

BILL NO.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,  
ADDING SECTION 11-338 OF THE FRESNO MUNICIPAL  
CODE

SECTION 1. Section 11-338 of the Fresno Municipal Code is added to read:

SECTION 11-338. TENANT RELOCATION BENEFITS FOLLOWING CITY  
ORDER TO VACATE DUE TO IMMEDIATE HEALTH AND SAFETY RISK.

(a) Definitions. For the purposes of this Section, the following definitions  
apply:

(1) “Displaced”. A person is displaced, within the meaning of this  
Section, if the tenant is ordered to move out of a Residential Unit or  
structure by an order to vacate.

(2) “Owner” means the person or entity identified and listed as  
having title by the latest property tax assessment roll, maintained by  
the Fresno County Assessor.

(3) “Tenant” shall mean:

(i) any renter, subtenant, lessee, sublessee, or their  
dependents of a Residential Unit; or

(ii) any group of renters, tenants, subtenants, lessees,  
sublessees or any other person entitled to the use or  
occupancy of a Residential Unit; or

(iii) any person or his or her dependents who has occupied  
any of one or more units of a facility or complex for more than  
30 days within a 60-day period with Owner consent; or

(iv) any person who has entered into a written lease agreement to reside in a facility or complex for longer than 30 days in a 60-day period; or

(v) any legal successor of any of the foregoing.

(4) “Residential Unit” means any dwelling, apartment, room, or place that is being used for residential purposes where rent is charged by the owner to the tenant, whether or not the residential use is a conforming use permitted under the Fresno Municipal Code.

(5) “Order to Vacate” means the first written notice by an authorized city official to the owner and posted on the affected property declaring that the Residential Unit or structure shall be vacated, either immediately or at a future specified date.

(6) “Vacation Date” means the date by which a tenant is required to vacate a Residential Unit or structure pursuant to an order by an authorized city official.

(b) Relocation Benefits. Any Tenant who is Displaced or subject to Displacement from a Residential Unit as a result of an Order to Vacate by an authorized city official as a result of a violation so extensive and of such a nature that the immediate health and safety of the resident(s) is endangered, shall be entitled to receive relocation benefits from the Owner as specified in California Health and Safety Code Section 17975-17975.10. Pursuant to Health and Safety Code Section 17975 *et seq.*, the city shall determine the Tenant’s eligibility for relocation benefits. An Owner or

designated agent may appeal the order to pay relocation benefits in the manner set forth in Chapter 1, Article 4, of the Fresno Municipal Code.

- (c) Tenant Caused Conditions. No relocation benefits shall be payable to any tenant who has caused or substantially contributed to the condition giving rise to the Order to Vacate.
- (d) Natural Disasters. An Owner or designated agent shall not be liable for relocation benefits if the city determines the Residential Unit or structure became unsafe or hazardous as the result of a fire, flood, earthquake, or other event beyond the control of the Owner or the designated agent and the Owner or designated agent did not cause or contribute to the condition.
- (e) Intra-Property Relocation. The owner of a facility or complex shall, if safe and legal, make provisions with Tenant consent to relocate Displaced Tenants from one unit to another within a facility, to avoid displacement.
- (f) City Payment of Relocation. In the event the Owner fails, neglects, or refuses to pay a Displaced Tenant relocation benefits pursuant to this Section the city may, from available funds, make payment of such relocation benefits as the City Attorney determines is necessary to assist the Displaced Tenant to relocate, up to the amount payable by the Owner as specified in California Health and Safety Code Section 17975-17975.10.

(1) Any Displaced Tenant who has vacated his or her premises based on the City's Order to Vacate the premises due to a violation so extensive and of such a nature that the immediate health and safety of the Tenant(s) is endangered may request relocation

benefits are paid to him or her by the city. To be eligible for benefits hereunder, Displaced Tenants must be entitled to relocation benefits, and the Owner has failed to pay benefits due. Displaced Tenants shall apply to the City Attorney for benefits no later than fifteen days after the Vacation Date. The City Attorney shall take into consideration the amount needed by the Tenant to secure alternative housing and the Tenant's financial circumstances.

(2) Relocation benefits may be paid to the Tenant or on behalf of the Tenant at the sole discretion of the City Attorney. The City Attorney shall have sole discretion to determine the amount, type, and duration of the relocation benefits.

(3) The city shall be entitled to recover from the Owner any amount paid to a Tenant if the Owner would be required to pay pursuant to California Health and Safety Code Section 17975-17975.10. The city shall also be entitled to recover from the Owner an additional amount equal to one-half the amount so paid, not to exceed the amount set forth in Health and Safety Code Section 17975.5(a) as a penalty for failure to make timely payment of the Displaced Tenant and city's actual costs (including direct and indirect costs) of administering the provision of benefits to the Displaced Tenant.

(4) Any amounts paid by the city and any applicable penalties and administrative costs may also be made a personal obligation of the

Owner and placed as a lien against the property, and/or a special assessment.

(5) The city shall prior to instituting any action to collect from the property owner or designated agent relocation benefits paid pursuant to this Section, or to impose a lien therefor, send to the Owner or designated agent by first-class mail, postage prepaid, at the Owner's address as shown on the last equalized assessment roll, an itemized accounting of all benefits paid by the city to the Owner's Tenants, and any penalties or costs the city is seeking to recover. If the Owner or designated agent wishes to appeal the city's accounting, an Owner or designated agent may appeal the order to pay relocation benefits in the manner set forth in Chapter 1, Article 4, of the Fresno Municipal Code and California Health and Safety Code section 17975.5(c). If the Owner fails to obtain a more favorable decision than that set forth in the itemized accounting, the Owner or designated agent shall be liable to the local enforcement agency for the costs of the administrative hearing and appeal, not to exceed five thousand dollars. The failure to receive the itemized accounting shall not relieve the Owner of any obligation to the city or county.

(6) The city shall be entitled to recover relocation costs, administrative penalties and costs in the manner set forth in Chapter 1, Article 4 of this code.

(7) At the City Attorney's sole discretion, the city may pay relocation benefits to a Displaced Tenant who is displaced pursuant to a reason described in section (d) herein. These relocation benefits shall not be recovered from the Owner.

(8) Nothing contained in this article shall be construed to require the city to pay any relocation benefits to any Tenant, or assume any obligation, requirements, or duty of the Owner pursuant to this article.

SECTION 2. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

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STATE OF CALIFORNIA )  
COUNTY OF FRESNO ) ss.  
CITY OF FRESNO )

I, TODD STERMER, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_ 2022.

AYES :  
NOES :  
ABSENT :  
ABSTAIN :

Mayor Approval: \_\_\_\_\_, 2022  
Mayor Approval/No Return: \_\_\_\_\_, 2022  
Mayor Veto: \_\_\_\_\_, 2022  
Council Override Vote: \_\_\_\_\_, 2022

TODD STERMER, CMC  
City Clerk

BY: \_\_\_\_\_  
Deputy Date

APPROVED AS TO FORM:  
RINA GONZALES,  
Interim City Attorney

BY: \_\_\_\_\_  
Christina Roberson Date  
Assistant City Attorney