

Instruction Guide: CITY OF HAYWARD TENANT RELOCATION ASSISTANCE ORDINANCE

The City of Hayward's Tenant Relocation Assistance Ordinance (TRAO) requires that landlords pay relocation assistance to tenants who must leave their units temporarily during substantial repairs due to health and safety reasons unless the condition was caused by the tenant or a natural disaster.

This document provides a step-by-step guide for landlords and tenants to comply with the temporary relocation assistance requirements of the TRAO. The tenant must supply the landlord with certain information to allow the landlord to 1) know how the tenant prefers to receive assistance and 2) accurately calculate the amount of assistance owed. To do so, the landlord must provide the tenant with Forms A, B, and C. Each section on each form specifies if the landlord or the tenant must complete it.

Noticing Documents Checklist

The landlord is responsible for obtaining the documents listed below, filling out the landlord-specific information, giving them to the tenants for the tenants to fill out the tenant-specific information. Landlords should not complete sections that are meant for tenants to complete.

- | | |
|--|--|
| <input type="checkbox"/> Form A: Eligibility and Project Description | <ul style="list-style-type: none">• Completed by the landlord• Used to provide a detailed description of and reasons for the substantial repairs required for health and safety reasons• Landlord must specify if the tenant is eligible for relocation assistance (the landlord has the burden of proof for supporting their eligibility decision and the tenant can appeal the decision within ten days of receiving Form A)• Tells tenants when the repairs are supposed to begin and how long they will take |
| <input type="checkbox"/> Form B: Tenant Confirmation of Voluntary Temporary Relocation | <ul style="list-style-type: none">• Required for tenant to tell the landlord how they will receive the payment and to give the landlord information needed to calculate the payments• Provided with the completed Form A• Completed by both the landlord and the tenant, with the landlord filling out their specific sections first then giving it to the tenant to fill out tenant-specific sections.• The tenant returns the signed form to the landlord within 30 days of receiving it and Form A.• Returned to the landlord Form A (this notice form)• Used by landlord to let tenant know what forms of relocation assistance payments are available• Used by tenant to identify how they want to receive so landlords can calculate the assistance payment• Used by tenant to provide information to the landlord so the landlord can calculate the amount of payment owed and complete Form C |
| <input type="checkbox"/> Form C: Temporary Relocation Assistance Payment | <ul style="list-style-type: none">• Completed by the landlord using information from tenant sections of Form B• Documents the type and amount of relocation assistance owed to the tenant |

Completing Noticing Forms**Form A: Tenant Relocation Assistance Eligibility and Project Description**

- A1. Rental Unit Information
 - Landlord must complete
 - Provide current information on rental unit address and tenant names
- A2. Eligibility for Temporary Relocation Assistance
 - Landlord must complete
 - Landlord must specify if the tenant is eligible for temporary relocation assistance, based on Section 12-2.04 of the Tenant Relocation Assistance Ordinance.
 - If the landlord believes the tenant is not eligible for temporary assistance while substantial repairs are being completed, they must specify if it is because the condition needing repair was caused by the tenant (or guest) or a natural disaster
 - Landlord has the burden of proof to support their claim if they say the tenant is not eligible for assistance
 - **If the landlord says tenants are not eligible for assistance, the tenant has 10 business days to appeal the decision in writing to the Rent Review Office**
- A3. Description of Repairs
 - Landlord must complete
 - Landlord must describe the type of repairs that are required
- A4. Reason for Repairs
 - Landlord must complete
 - Landlord must describe why the substantial repairs are needed
 - If the landlord stated in A2 that the tenant is not eligible for temporary relocation assistance while the repairs are being completed, the landlord must explain the condition that caused the need for repairs and should attach any supporting documentation
- A5. Duration of Repairs
 - Landlord must complete
 - Landlord must provide an estimate for the start and end dates of the repairs and when the tenant will be able to return to living in the unit
 - Landlord must total the number of days that the tenant will be displaced due to repairs
 - Landlord must give tenants at least 7 days of notice if the repairs are going to take longer than estimated and the tenant must be displaced for longer than estimated in A5
- A6. Landlord Signature
 - Landlord must complete
 - Landlord must sign this section, attesting that they have filled out the sections in Forms A and B and that the information in in each form is true and correct to the best of their knowledge

Form B: Tenant Relocation Assistance Eligibility and Project Description

- B1. Types of Assistance Available
 - Landlord and tenant must read
 - This section summarizes the types of relocation assistance available for tenants
 - The tenant gets to choose what type of assistance they want to receive
 - Tenants and landlords should note that for displacements lasting over 60 and over 120 days, the types of assistance change – see B1 for a detailed description
- B2. Applicable Payments
 - Landlord must complete
 - The landlord must say if rent differential payments apply
 - These apply only if the repairs will take more than 120 days to complete
 - The landlord must say if they have a comparable rental unit that the tenant can move to while temporarily displaced during the repairs
- B3. Comparable Unit
 - Landlord should complete only if they have a comparable rental unit for the tenant to temporarily relocate to during the repairs
 - The landlord should check the boxes for all the features that the comparable unit has, which will help the tenant determine if they would like to relocate to that unit

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- B4. Tenant Information
 - Tenant must complete
 - Tenant must say how many people live at the address where the repairs are taking place
 - Tenant must list the names of all tenants living at the unit, even if those names are not on the lease
 - Tenant must list any cats or dogs that live at the unit
 - Tenant must specify if the location they will be staying at during the displacement has a kitchen and laundry facilities
- B5. Tenant's Selection of Assistance Type
 - Tenant must complete
 - In this section, the tenant tells the landlord what type of assistance they want for the relocation
 - A representative from the tenant's household must initial next to only one of the options
 - They may only initial next to options 3 or 4 if the landlord said those options applied in section B2
- B6. Tenant Acknowledgement
 - Tenant must complete
 - Tenant must sign this section only if they have received Forms A and B from their landlord, attesting that they have received Forms A and B and have filled out Form B
 - Tenant must give the filled out and signed Form B back to the landlord so the landlord can use the information from the tenant to calculate the relocation payment (if tenant chose to receive per diem payments or if the repairs will be longer than 60 days) in Form C

Form C: Temporary Relocation Assistance Payment

- C1. Rental Unit Information
 - Landlord must complete
 - Provide current information on rental unit address and tenant names, using information provided by the tenant in section B4 of Form B
- C2. Type of Assistance
 - Landlord must complete
 - Landlord should use the response from the tenants in section B5 of Form B to check the box next to the type of assistance the tenant chose
 - If the tenant chooses to stop paying rent and receive no additional assistance, the landlord does not have to complete any calculations in section C4
 - If the relocation will be more than 120 days, the landlord must complete Calculation I in section C4
 - If the tenant chooses to keep paying rent and receive per diem payments, the landlord must complete Calculation II in section C4
 - If the tenant chooses to move to a comparable unit, the landlord does not have to complete any calculations in section C4
- C3. Duration of Displacement
 - Landlord must complete
 - Landlord should put the same duration of displacement as specified in section A5 of Form A
- C4. Payment Calculation
 - Landlord must complete
 - Calculation I should be completed only if the relocation is going to take more than 120 days
 - Follow steps a through f to calculate the estimated total amount due to the tenant for the duration of the repairs
 - Calculation II should be completed only if the tenant chooses to keep paying rent and receive per diem payments from the landlord
 - First determine what type of per diem payments apply, using information from section B4
 - If the tenants are temporarily relocating to housing without kitchen facilities (like a hotel), meal expenses apply
 - If the tenants are temporarily relocating to housing without laundry facilities and their original unit had laundry facilities, laundry expenses apply
 - Then calculate the estimated payment based on the different types of per diem payments that apply

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- For quantity, use the number of tenants or pets provided by the tenant in section B4 of Form B
- C5. Payment Distribution
 - Landlord and tenant must read
 - Provides information about the timing of the assistance payments, if the tenant chose to stop paying rent and receive payments or if the repair will take longer than 60 days
- C6. Landlord Signature
 - Landlord must complete
 - Landlord must sign this section, attesting that they have provided Forms A, B, and C and used the information provided in Form B to complete Form C

Important Notes

- Landlords are required to provide a copy of all noticing forms to the Rent Review Office within 30 days of giving them to the tenant.
- If the tenant does not agree to temporarily vacate the unit for the landlord to complete the substantial repairs described in Form A, the landlord may take action to terminate the tenancy temporarily.
- The TRAO prohibits landlords and tenants from waiving tenants' rights under the TRAO, unless specially authorized. Please retain a copy of this document and all noticing forms for your records. Landlords must submit a copy of this notice to the Rent Review Office:

777 B Street, 4th Floor, Hayward, CA 94541 | 510-583-4454 | housing@hayward-ca.gov

Form A: TEMPORARY RELOCATION ASSISTANCE ELIGIBILITY AND PROJECT DESCRIPTION

The City of Hayward's Tenant Relocation Assistance Ordinance (TRAO) requires that landlords pay relocation assistance to tenants who must leave their units temporarily during substantial repairs due to health and safety reasons. By giving the tenant this form, the landlord for the unit listed below is informing the tenant that the landlord plans to make substantial repairs. This form also states if the tenant is eligible for temporary relocation assistance. A tenant is not eligible for assistance if the need for repairs was either caused by the tenant or their guests, or by a natural disaster. Landlords and tenants must follow these steps to determine what assistance a tenant is owed:

1. Landlord must fill out the sections to be completed by the landlord in this Form A and in Form B.
2. Landlord must provide this Form A and Form B to the tenant, with the sections to be completed by the landlord filled out.
3. Tenant must fill out the sections to be completed by the tenant in Form B.
4. Tenant must return the completed Form B to the landlord within 30 days of receiving Forms A and B from the landlord.
5. Landlord must use the information in Form B to fill out Form C, which estimates the required amount of relocation assistance owed the tenants during their temporary relocation.

<i>These sections to be completed by the landlord</i>	
A1. Rental Unit Information	
Landlord name:	_____
Unit Address:	_____
	<i>Street Address</i> <i>Apt/Unit #</i>

	<i>City</i> <i>Zip Code</i>

Tenant Name(s):	_____

A2. Eligibility for Temporary Relocation Assistance (select one)	
<input type="checkbox"/> Relocation assistance will be provided to the tenant <input type="checkbox"/> Relocation assistance will not be provided because (select one)*	
<input type="checkbox"/> The condition was caused by the tenant or their guest(s).	
<input type="checkbox"/> The condition was caused by a natural disaster.	
*NOTE: Landlord has the burden of proof to support claim. Tenant can appeal the determination in writing to the Rent Review Office within ten business days of receiving this form from the landlord.	
A3. Description of Repairs. The following substantial repairs are required:	

Internal Use Only: _____

A4. Reason for Repairs. If the tenant is not eligible for relocation assistance, explain the condition causing the need for the repairs and attach supporting documentation.

A5. Duration of Repairs

Repairs on your unit are estimated to begin on: _____
(landlord write start date here)

Repairs on your unit are estimated to be completed on: _____
(landlord write end date here)

Estimated date you will be able to return to the unit: _____
(landlord write return date here; may be the same as end date)

Your unit will be under repair for _____ days.
(landlord write length of estimated displacement here)

The landlord must give at least 7 days of notice if the relocation is going to extend longer than listed above. The landlord must notify the tenant(s) when the repairs are complete.

A6. Landlord Signature

I _____
(write name) acknowledge that I filled out the sections to be completed by the landlord in Forms A & B and provided them to the tenants at the above address on _____
(write date) and that the information provided is true and correct to the best of my knowledge.

Signature: _____ **Date:** _____

NOTE: The TRAO prohibits landlords and tenants from waiving tenants' rights under the TRAO, unless specially authorized. Please retain a copy of this document for your records. Landlords must submit a copy of this notice to the Rent Review Office: 777 B Street, 4th Floor, Hayward, CA 94541 | 510-583-4454 | housing@hayward-ca.gov

Form B: TENANT CONFIRMATION OF VOLUNTARY TEMPORARY RELOCATION*

****This form is not intended to be used alone. It must accompany Form A: TEMPORARY RELOCATION ASSISTANCE ELIGIBILITY AND PROJECT DESCRIPTION.***

The City of Hayward’s Tenant Relocation Assistance Ordinance (TRAO) requires that landlords pay relocation assistance to tenants who must leave their units temporarily during substantial repairs due to health and safety reasons. Landlords and tenants must follow these steps to determine what assistance a tenant is owed:

1. Landlord must fill out the sections to be completed by the landlord in this Form B and in Form A.
2. Landlord must provide this Form B and Form A to the tenant, with the sections to be completed by the landlord filled out.
3. Tenant must fill out the sections to be completed by the tenant in this Form B.
4. Tenant must return the completed Form B to the landlord within 30 days of receiving the forms from the landlord.
5. Landlord must use the information in Form B to fill out Form C, which estimates the required amount of relocation assistance owed the tenants during their temporary relocation.

B1. Types of Assistance Available (informational for tenant and landlord)

There are four ways in which landlords can provide temporary relocation assistance under the TRAO. Tenants may choose from the following options, depending on how long the repairs are estimated to take:

1. Stop Paying Rent and Receive No Assistance	<ul style="list-style-type: none"> • Tenant may stop paying rent while their unit is unavailable and will not receive assistance. • This only applies during the first 60 days the unit is unavailable. • After 60 days, the landlord is required to make assistance payments and the tenant is required to pay rent.
2. Stop Paying Rent and Receive Rent Differential Payments	<ul style="list-style-type: none"> • When substantial repairs take more than 120 days, the tenant pays no rent, and the landlord must make rent differential payments. • Rent differential payments are the difference between a tenant’s rent and the fair market rent for a unit of that size. See table on the next page.
3. Landlord Pays Tenant Temporary Relocation Per Diem Payments and Tenant Keeps Paying Rent	<ul style="list-style-type: none"> • Tenant continues to pay rent and receive assistance based on daily rates for lodging, meals, pets, and laundry. • See table on the following page for per diem payments. • This option is available to tenants when repairs will take 120 days or less.
4. Move to a Comparable Unit	<ul style="list-style-type: none"> • Landlord may offer a comparable unit for the tenant to occupy temporarily instead of paying relocation benefits. • If a tenant accepts the comparable unit, the tenant pays no more than the current rent. • If a tenant declines the offer of a comparable unit, they may still receive relocation assistance payments.

For options two and three above, the landlord must pay half the amount owed for the estimated length of displacement when they receive written confirmation from the tenant of the date the tenant will vacate the unit and the other half when the tenant has vacated on the date provided in the notice.

Per Diem Payments. The per diem payments are established in the City of Hayward’s Master Fee schedule. They may not all be applicable, depending on the amenities of the rental unit being repaired and the amenities of the temporary housing. The per diem temporary relocation payments and corresponding applicability criteria are:

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

For example, if the rehabilitation will take five days and there are four people in the household, the landlord would owe \$805 for the hotel expense, \$160 for meals, \$5 for laundry, and \$155 if the household had a cat. The total paid to the household would be \$1125. \$562.50 would be due when the landlord receives written confirmation from the tenant and the remaining \$562.50 would be due when the tenant has vacated by the time indicated by the ordinance.

Rent Differential Payments. When substantial repairs take more than 120 days, the landlord must make rent differential payments. These are the difference between a tenant’s rent and the fair market rent for a unit of that size. The tenant does not have to pay rent if they are receiving rent differential payments. Current rent differential payments based on fair market rents are:

Number of Bedrooms	Rent Differential based on Fair Market Rent FY 2020-2021
0	\$1,488 minus current rent
1	\$1,808 minus current rent
2	\$2,239 minus current rent
3	\$3,042 minus current rent
4	\$3,720 minus current rent

For example, if the tenant rents a 2-bedroom apartment and pays \$2,000 in rent, the rent differential payment would be \$239 (fair market rent [\$2,239] minus actual rent [\$2,000] = \$239). The tenant could use their rent payment plus the differential payment to pay for temporary housing. If the tenant pays more than the fair market rents, no differential payment is due.

This section to be completed by the landlord

B2. Applicable payments

Landlords must check which of the following types of payments apply:

- Rent Differential Payments (by checking this box, the landlord acknowledges that the project will take more than 120 days to complete)
- Comparable unit is available (by checking this box, the landlord acknowledges that there is a comparable unit available for the tenant to move to temporarily and the landlord must fill out section B3 below)

B3. Comparable Unit (if applicable). Landlords may offer a comparable unit for the tenants to occupy temporarily instead of paying relocation benefits. If there is not a comparable unit, Landlord should leave this section blank.

Comparable Unit Address (must be in Hayward) _____
Street Address Apt/Unit #

_____ _____
City Zip Code

- Comparable Unit Features (check those that apply)
- Number of bedrooms: _____
 - Allows pets
 - Laundry (in-unit / shared)
 - Number of bathrooms: _____
 - ADA accessible
 - (Circle one, if applicable)*
 - Onsite parking
 - Other amenities: _____

Form C: TEMPORARY RELOCATION ASSISTANCE PAYMENT

The City of Hayward’s Tenant Relocation Assistance Ordinance (TRAO) requires that landlords pay relocation assistance to tenants who must leave their units temporarily during substantial repairs due to health and safety reasons unless the condition was caused by the tenant or a natural disaster. This Form C states the type and amount of relocation assistance owed to the tenant by the landlord. The landlord must use the information from Form B to complete this Form C. Then, the landlord must provide this completed Form C to the tenant. Landlords and tenants must follow these steps to determine what assistance a tenant is owed:

1. Landlord must fill out the sections to be completed by the landlord in this Form B and in Form A.
2. Landlord must provide this Form B and Form A to the tenant, with the sections to be completed by the landlord filled out.
3. Tenant must fill out the sections to be completed by the tenant in this Form B.
4. Tenant must return the completed Form B to the landlord within 30 days of receiving the forms from the landlord.
5. Landlord must use the information in Form B to fill out Form C, which estimates the required amount of relocation assistance owed the tenants during their temporary relocation.

This section to be completed by the landlord

C1. Rental Unit Information

Landlord name: _____

Unit Address: _____ *Street Address* _____ *Apt/Unit #*

_____ *City* _____ *Zip Code*

Tenant Name(s): _____

C2. Type of Assistance (The landlord should use the Tenant’s responses to Section B5 on Form B)

Type of Assistance Being Provided (as indicated on Form B, Section B5 by the tenant):

Stop Paying Rent and Receive No Assistance (note: no calculations required)

Stop Paying Rent and Receive Rent Differential Payments (See Calculation I)

Landlord Pays Tenant Temporary Relocation Per Diem Payments and Tenant Keeps Paying Rent (See Calculation II)

Move to a Comparable Unit (note: no calculations required)

C3. Duration of Displacement

Enter the estimated length of displacement from section A5 on Form A: _____ days

C4. Payment Calculation																																
<p>Calculation I: Stop Paying Rent and Receive Rent Differential Payments Use the following steps to calculate the amount of the rent differential payment, which will be owed monthly. The tenant is not required to pay rent while receiving rent differential payments.</p>																																
a. Enter fair market rent based on Table 1	\$ _____	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #e1f5fe;"> <th colspan="2" style="text-align: center; padding: 5px;">Table 1. Fair Market Rents</th> </tr> <tr style="background-color: #e1f5fe;"> <th colspan="2" style="text-align: center; padding: 5px;">Identify the Fair Market Rents based on the unit size.</th> </tr> <tr style="background-color: #e1f5fe;"> <th style="text-align: center; padding: 5px;">Number of Bedrooms</th> <th style="text-align: center; padding: 5px;">Fair Market Rent FY 2021-2022</th> </tr> </thead> <tbody> <tr> <td style="text-align: center; padding: 5px;">0</td> <td style="text-align: center; padding: 5px;">\$1,595</td> </tr> <tr> <td style="text-align: center; padding: 5px;">1</td> <td style="text-align: center; padding: 5px;">\$1,934</td> </tr> <tr> <td style="text-align: center; padding: 5px;">2</td> <td style="text-align: center; padding: 5px;">\$2,383</td> </tr> <tr> <td style="text-align: center; padding: 5px;">3</td> <td style="text-align: center; padding: 5px;">\$3,196</td> </tr> <tr> <td style="text-align: center; padding: 5px;">4</td> <td style="text-align: center; padding: 5px;">\$3,863</td> </tr> </tbody> </table>	Table 1. Fair Market Rents		Identify the Fair Market Rents based on the unit size.		Number of Bedrooms	Fair Market Rent FY 2021-2022	0	\$1,595	1	\$1,934	2	\$2,383	3	\$3,196	4	\$3,863														
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b. Enter current rent	- \$ _____																															
c. Monthly rent differential payment. Subtract current rent (line b) from fair market rent (line a) (Only applies if greater than zero)	= \$ _____																															
d. Subtract any relocation assistance the tenant receives from any government agency (enter \$0 if none)	- \$ _____																															
e. Total Monthly Payment. Subtract the relocation assistance (line d) from the monthly rent differential payment (line c)	= \$ _____																															
f. Estimated Total Amount Due. Multiply the total monthly payment (line e) by the estimated number of months of displacement.	= \$ _____																															
<p>Calculation II: Landlord Pays Tenant Temporary Relocation Per Diem Payments and Tenant Keeps Paying Rent Use the following steps to calculate the amount of the total per diem payment. The landlord should use information provided by the tenant in Form B to complete this section.</p>																																
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Internal Use Only: _____

b. **Calculate Estimated Payment:** Based on the applicable benefits indicated above, calculate the total estimated due to the tenant using the table below (Note: Enter zero to lines that do not apply).

Applicable relocation payment	Daily rate	Quantity (people and pets)	Amount due to Tenant
a. Calculate hotel/motel payment:	\$161	N/A	Enter daily rate \$ _____
b. Calculate meal payment	\$32	_____	Multiply the daily rate by the number of people in the household \$ _____
c. Calculate laundry payment	\$1	N/A	Enter daily rate \$ _____
d. Calculate cat payment	\$31	_____	Multiply the daily rate by the number of cats in the household \$ _____
e. Calculate dog payment	\$56	_____	Multiply the daily rate by the number of dogs in the household \$ _____
f. Calculate daily payment: Sum (add together) line (a) through (e).			\$ _____
g. Enter daily rate of any relocation assistance the tenant receives from another government agency (enter \$0 if none)			\$ _____
h. Calculate total daily payment: Subtract additional assistance (line g) from daily payment (line f)			\$ _____
i. Calculate total estimated payment: Multiply total daily payment (line h) by estimated days of displacement			\$ _____

C5. Payment Distribution

The landlord must make the above payments at the beginning of each month. The initial payment must be made immediately after:

- The tenant voluntarily agrees in writing to vacate the unit, or
- The tenant vacates the unit after having been served with a temporary notice to vacate.

C6. Landlord Signature

I _____ acknowledge that I provided completed Forms A, B, and C to the tenant(s) at the
(write name)
 above address on _____, that the information provided is true and correct to the best of my knowledge, and
(write date)
 that the payment calculated above will be remitted to the tenant based on the timeline outlined in C5 above.

Signature: _____ Date: _____

NOTE: The TRAO prohibits landlords and tenants from waiving tenants' rights under the TRAO, unless specially authorized. Please retain a copy of this document for your records. Landlords must provide the signed copy of this form to the tenant(s) and to the Rent Review Office: 777 B Street, 4th Floor, Hayward, CA 94541 | 510-583-4454 | housing@hayward-ca.gov