords fail to provide the assistance. This chapter also establishes what constitutes a landlord's failure to comply with the TRAO and landlord remedies for a tenant's failure to vacate after receipt of rental assistance.

### **801. Civil Remedies**

Civil remedies refer to action that a tenant or landlord may take against the other party through the court system when they believe the other party has violated the TRAO. As described in Section 12-2.10, any person who believes the TRAO has been violated can file an action for injunctive relief and/or damages.

If a tenant fails to vacate after the expiration of the notice to terminate the tenancy, the actual amount of any relocation assistance or rent waiver provided in compliance with the TRAO shall be recoverable through the eviction process.

For more information, see Section 12-2.10 of the TRAO.

### **802. City-Paid Relocation Assistance**

As authorized in the TRAO and approved by City Council, the Rent Review Officer may make relocation assistance payments to tenants in the following circumstances:

1. Code Enforcement issues a notice to vacate and the landlord fails to pay; or
2. There is a natural disaster and the tenant must relocate due to health and safety issues (see Section 808 of this Chapter for more information)

When a landlord fails to make required relocation assistance payment(s) resulting from a Government order to vacate, the Rent Review Officer may provide the relocation payments, subject to funding availability, in the landlord's place as described in Section 803 of this Chapter. In these instances, the Rent Review Officer shall initiate process to make relocation on behalf of the landlord as described in Section 804 of this Chapter. Any relocation assistance provided to the tenant on behalf of the landlord plus the City's cost including costs to investigate, enforce, administrative fees and reasonable attorney's fees shall be recovered through a lien or special assessment as described in Sections 805 and 806 of this Chapter.

For more information, see Section 12-2.10 of the TRAO.

### **803. Failure to Pay Rental Assistance**

The City may initiate the process to provide rental assistance to the tenant based on failure to pay under the following circumstances:

1. Landlord tells the City that they are unable to make the required relocation assistance payment
2. Landlord fails to issue a notice of termination of tenancy with required notice of relocation assistance payments
3. Landlord initiates a termination or temporary termination of tenancy because of government order to vacate but does not provide the tenant with a notice of entitlement to payment
4. Landlord does not provide relocation assistance payments within the timeframes required under sections 12-2.03 and 12-2.07
5. City receives documentation that the landlord does not intend to pay the assistance
6. Tenant submits a sworn statement under penalty of perjury to the City that the landlord has not provided payment after City issues determination that assistance is owed and the landlord has not submitted proof of payment as required under Sections 403 of Chapter 4 and 503 of Chapter 5

For more information, see Section 12-2.11 of the TRAO.

### **804. Requests for Payment**

When a landlord fails or refuses to pay as per Section 803 of this Chapter and the Rent Review Officer determines that relocation assistance is required per the criteria in Section 802, the Rent Review Officer will take the following steps to ensure that the landlord has been notified about their obligation to pay relocation assistance and to ensure the tenant is provided with the required financial assistance to assist them find alternative housing:

1. Within three business days following determination that landlord has failed to pay required relocation assistance as described in section 803 of Chapter 8, the City will mail an initial failure to pay notice to give the landlord a final opportunity to pay the required relocation assistance to the tenant. The notice will include:
  - a. Reason(s) for determining failure to pay based on the circumstances listed in Section 803.
  - b. Required forms for notifying the tenant of the assistance and determining the amount of assistance owed by the landlord to the tenant
  - c. Ways and time frame to cure failure to pay

- d. Explanation of the City's right to make the relocation assistance payment on the landlord's behalf and recover the City's cost through lien or special assessment on the property
2. If the landlord has not cured the failure to pay within 5 business days of the City mailing the initial failure to pay notice, the City will disburse payment to the tenant and initiate cost recovery processes.
3. Concurrently with disbursement of payment to the tenant, the City will mail a final request to the landlord ordering reimbursement of the City's funds prior to initiating the process to record a lien or special assessment (as required by the TRAO in Section 12-2.11). The final request for payment will include:
  - a. Ways to repay the City.
  - b. A warning notice that if the unpaid relocation payments are not paid within 30 days, the amount of the payment owed plus the City's costs will be placed on the landlord's real property tax rolls.
  - c. Information about any additional administrative charges that will become due if a lien is recorded against the landlord's property.
  - d. Notice that the landlord's property will be assessed on the next property tax statement if the relocation payment(s) remains unpaid.
  - e. Information about the landlord's right to an administrative hearing.
  - f. Description of collection process should the landlord not make the required payments, including the role of the administrative hearing described in section 805 and recordation of lien or special assessment described in section 806.
  - g. Contact information of the Rent Review Officer.

If the landlord does not respond to request for payment within 30 days, the City will initiate collection cost recovery process described in Sections 805 and 806 of this document.

For more information, see Section 12-2.11 of the TRAO.

### **805. Lien/Special Assessment Administrative Hearing**

If the landlord does not pay the relocation assistance payments within 30 days after the Rent Review Officer mails the final request for payment, the Rent Review Officer will send a certified notice to set the time and date of an administrative hearing. The certified notice will include:

- a. The name(s) of the landlord
- b. The property address
- c. The amount owed
- d. The time, date, and location for an administrative hearing before a qualified Hearing Officer

The certified notice will be mailed to all parties listed on the most recent property assessment rolls from the County Assessor. It will be mailed no less than 15 days before the hearing date specified in the notice.

A Hearing Officer will conduct an administrative hearing as scheduled in the certified notice to determine if an assessment or lien should be imposed upon the property of a landlord who has not paid outstanding relocation assistance payments. The Rent Review Officer and the landlord will supply the Hearing Officer with all relevant documentation to inform their decision.

For more information, see Section 12-2.11 of the TRAO.

### **806. Assessment or Lien**

If the Hearing Officer determines that the landlord owes the relocation assistance, the Hearing Officer will set a final deadline for payment of all unpaid fees and assistance. If the landlord fails to pay the relocation assistance within the timeframe established by the Hearing Officer, the Rent Review Officer will keep an account of the cost of relocation assistance and any other costs incurred by the City. The list will be included in an annual report to Hayward City Council, which will review and confirm the report and lien/special assessment list by way of resolution.

The City Clerk will post a copy of the report and lien/special assessment list on the bulletin board designated for the posting of agendas for City Council meetings. It will include a notice of filing and the time and place of when and where the report will be submitted to the City Council for confirmation by way of resolution. Notice will also be published once in a newspaper of general circulation that is published and circulated within the City. The posting and first publication of the notice will be completed at least ten days before the report is considered by the Council.

Once City Council confirms the annual report and lien/special assessment list, the Director of Finance will be given a copy of the list and will receive payments and issue receipts at any time after Council confirms the report and until the list is sent annually to the County Auditor for effecting collection on the tax roll as part of the municipal tax process. All laws and ordinances applicable to the levy, collection, and enforcement of City taxes will apply to the liens or special assessments, and the lien/special assessment will have priority of the taxes it is collected with.

The right to Judicial Review shall be governed pursuant to Hayward Municipal Code section 1-7.13 Administrative Citation - Right to Judicial Review.

For more information, see Sections 5-7.70 through 5-7.130 of the Hayward Municipal Code.

### **807. Additional remedies**

Any person who violates the TRAO may be required to reimburse the City for its investigative and enforcement costs, and reasonable attorneys' fees, as well as other potential remedies outlined in the Hayward Municipal Code (see 1-3, 1-7, and 12-1).

For more information, see Section 12-2.10 of the TRAO.

## **CHAPTER 9: RELOCATION ASSISTANCE FOR DISPLACEMENT CAUSED BY NATURAL DISASTERS**

### **901. Assistance Payments from the City of Hayward**

The City has a limited pool of funds to provide one-time relocation assistance to households displaced because of a natural disaster as determined by the City's Fire Department, Code Enforcement Division, or Building Official. Natural disasters include fire, flood, earthquake, or other event beyond the control of a landlord that lead to a City of Hayward order to vacate (12-2.04(d)(1)).

One-time relocation assistance payments are available for households that meet the following eligibility criteria:

- Household income is 80% of the area median income (AMI) or lower<sup>2</sup>
- Household does not have insurance coverage that provides for payment and/or replacement housing in the event of housing loss
- The property owner has not provided replacement housing

Applications will be prioritized based on income level, using the following household income categories:

- Extremely low-income (below 30% of AMI)
- Very low income (50-31% of AMI)
- Low income (80-51% of AMI)

Assistance payments will be based on the estimated length of time that the tenants will be displaced from their rental unit:

- Displacement for 29 days or fewer: Per diem payments based on the calculations in Section 501 of this document
- Displacement for 30 days or more: Four times the fair market rent (FMR) by unit bedrooms<sup>3</sup>

The City recognizes that property owners, the Red Cross, and other non-profit entities may also provide emergency relocation assistance to provide immediate support with lodging expenses following a natural disaster. Any payments made by these entities of \$2,000 or less will not be deducted from the City's assistance payment. When these entities make payments of more than \$2,000, any amount greater than \$2,000 will be deducted from the City's assistance payment.<sup>4</sup> Tenants must list any forms of additional assistance provided on their application form.

The City reserves the right to confirm the length of displacement or provision of relocation assistance with the property owner.

The household must apply for assistance within 60 days after the disaster and there must be a City of Hayward Code Enforcement inspection resulting in a Notice of Violation with an order to vacate or a determination from the Fire Department or Building Official that the home is uninhabitable.

Eligible households may complete the application form on the City website and submit it to the Rent Review Officer along with documentation of income eligibility.

## **CHAPTER 10: CONTACTING THE CITY OF HAYWARD RENT REVIEW OFFICE**

### **1001. Contact Information**

For general questions, landlords and tenants can contact the Rent Review Officer in the following ways:

- Phone: 510-583-4454
- Email: [housing@hayward-ca.gov](mailto:housing@hayward-ca.gov)

<sup>2</sup> To see current income limits for Alameda County visit:

[https://www.huduser.gov/portal/datasets/il.html#2021\\_query](https://www.huduser.gov/portal/datasets/il.html#2021_query)

<sup>3</sup> To see current Fair Market Rent levels for Alameda County visit:

<https://www.huduser.gov/portal/datasets/fmr.html>

<sup>4</sup> For example, a two-bedroom household being displaced for over 30 days is eligible for \$9,096 in assistance from the City (i.e., four times the FMR of \$2,274). If the property owner provides a household \$2,500 to relocate, the City will provide \$8,596 in assistance (\$9,096 minus \$500).

- Mail: 777 B Street, Hayward, CA, 94541

Landlords may provide copies of notices or proof of service of payments electronically or by mail to their assigned staff member from the Housing Division.

## **CHAPTER 11: PROMULGATION OF THE REGULATIONS**

The Tenant Relocation Assistance Regulations are effective on April 4, 2022. Landlords must provide notice of these regulations when providing notice of eligibility for relocation assistance to eligible tenants.