

LEGISLATIVE DIGEST

[Administrative Code - Relocation Assistance for Lawful Occupants Regardless of Age]

Ordinance amending the Administrative Code to include all persons regardless of age who have been lawfully occupying a rental unit as eligible tenants for purpose of calculating Ellis Act relocation payments.

Existing Law

The City’s Residential Rent Stabilization and Arbitration Ordinance allows landlords to perform Ellis Act evictions, provided that the landlord makes a relocation payment to each displaced “tenant” in order to mitigate the adverse impacts of the eviction. Admin. Code §§ 37.9(a)(13), 37.9A(e)(3)(A). When first enacted, the amount of this relocation payment was \$4,500 per tenant, up to a maximum of \$13,500 if there were more than three tenants in the unit. Due to required inflation adjustments, the current amount is \$6,286.03 per tenant, up to \$18,858.07 per unit. Additional payments may also be required if the eviction would displace tenants who are 62 years or older or who are disabled.

Amendments to Current Law

The legislation would amend Section 37.9A(e)(3)(A) to require landlords to pay relocation payments to all “Eligible Tenants,” which would be defined to mean all persons regardless of age who have been lawfully occupying the rental unit. The existing amounts (\$6,286.03 per Eligible Tenant, up to a maximum \$18,858.07 per unit, plus possible additional payments due to age or disability) would not change.

Background Information

The amendment is intended to address the Court of Appeal’s decision in *Danger Panda, LLC v. Nancy Ann Launiu*, 1st Dist. Ct. App. Case No. A149062 (April 4, 2017), which held that landlords are not required to pay relocation benefits on behalf of children occupying the unit because children do not qualify as “tenants.”

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