



City of Santa Barbara

TENANT DISPLACEMENT ASSISTANCE ORDINANCE INFORMATION

- Letter to Interested Parties
- Submittal Requirements and Process
- Form A - Notice of Intent to File an Application (Spanish and English versions)
- Form B - Notice of Intent for Resident Households/Affidavit
- Form C - Owner Occupancy or Vacancy Exemption for Tenant Displacement Assistance Ordinance/Affidavit
- Form D - Notice to New Tenants
- Tenant Displacement Assistance Ordinance – Adopting Ordinance 5401
- Rent Survey Data Regarding Median Rents by Bedroom Count



City of Santa Barbara

Community Development Department

www.SantaBarbaraCA.gov

To Interested Parties,

Director's Office

Tel: 805.564.5502

Fax: 805.564.5506

The City Council of Santa Barbara adopted the Tenant Displacement Assistance Ordinance (Santa Barbara Municipal Code Chapter 28.89), effective on December 21, 2006. It applies when an application is filed with the City for a demolition, alteration, or change of use that will result in the elimination of a residential unit.

Administration, Housing &

Human Services

Tel: 805.564.5461

Fax: 805.564.5477

The ordinance requires applicants to notify all tenants on the property via a *Notice of Intent* that an application will be filed with the City. The *Notice of Intent* explains how the ordinance applies to tenants including the entitlement to financial assistance in an amount equal to four times the median advertised rental rate or \$5,000, whichever is greater. Special needs resident households will be eligible to a higher compensation.

Building & Safety

Tel: 805.564.5485

Fax: 805.564.5476

Please note that the notice must be delivered to every tenant household on the property at least sixty (60) days before the application is filed. To facilitate this notification, we are including a sample *Notice of Intent* that can be used for notifying the tenants. The notice must be hand delivered or sent by certified mail, postage prepaid with return receipt requested. Evidence of compliance with this section must be submitted to the City in order for the application to be deemed complete.

Planning

Tel: 805.564.5470

Fax: 805.564.5477

If you currently have an application pending for a project that will result in the elimination of a rental unit, you are encouraged to notify your tenants as soon as possible, since notice will be required prior to your next application (i.e., ABR/HLC, Staff Hearing Officer, Planning Commission, building permit or demolition permit) being deemed complete.

Rental Housing

Mediation Task Force

Tel: 805.564.5420

Fax: 805.564.5477

To review the Tenant Displacement Assistance Ordinance (TDAO), please visit the City's website at www.SantaBarbaraCa.Gov/Municode, click on "SBMC Title 28 The Zoning Ordinance", and then search for SBMC 28.89. The sample *Notice of Intent* is included in both English and Spanish.

630 Garden Street

PO Box 1990

Santa Barbara, CA

93102-1990

If you have any questions, please contact the Planning Division at (805) 564-5578.

Sincerely,

Planning Division Staff



City of Santa Barbara

Submittal Requirements and Process

A. INTRODUCTION.

The TDAO requirements and process applies when an application is filed with the City for a demolition, alteration, conversion or change of use resulting in the elimination of a residential unit, and causing the displacement of tenants, even if the project results in a net increase in residential units. An application includes design review (ABR, HLC), Staff Hearing Officer or Planning Commission, Building Permit, Demolition Permit or Public Works Permit.

B. PRIOR TO APPLICATION ACCEPTANCE

1. Notification of Intent

- a. Owner must notify each Eligible Resident Household at least 60 days in advance of filing an application.
- b. The **Notice of Intent to File an Application (Form A)** must be provided to each Eligible Resident Household by either:
 - i. Personal delivery; or
 - ii. Certified mail, postage prepaid, with return receipt requested.
- c. If the City's **Notice of Intent to File an Application (Form A)** is not used, an alternative form can be used; however, it must be approved in advance by City Staff.

Note: The tenant may **not** waive the Notice of Intent to File an Application. The tenant may later waive the monetary assistance or receive the monetary assistance in advance of the actual Displacement, but the Notice of Intent to File an Application cannot be waived.

2. Exceptions to Providing Notice of Intent to File an Application

The Notice of Intent to File an Application is **not** required if there is no Eligible Resident Household based on the following:

- a. Unit has been vacant for at least 6 months prior to filing an application. Provide copy of **Owner Occupancy or Vacancy Exemption for Tenant Displacement Assistance Ordinance Affidavit (Form C); OR**
- b. Unit has been occupied by owner or immediate family member for at least 6 months prior to filing an application. Provide copy of **Owner Occupancy or Vacancy Exemption for Tenant Displacement Assistance Ordinance Affidavit (Form C); OR**
- c. Resident's lease ended prior to filing an application, AND the tenancy was not extended on a month-to-month basis. (Note: If a tenant was occupying the unit under a month-to-month lease, at any time within 6 months of filing the application, they are an Eligible Resident Household.) Provide copy of **expired rental lease agreement; OR**
- d. Resident committed an unlawful detainer. Provide copy of **final court judgment.**

Note: If one of the above exceptions is requested, the application submittal shall not be accepted until staff verifies that the project qualifies. The submittal application (including Form C or other documentation) shall be routed to appropriate staff for verification.

C. AT THE TIME OF APPLICATION SUBMITTAL

Concurrent with the filing of the application, the Owner or the owner’s agent must submit to City Planning, the **Notice of Intent for Resident Household Affidavit (Form B)** with an attached copy of **Notice of Intent to File an Application (Form A)** provided to tenants as evidence of compliance with SBMC §28.89.020.A (Notice of Intent) & §28.89.020.B. (Resident Information) with the following information:

1. The name of every member of the Eligible Resident Household who is a signatory on lease, or considered to be a resident under an oral lease.
2. The names of all members of resident households that were issued a notice to vacate six months prior to filing the application, where the unit has not since been rented.
3. The households that are “special needs” resident households as defined in SBMC §28.89.010.H.
4. If displacement assistance has already been paid or a waiver of assistance has been granted by written agreement.

D. PRIOR TO DISPLACEMENT OR THE ISSUANCE OF ANY BUILDING/DEMOLITION PERMIT

1. Displacement Assistance

- a. Monetary Assistance: for any application resulting in a displacement, the property owner must pay prior to displacement or issuance of building/demolition permit:
 - i. Each Eligible Resident Household four times the median advertised rental rate or \$5,000, whichever is greater (per rental unit basis).
 - ii. Each Eligible Special Needs Resident Household five times the median advertised rental rate or \$6,000, whichever is greater (per rental unit basis).
- b. Waiver of Assistance: monetary displacement assistance or the right of first refusal (Section §28.89.050) may be waived or altered by mutual written agreement. However, the waiver cannot be executed until after the **Notice of Intent to File an Application** form (including all provisions of the TDAO) has been provided to the members of the resident household (unless qualifies under exceptions.) A copy of the written agreement to waive the monetary displacement assistance shall be provided.

2. Certification of Displacement Assistance

Prior to displacement or the issuance of any building or demolition permit for the application, the property owner shall submit to the Community Development Department either:

- a. A copy of a cancelled check verifying payment of displacement assistance; or
- b. A copy of a written waiver or modification of the displacement assistance obligation.

E. NOTICE TO NEW TENANTS

Tenants who move in after an application for development has been filed are not entitled to relocation assistance. The **Notice to New Tenants (Form D)** shall be presented to each prospective tenant prior to execution of lease or occupancy of rental unit.

FORM A
NOTICE OF INTENT TO FILE AN APPLICATION
(To be delivered to the residents of each rental unit on the property)

In accordance with the City of Santa Barbara’s Tenant Displacement Assistance Ordinance (Santa Barbara Municipal Code Chapter 28.89), the owner of the property located at _____ is required to notify you of the owner’s intent to file an application with the City of Santa Barbara for a _____ permit.

Anticipated Application Filing Date: _____

THIS IS NOT AN EVICTION NOTICE.

This is only notice of the owner’s intent to file an application with the City. The property owner must provide you with a separate written notice before requiring you to vacate your residence.

In accordance with the Tenant Displacement Assistance Ordinance, you are entitled to notice of the following:

1. **Financial Assistance** – Eligible resident households (as defined below) are entitled to displacement assistance in the amount of:

Studio:\$_____ 1Bd:\$_____ 2Bd:\$_____ 3+Bd:\$_____

Special needs resident households (as defined below) are entitled to displacement assistance in the amount of:

Studio:\$_____ 1Bd:\$_____ 2Bd:\$_____ 3+Bd:\$_____

Displacement assistance is calculated on a “per rental unit” basis and is paid jointly, in one lump sum, to all members of the eligible resident household or special needs resident household. The assistance shall be provided prior to any displacement or the issuance of any permit, whichever occurs first.

Eligible resident households or special needs resident households may agree to an alternative form of assistance in lieu of the displacement assistance specified. If an eligible resident household or special needs resident household agrees to an alternative form of assistance, each member of the eligible resident household or special needs resident household will be asked to sign a written waiver of the displacement assistance.

2. **Relocation Assistance** – The following is the name and phone number of some local property management companies that provide rental housing:

3. **Right of Purchase (Right of First Refusal)** - If the property is redeveloped with residences for sale, each eligible resident household shall have an exclusive right to contract for the purchase of one of the resulting residences upon the same terms and conditions that the residential unit will be initially offered to the general public or on terms more favorable. The exclusive right to contact shall be valid for at least ninety (90) days from the date of issuance of a Subdivision Public Report

or the commencement of sales, whichever date is later. It is the obligation of the eligible resident household to assert this privilege in a timely manner.

4. **Right of Notice before Termination of Tenancy** - The state law entitles every tenant to receive written notice before the termination of their tenancy.
5. **Right to Terminate Lease** – Resident households have the right to terminate their lease or rental agreement without an obligation for future rent. An election to terminate the lease and relinquish possession of the rental unit **does not** constitute a waiver of the financial assistance for eligible resident households.
6. **Rent Increases** - Resident households are entitled to 30 days written notice before any rent increase of 10% or less (including any other rent increases in the last 12 months) and 60 days written notice before any rent increase in excess of 10% (including any other rent increases in the last 12 months).
7. **Right to Notice for Public Hearings** – In accordance with applicable laws, residents have a right to written notice of public hearings and a right to present testimony at such hearings. If you wish to receive notice of upcoming hearings, please contact the Planning Division at **(805) 564-5578** to be listed as an interested party.
8. **Eligible Resident Households** - With limited exceptions, persons who occupy a rental unit at the time an application is filed with the City and who are required or will be required to vacate their rental unit as a result of the project qualify as an eligible resident household.
9. **Special Needs Resident Households** - An eligible resident household qualifies as a special needs resident household if: (1) at least one member of the household is 62 years of age or older, (2) any member of the household qualifies for a disabled placard from the Department of Motor Vehicles, or (3) the household as a whole makes less than 80% of the area median income for the size of the household (contact City Housing and Human Services at **(805) 564-5461** with questions concerning the area median income).
10. **Rental Housing Mediation** - The City’s Rental Housing Mediation Board is available to answer questions regarding landlord and tenants’ rights and responsibilities. They also provide mediation services between landlords and tenants. You may contact the Task Force by telephone at **(805) 730-1523**.

To review the Tenant Displacement Assistance Ordinance (TDAO), please visit the City’s website at www.SantaBarbaraCa.Gov/Municode, click on “SBMC Title 28 The Zoning Ordinance”, and then search for SBMC 28.89. A copy of the ordinance can also be obtained at the Planning Division Counter at 630 Garden Street.

Name and Address of Property Owner: _____

Name and Address of Applicant: _____

FORMA A
AVISO DE INTENCIÓN DE SOMETER UNA APLICACIÓN

(Será entregada a los residentes de cada vivienda que se alquila en la propiedad)

Conforme a la Ordenanza De Asistencia Para Inquilinos Desplazados de la Ciudad de Santa Bárbara (Código Municipal de Santa Bárbara, Capítulo 28.89), el dueño de la propiedad situada en _____ es requerido avisarle a usted de su intención de someter una aplicación a la Ciudad de Santa Barbara para un permiso de _____.

La fecha en que anticipa someter la aplicación es: _____

ESTO NO ES UN AVISO DE EXPULSIÓN.

Esto es solo un aviso de la intención del dueño de someter una aplicación a la ciudad. El dueño debe proveerle por separado un aviso escrito antes de requerir que tenga que desocupar su residencia.

Conforme a la Ordenanza De Asistencia Para Inquilinos Desplazados de la Ciudad de Santa Barbara, usted tiene derecho de que se le avise sobre lo siguiente:

1. **Asistencia Monetaria** – Residentes de hogares elegibles (como se define más abajo) tienen derecho a asistencia de desplazamiento en la cantidad de:

Estudio: \$_____ Apartamento/1 Recámara: \$_____

Apartamento/2 Recámaras: \$_____ Apartamento/3 Recámaras: \$_____

Residentes con necesidades especiales (como se define más abajo) tienen derecho a asistencia de desplazamiento en la cantidad de:

Estudio: \$_____ Apartamento/1 Recámara: \$_____

Apartamento/2 Recámaras: \$_____ Apartamento/3 Recámaras: \$_____

La asistencia de desplazamiento se calculará “por propiedad alquilada” y será un pago junto, en una sola cantidad, a los residentes de hogares elegibles o residentes con necesidades especiales. La cantidad total no es por persona, sino por propiedad alquilada. La asistencia será proveída antes de que sea desplazado o antes de que la ciudad de el permiso, lo cual suceda primero.

Residentes de hogares elegibles o residentes con necesidades especiales pueden aceptar una forma de asistencia alternativa en lugar de recibir la asistencia presentada en esta forma. Si una casa elegible acepta una forma alternativa de asistencia, se le pedirá a cada miembro de la casa que firme por escrito su renuncia a la asistencia de desplazamiento.

2. **Asistencia de Traslado** – Lo siguiente incluye los nombres y teléfonos de compañías con apartamentos locales.

3. **Derecho de Compra (Primer Derecho de Rechazo)** – Si la propiedad se desarrollara con viviendas que se venderán, residentes elegibles tendrán el derecho exclusivo de contratar para la compra de

una de las residencias basado en los mismos términos y condiciones con los cuales se ofrecerán al público o términos mas favorables. El derecho exclusivo a contratar será valido por lo menos 90 días del día que se reparta el Reporte Público de Subdivisión o al comienzo de ventas, el que sea más reciente. Es la obligación de los residentes de hogares elegibles acertar este privilegio de manera oportuna.

4. **Derecho a Aviso antes de Terminar El Contrato de Alquiler** – La ley estatal le da derecho a cada inquilino de recibir aviso por escrito antes de que su contrato de alquiler se de por terminado.
5. **Derecho a Terminar su Contrato** – Residentes de hogares elegibles tienen el derecho a terminar su contrato sin la obligación de alquilar más adelante. La elección de terminar el contrato y entregar la vivienda **no** da a entender que renuncia a la asistencia financiera para residentes de hogares elegibles.
6. **Aumento de Alquiler** – Residentes de hogares elegibles tienen derecho a un por escrito 30 días antes por escrito antes de que se les aumente la renta 10% o menos (incluyendo otros aumentos hechos durante los últimos 12 meses) y un aviso escrito 60 días antes si la renta será aumentada mas de 10% (incluyendo otros aumentos hechos durante los últimos 12 meses).
7. **Derecho de Aviso para Audiencia Publica** – Conforme a las leyes pertinentes, los residentes tienen derecho a un aviso por escrito de audiencias públicas y el derecho de presentar testimonio en tales audiencias. Si desea recibir noticia de próximas audiencias públicas, por favor llame al Planning Division (División de Planificación) al **(805) 564-5578** para ser incluido como persona interesada.
8. **Hogares de Residentes Elegibles** – Con excepciones limitadas, personas que ocupan una vivienda alquilada cuando se someta la aplicación a la ciudad, y que son o serán requeridos desocupar su vivienda como resultado del proyecto, calificarán como hogares de residentes elegibles.
9. **Residentes con Necesidades Especiales** – Un hogar de residentes elegible califica como residente de necesidades especiales si: (1) por lo menos un miembro de la casa tiene por lo menos 62 años o más, (2) cualquier miembro de las casa califica para una placa de discapacitados del Department of Motor Vehicles (Departamento de Vehículos), o (3) el ingreso combinado del hogar es menos de 80% del ingreso promedio del área según el número de personas en el hogar. (Pueda llamar al City Housing and Human Services (Departamento de Viviendas y Servicios Humanos) al **(805) 564-5461** con preguntas acerca el ingreso promedio del área.)
10. **Junta de Mediación Para Viviendas de Alquiler** - El City’s Rental Housing Mediation Board (Junta de Mediación Para Viviendas de Alquiler) está disponible para ayudarle con preguntas acerca derechos de inquilinos y dueños. También proveen servicios de mediación. Puede llamar a las oficinas al **(805) 730-1523**.

Si le gustaría ver una copia de la Ordenanza De Asistencia Para Inquilinos Desplazados de la Ciudad de Santa Barbara la puede ver por el Internet en www.SantaBarbaraCa.Gov/Municode, escoja “SBMC Title 28 The Zoning Ordinance”, luego busque “SBMC 28.89.” Una copia también se puede obtener en el Planning División Counter (mostrador de la División de Planificación) ubicado en 630 Garden Street.

Nombre y domicilio del dueño de la propiedad:

Nombre y domicilio del que somete la aplicación:



City of Santa Barbara

FORM B

NOTICE OF INTENT FOR RESIDENT HOUSEHOLDS AFFIDAVIT

STATE OF CALIFORNIA)

COUNTY OF SANTA BARBARA) ss.

CITY OF SANTA BARBARA)

I, _____ hereby certify that on
(Full Name)

_____ I provided the attached Notice of Intent to each resident
(Date)

household at _____, which is at least 60 days prior to
(Address)

filing this application in compliance with the City of Santa Barbara Tenant Displacement Assistance Ordinance (SBMC Chapter 28.89). I also certify that the attached information includes the name of every person who is a signatory on a written lease or the name of every person who the property owner considers to be a resident under an oral lease for each residential unit currently occupied. I have also included the names of every person who was a signatory on a written lease or who was considered to be a resident under an oral lease and who was issued a notice to vacate within the six months preceding the filing of the application where the unit has not since been occupied.

I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

(Signed) _____

NAME: _____
(please print)

ADDRESS: _____

PHONE _____

EMAIL: _____

DATE: _____

Form B - Notice of Intent for Resident Households Affidavit

APPLICANT: Please list by rental unit, the name of every person who is a signatory on a written lease or the name of every person who the property owner considers to be a resident under an oral lease for each rental unit on the property. In addition, please provide the name of every person who was a signatory on a written lease or who was considered to be a resident under an oral lease and who was issued a notice to vacate within six (6) months preceding the filing of the application where the unit has not since been rented. Indicate any households that are “special needs” resident households as defined in SBMC §28.89.010.H. Attach additional pages as necessary. Indicate if displacement assistance has already been granted or if a waiver of assistance has been granted by written agreement, and provide a copy.

DATE APPLICATION FILED: _____ **DATE NOTICE SENT:** _____

NAME	ADDRESS, UNIT NUMBER	SPECIAL NEEDS?	ASSISTANCE PAID?
1.		YES / NO	YES / NO / WAIVED
2.		YES / NO	YES / NO / WAIVED
3.		YES / NO	YES / NO / WAIVED
4.		YES / NO	YES / NO / WAIVED
5.		YES / NO	YES / NO / WAIVED
6.		YES / NO	YES / NO / WAIVED
7.		YES / NO	YES / NO / WAIVED
8.		YES / NO	YES / NO / WAIVED
9.		YES / NO	YES / NO / WAIVED
10.		YES / NO	YES / NO / WAIVED
11.		YES / NO	YES / NO / WAIVED
12.		YES / NO	YES / NO / WAIVED
13.		YES / NO	YES / NO / WAIVED
14.		YES / NO	YES / NO / WAIVED
15.		YES / NO	YES / NO / WAIVED
16.		YES / NO	YES / NO / WAIVED
17.		YES / NO	YES / NO / WAIVED
18.		YES / NO	YES / NO / WAIVED
19.		YES / NO	YES / NO / WAIVED
20.		YES / NO	YES / NO / WAIVED



City of Santa Barbara

FORM C OWNER OCCUPANCY OR VACANCY EXEMPTION FOR TENANT DISPLACEMENT ASSISTANCE ORDINANCE AFFIDAVIT

STATE OF CALIFORNIA)

COUNTY OF SANTA BARBARA) ss.

CITY OF SANTA BARBARA)

I, _____, owner of the property located at
(Full Name)

_____ certify that an application for
(Address/APN)

development involving the displacement of a resident household was filed with the City on

_____; and that there are no Eligible Resident Household(s) on the property
(Date)

currently or for a period of 6 months prior to the date of filing an application with the City; further described

as follows (check one):

- I, or a member of my immediate family (defined as a spouse, registered domestic partner, children, parents, and the spouses or registered domestic partners of children of a property owner) currently reside in the above mentioned property and have done so for at least the 6 months prior to the date of filing an application with the City; names of all occupants are listed below:

NAME	ADDRESS, UNIT NUMBER	RELATIONSHIP TO OWNER
1.		
2.		
3.		
4.		
5.		
6.		
7.		

Form C - Owner Occupancy or Vacancy Exemption for Tenant Displacement Assistance Ordinance Affidavit

- The above mentioned property is currently **vacant and unoccupied**, and has been vacant and unoccupied for a period of 6 months prior to the date of filing an application with the City.

- The above mentioned property is occupied by a tenant currently, or for a period of 6 months prior to the date of filing an application with the City, however the resident household's occupancy ended due to the expiration of a term lease and the tenancy was not extended by the operation of Section 1945 of the Civil Code (month-to-month lease). **Copy of the lease agreement must be attached.**

- The above mentioned property was occupied by a tenant for a period of 6 months prior to the date of filing an application with the City, however the resident household was found to have committed an unlawful detainer pursuant to Subdivisions 2, 3, 4 or 5 of Section 1161 of the Code of Civil Procedure. **A final judgment of a court of competent jurisdiction must be attached.**

If the above mentioned property was occupied by any resident household other than the ones described above, the residents are an Eligible Resident Household and subject to a Notice of Intent and Displacement Assistance.

I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

(Signed) _____

NAME: _____
(please print)

ADDRESS: _____

PHONE _____

EMAIL: _____

DATE: _____

This page intentionally left blank.

ORDINANCE NO. 5401

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING TITLE 28 OF THE SANTA BARBARA MUNICIPAL CODE TO ADD CHAPTER 28.89, THE TENANT DISPLACEMENT ASSISTANCE ORDINANCE, CONCERNING RELOCATION ASSISTANCE FOR RESIDENTIAL TENANTS DISPLACED BY LAND USE CHANGES.

SECTION 1. The purpose of this ordinance is to mitigate the social and economic impacts experienced by residents of rental housing who are displaced from their residences due to a demolition of a rental unit, a remodel or redevelopment that results in a reduction of the number of rental units on the lot, a conversion of a single residential unit to a condominium unit, or a change of use of real property from a residential use to a non-residential use by requiring the property owner to provide the residents with advance notice of such actions and financial assistance for relocation.

SECTION 2. Title 28 of the Santa Barbara Municipal Code is hereby amended, by adding a new Chapter, Chapter 28.89 entitled “The Tenant Displacement Assistance Ordinance”, to read as follows:

28.89.010 Definitions.

Except where the context or particular provisions require otherwise, the following definitions shall govern the construction of this Chapter.

A. **Application.** Any application required to be submitted to the City of Santa Barbara for discretionary or ministerial approval of a land use change or improvement of real property that will result in a displacement of a resident household.

B. **Displacement.** The vacating of a rental unit by a resident household upon notice from the property owner as the result of or to enable any of the following: 1. the demolition of any rental unit on the lot, 2. the alteration of any structure on the lot in a manner that requires a permit from the City and which reduces the number of rental units on the lot, 3. the conversion of a single residential unit to a condominium unit, or 4. a change of use of real property from a residential use to a non-residential use that requires a permit from the City. For purposes of this Chapter, a displacement does not include a vacation of a rental unit as the result of the following: 1. a condominium conversion regulated and processed pursuant to Chapter 28.88 of this Code, 2. a conversion of any portion of a mobilehome park or a permanent recreational vehicle park regulated and processed pursuant to Chapter 28.78 of this Code, 3. a property owner’s compliance with an enforcement order of the City Building Official for which the property owner has been ordered to pay relocation expenses pursuant to Health and Safety Code section 17980.7 or any other state or federal law, or 4. a vacation of a rental unit resulting from the damage or destruction of the unit which is caused by a natural disaster.

C. **Eligible Resident Household.** A resident household occupying a rental unit at the time an application is filed with the City. There shall be a rebuttable presumption that any resident household which received a notice to quit pursuant to Section 1946 of the Civil Code within the six (6) month period preceding the filing of an application is an eligible resident household for purposes of receiving displacement assistance pursuant to this Chapter. The presumption specified in the preceding sentence shall not apply where the property owner provides evidence of either of the following: 1. the resident household’s occupancy ended due to the expiration of a term lease and the tenancy was not extended by the operation of Section 1945 of the Civil Code, or 2. the resident household was found to have committed an unlawful

detainer pursuant to Subdivisions 2, 3, 4 or 5 of Section 1161 of the Code of Civil Procedure as evidenced by a final judgment of a court of competent jurisdiction.

D. **Immediate Family.** Immediate family includes a spouse, registered domestic partner, children, parents, and the spouses or registered domestic partners of children of a property owner.

E. **Median Advertised Rental Rate.** An estimate of rental rates for residential rental units within the City prepared annually by the staff of the Community Development Department. For the purposes of this Chapter, the median advertised rental rate shall be calculated annually based on the median of a representative sample of rental units advertised in a newspaper of general circulation for one Sunday during the month of April. The median advertised rental rate shall be published by the City each May 1 and shall remain in effect for the next twelve (12) months or until a new median advertised rental rate is provided by the City. The median advertised rental rate shall be calculated and published for the following categories of rental units: 1. studio units (no bedrooms), 2. one bedroom units, 3. two bedroom units, and 4. units with three or more bedrooms. As used in this Chapter, the applicable median advertised rental rate shall be determined based on the number of bedrooms in the rental unit to be vacated by the residential household. The methodology for calculating the median advertised rental rate shall be approved by the Community Development Director and described in detail in the City's Affordable Housing Policies and Procedures.

F. **Rental Unit.** A structure (or part thereof) used as a place of permanent or customary and usual abode of a resident household. A rental unit shall not include a room or any other portion of any residential unit which is occupied by the property owner or a member of the property owner's immediate family.

G. **Resident Household.** Any person or group of persons entitled to occupy a rental unit under a valid lease or rental agreement (written or oral) including all persons who are considered residents under the Civil Code, but not including the owner of the rental unit or members of the owner's immediate family.

H. **Special Needs Resident Household.** An eligible resident household with any of the following characteristics: 1. at least one member who is 62 years of age or older, 2. at least one member qualifies as a disabled person pursuant to section 295.5 of the Vehicle Code, or 3. the household qualifies as a low income household pursuant to the City's Affordable Housing Policies and Procedures.

28.89.020 Submittal Requirements.

A. **Notice of Intent.** At least sixty (60) days prior to filing an application, either the property owner or the owner's agent shall notify each resident household residing on the subject real property of the owner's intent to file an application. The notice shall be provided by either: 1. personal delivery, or 2. certified mail, postage prepaid, with return receipt requested. Evidence of compliance with this section must be submitted to the City in order for the application to be deemed complete. The form of the notice shall be approved by the Community Development Department and shall contain at least the following information:

1. The name and address of current owner;
2. The name and address of the proposed applicant;
3. The approximate date on which the application is to be filed;
4. The resident's right to purchase a resulting residential unit, if applicable;
5. The resident's right of notice before being required to vacate the rental unit;
6. The resident's right to terminate lease without obligation for future rent;
7. A statement regarding the applicable limitations on rent increases;

8. An explanation of displacement assistance available for eligible resident households and special needs resident households under this Chapter (i.e., monetary assistance, relocation counseling, contact information for the Rental Housing Mediation Board, qualifications for Special Needs Resident Households, etc.);
9. The resident household's right to receive written notice for each hearing and right to appear and be heard at land use hearings, if applicable; and
10. Other information as may be deemed necessary or desirable by the Community Development Department.

B. Resident Information. Concurrent with the filing of the application, either the property owner or the owner's agent shall provide the Community Development Department with all of the following information for each rental unit that will be subject to a displacement as a result of the application:

1. The name of every member of the resident household who is a signatory on a written lease or the name of every person the property owner considers to be a resident under an oral lease; and
2. The names of all members of resident households that were issued a notice to vacate within the six (6) months preceding the filing of the application.

28.89.030 Displacement Assistance.

A. Monetary Assistance. As a condition of the City approval of any application that will result in a displacement, the property owner is obligated to pay to each eligible resident household monetary displacement assistance in an amount equal to four (4) times the median advertised rental rate or \$5,000, whichever is greater. The displacement assistance to be paid to an eligible special needs resident household shall be equal to five (5) times the median advertised rental rate or \$6,000, whichever is greater.

The displacement assistance shall be calculated on a "per rental unit" basis and shall be paid jointly, in one lump sum, to all members of the eligible resident household occupying the rental unit.

B. Waiver of Assistance. The payment of the monetary displacement assistance required pursuant to subsection A above, or the right of first refusal provided for in Section 28.89.050, may be waived or otherwise altered by mutual written agreement of the property owner and all members of the eligible resident household; provided, the a waiver is executed after the members of the resident household have received notice of the application and notice of the provisions of this Chapter pursuant to Section 28.89.020.

28.89.040 Certification of Displacement Assistance.

Prior to any displacement or the issuance of any permit pursuant to the application, whichever occurs first, the property owner shall provide the Community Development Director with either: 1. a copy of a cancelled check evidencing payment of the displacement assistance required by this Chapter to the members of the eligible resident household or 2. a copy of a written waiver or modification of the displacement assistance obligation executed by the property owner and all of the members of the eligible resident household. In order to satisfy the requirements of this Section 28.89.040, the written waiver must be executed after the members of the resident household have received notice of the application and the provisions of this Chapter pursuant to Section 28.89.020.

28.89.050 Protections for Resident Households

A. Right to Purchase (Right of First Refusal). The members of any eligible resident household or eligible special needs resident household shall be given an exclusive right to contract for the purchase of a residential unit within any resulting development upon the same terms and conditions that the residential unit will be initially offered to the general public or on terms more favorable to the members of

Tenant Displacement Assistance Ordinance Information

the eligible resident household or eligible special needs resident household. The exclusive right to contract shall be valid for at least ninety (90) days from the date of issuance of a Subdivision Public Report or the commencement of sales, whichever date is later. The manner in which any exclusive right to contract shall be exercised shall be in accordance with administrative rules established by the Community Development Department in the City’s affordable housing policies and procedures. This Subsection shall not apply to applications for conversions of rental units to hotels or similar commercial uses.

B. Right to Terminate Lease. After receipt of the notice required pursuant to subsection 28.89.020.A and until the applicant’s withdrawal of the application or the displacement of the resident household, the resident household shall have the right to terminate the lease or rental agreement without obligation for any rent that would accrue under the lease or rental agreement after the vacation of the residential unit by the resident household. An eligible resident household’s election to terminate the lease and relinquish possession of the rental unit following receipt of the notice required pursuant to subsection 28.89.020.A shall not constitute a waiver of the eligible resident household’s right to assistance pursuant to subsection 28.89.030.A.

C. Notice to New Residents. Any prospective resident household that applies for residency after an application has been filed shall be notified in writing of the pending application and the potential for displacement prior to occupying any rental unit. The form of this notice shall be approved by the Community Development Department. The failure of the property owner or applicant to give notice in accordance with this subsection shall not be a ground to deny the proposed land use action; however, the property owner shall pay monetary displacement assistance in the manner specified in Section 28.89.030 to each resident household that was entitled to notice pursuant to this subsection and who did not receive such notice.

**City of Santa Barbara
Tenant Displacement Assistance Ordinance
Median Rents as of April 2016
By Unit Type and Bedroom Count**

	Studio	1 BR	2 BR	3 BR	4 BR
Apartments	\$ 1,438	\$ 1,695	\$ 2,325	\$ 3,040	\$ 3,138
Duplexes*	N/A	\$ 1,650	\$ 2,400	\$ 2,995	NSD
Condos	N/A	\$ 2,500	\$ 2,700	\$ 2,987	\$ 4,000
Houses	N/A	\$ 2,500	\$ 2,900	\$ 3,600	\$ 4,450

*Duplex Data is from 2015 – no listings during 2016 period

\\Comdevsvr\comdev\Group Folders\PLAN\Handouts\Official Handouts\Zoning\TDAO Information.docx

Created 8/20/2016 10:31:00 AM Revised 8/20/2016 10:32:00 AM