

ORDINANCE NO. 2006-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON, CALIFORNIA, ADDING CHAPTER 18.32 TO DIVISION 2, TITLE 18 OF THE CITY OF AMERICAN CANYON MUNICIPAL CODE SETTING STANDARDS FOR CONDOMINIUM, COMMUNITY APARTMENT PROJECTS AND STOCK COOPERATIVE CONVERSIONS AND ADDING CHAPTER 18.34 TO DIVISION 2, TITLE 18 OF THE CITY OF AMERICAN CANYON MUNICIPAL CODE REGARDING RELOCATION ASSISTANCE TO TENANTS OF APARTMENTS TO BE CONVERTED TO CONDOMINIUMS, COMMUNITY APARTMENT PROJECTS AND STOCK COOPERATIVES

WHEREAS, currently there is a short supply of rental housing in the City of American Canyon ("City"); and,

WHEREAS, the current real estate market makes construction of condominium projects and the conversion of existing apartment projects to condominiums, stock cooperatives and community apartment projects for sale extremely profitable; and,

WHEREAS, due to the extreme profitability, in the current real estate market, of constructing condominiums or converting existing apartment projects to condominiums, community apartment projects and stock cooperatives for sale, it is anticipated that the number of applications to construct condominiums or to convert existing apartment projects into condominiums, will increase; and,

WHEREAS, the construction of new condominium projects and the conversion of apartment projects to condominiums, community apartment projects and stock cooperatives for sale will not increase and may reduce the short supply of rental housing currently available; and,

WHEREAS, pursuant to an agreement dated October 2003 (the "Agreement") with the County of Napa ("County"), the City agreed to provide 394 of the affordable housing units (in various affordability categories) that the County was otherwise required to provide to meet the County Regional Housing Needs Determination ("RHND") set by the Association of Bay Area Government, ("ABAG") for the 1999-2009 housing cycle, in addition to the City's own affordable housing unit requirement or its Regional Housing Needs Assessment ("RHNA") of the RHND; and,

WHEREAS, pursuant to the Agreement, the City amended the City General Plan Housing Element for affordable housing to properly reference the 394 affordable housing unit requirement; and,

WHEREAS, the City must demonstrate that the City General Plan Housing Element shows the availability of sufficient land zoned available for affordable housing, along with preservation of existing affordable units to obtain certification by the State Department of Housing ("HCD") by September 15, 2006; and,

WHEREAS, the City has approved or is in the process of approving development projects for construction of apartments for lease, the construction of which would help fulfill the City's RHNA; and,

WHEREAS, as a result of the real estate market in California and in the City, it is anticipated that developers will or could seek to convert previously approved apartment development projects, which help fulfill the City's affordable housing unit requirement, to condominium development projects and/or to conversions of existing apartments into condominiums, stock cooperatives and community apartment projects; and,

WHEREAS, the increase of construction of condominium units in place of apartment units and the conversion of existing apartment units into condominiums, stock cooperatives and community apartment projects will decrease the City's ability to continuously meet its RHNA; and,

WHEREAS, an emergency exists as to the City's ability to continue to provide sufficient affordable housing opportunities; and,

WHEREAS, the enactment of an ordinance is necessary to mitigate the adverse impact of apartment to condominium conversions, stock cooperatives and community apartment projects; and,

WHEREAS, the City Council wishes to mitigate the hardship caused by displacement of tenants and prospective tenants, particularly those in low to moderate cost housing and those who are elderly, families with minor dependent children, the handicapped and the disabled; and,

WHEREAS, tenants who face eviction due to the conversion of apartment projects to condominiums, stock cooperatives and community apartment projects for sale will experience serious difficulties in locating comparable replacement rental housing; and,

WHEREAS, the adverse impact to tenants of apartment to condominium, community apartment project and stock cooperative conversions will be particularly acute for elderly tenants and those with physical limitations, particularly the handicapped and disabled, and for families with minor dependent children, who face greater relocation difficulties than families without such children; and,

WHEREAS, the City Council also wishes to promote greater individual choice in type, quality, price and location of housing; and,

WHEREAS, the City Council wishes to provide for the housing needs of all segments of the population; and,

WHEREAS, the City Council wishes to provide increased home ownership opportunities for all segments of the population; and,

WHEREAS, the City Council wishes to provide adequate off-street parking; and,

WHEREAS, the City Council wishes to encourage construction of new rental units to replace units lost due to conversions; and,

WHEREAS, the City Council wishes to protect the existing rental housing stock by reducing conversions; and,

WHEREAS, the City Council wishes to generally regulate projects in accordance with the General Plan and with the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED:

Section 1: Chapter 18.32 is hereby added to Division 2, Title 18 of the City of American Canyon Municipal Code.

SEC. 18.32. CONVERSION PROJECTS: RESIDENTIAL

18.32.010. Purpose: The purpose of this section is alleviate the adverse impact that condominium conversions will have on the City's ability to meet its affordable housing requirement; to promote greater individual choice in type, quality, price and location of housing; to provide for the housing needs of all segments of the population; to provide increased homeownership opportunities for all segments of the population; to mitigate the hardship caused by displacement of tenants, particularly those in low to moderate cost housing and those who are elderly, families with minor dependent children, the handicapped and the disabled; to promote the safety of conversion projects and correction of Building Code violations in such projects; to provide adequate off-street parking; to encourage construction of new rental units to replace units lost due to conversions; to protect the existing rental housing stock by reducing conversions; to provide increased opportunities for the ownership of commercial or industrial real property in the form of condominiums or stock cooperatives; to assure that the continued use of buildings for commercial or industrial purposes is substantially consistent with the City's General Plan (the "General Plan"); and to generally regulate projects in accordance with the General Plan and with the public health, safety and welfare.

18.32.020. Applicability: The provisions of this section shall apply to all tentative maps and preliminary parcel maps as to which the Advisory Agency has not rendered a decision on the date this ordinance becomes effective, except as otherwise expressly stated in this section. For purposes of this subsection, a decision is rendered on the date of the Advisory Agency's public hearing and announced decision, or where no such decision is announced, the date of mailing of the Advisory Agency's letter of decision and findings to the applicant.

18.32.030. Definitions: The following terms used in this section are defined below.

1. **"Advisory Agency"** means the City Planning Commission.
2. **"Apartment"** means the same as dwelling unit.
3. **"Apartment Hotel"** means a residential building designed or used for both two or more dwelling units and six or more guest rooms or suites of rooms.
4. **"Apartment House"** means a residential building designed or used for three or more dwelling units or a combination of three or more dwelling units and not more than five guest rooms or suites of rooms.
5. **"Community Apartment Project"** means the same as defined by Section 11004 of the California Business and Professions Code.
6. **"Condominium"** means the same as defined by Section 783 of the California Civil Code.
7. **"Conversion Project, Residential"** means an existing apartment house, apartment hotel, hotel, multiple dwelling or group dwelling used exclusively for residential purposes, proposed for conversion to a condominium, stock cooperative or community apartment project to be used exclusively for residential purposes through approval of a tract or parcel map. For purposes of this definition, the term "existing" means that the building was constructed prior to incorporation of the City on June 1, 1992, or, if it was built after incorporation of the City, a certificate of occupancy was issued for the building within 30 days after the effective date of this ordinance.
8. **"Dwelling"** means any residential building, other than an Apartment House, Hotel or Apartment Hotel.

9. **“Dwelling Group”** means two or more one-family, two-family or multiple dwelling, apartment houses or boarding or rooming houses, located on the same lot.
10. **“Dwelling, Multiple”** means a dwelling containing two dwelling units and not more than five guest rooms.
11. **“Dwelling, One-Family”** means a detached dwelling containing only one dwelling unit
12. **“Dwelling, Two-Family”** means a dwelling containing two dwelling units.
13. **“Dwelling Unit”** means a group of two or more rooms, one of which is a kitchen, designed for occupancy by one family for living and sleeping purposes.
14. **“Dwelling Unit, Low Income”** means a dwelling unit at a rental or at a sales price which is eligible for subsidy under any public program to assist the occupancy of housing by households of low income who meet the current eligibility standards for low rent public housing established for the City by the U.S. Department of Housing and Urban Development, (“HUD”) from time to time and as certified by the City’s Planning Director.
15. **“Dwelling Unit, Moderate Income”** means a dwelling unit at a rental or at a sales price eligible for subsidy under any public program to assist the occupancy of housing by persons or households of lower income who meet the current eligibility standards for such households established for the City by HUD from time to time and as certified to the City’s Planning Director.
16. **“Efficiency Dwelling Unit”** means a room located within an apartment house or apartment hotel used or intended to be used for residential purposes which has a kitchen, living and sleeping quarters combined therein.
17. **“Final Map”** means a map prepared in accordance with the provisions of Chapter 18.0 of the City of American Canyon’s Municipal Code (the “Municipal Code.”) and with any applicable provisions of the Subdivision Map Act, designed to be recorded in the Office of the County Recorder of Napa County.
18. **“Garage Private”** means an accessory building or portion of a main building designed or used for parking or storage of motor vehicles of the occupants of a residential use.

19. **“General Plan”** means the General Plan adopted by the City Council, which is a comprehensive declaration of purposes, policies and programs for the development of the City and which includes, where applicable, diagrams, maps and text setting forth objections, principles, standards and other features.

20. **“Guest Room”** means any habitable room except a kitchen, designed or used for occupancy by one or more persons and not in a dwelling unit.

21. **“Hotel”** means a residential building designated or used for or containing six or more guest rooms, or suites of rooms, which may also contain not more than one dwelling unit, but not including any institution in which human beings are housed or detained under legal restraint.

22. **“Household, Low Income”** means a household which meets the current eligibility standards for low-rent public housing established for the City by HUD from time to time and as certified by the City’s Planning Director.

23. **“Household, Moderate Income”** means a household which meets the current eligibility standards for such households established for the City by HUD from time to time and as certified to the City’s Planning Director.

24. **“Housing Development”** means the construction pursuant to a building permit of, or the proposed conversion to condominium ownership pursuant to a final subdivision tract map submitted for approval of any apartment house, apartment hotel, multiple dwelling or group dwelling, residential condominium development or cooperative apartment home having five or more dwelling units.

25. **“Parcel Map”** means a map showing a division of land other than those divisions which require a “Final Map,” as defined by the Subdivision Map Act.

26. **“Residential Building”** means a building or portion thereof designed or used for human habitation.

27. **“Stock Cooperative”** means the same as defined by Section 11003.2 of the California Business and Professions Code.

28. **“Tenant”** means a person who rents, leases or sub-leases, through either a written or oral agreement, residential real property from another.

29. **“Tentative Map”** means a map made for the purpose of showing the design of a proposed subdivision creating five or more parcels, five or more condominiums, or five or more units in a community apartment project or stock cooperative, and showing the existing conditions in and around it and that complies with the applicable provisions of Title 18 of the Municipal Code.

30. **“Tract Map”** means a Tract map refers to either a tentative map or final map.

18.32.040. Application Requirements:

A. Residential Conversion Projects:

1. A residential conversion project shall comply with all applicable provisions of Title 16, Adoption of Uniform Codes, Title 18, Subdivisions, Title 19, Zoning, the provisions of this section and with all other applicable state laws and local ordinances.

2. In addition to the information required by other applicable sections of the Municipal Code, the following information shall be submitted at the time of filing.

a. **Building Plans** or other documents containing the following information pertaining to the project as proposed, certified as to accuracy by a licensed engineer.

(1) Description of the features of the type of building and project, including age, type of construction, number of dwelling units, number of habitable rooms per dwelling unit; and,

(2) Site plan, including buildings, structures, yards, open spaces, and accessory storage areas and buildings including trash storage areas; and,

(3) Parking plan, including the total number of spaces actually provided and the total number required if different from that actually provided; dimensions of stalls, aisles and driveways; locations of columns, walls and other obstructions; total number of covered and uncovered parking spaces and location and number of guest parking spaces.

b. **Tenant Information:** Name and address of each tenant; total number of project occupants; rent schedule for

eighteen (18) months preceding the application and relocation assistance plan, if any.

c. **Sales Information:** Anticipated range of sales prices of individual dwelling units or shares based on information known at the time of application; anticipated terms of sale to existing tenants; and statement as to whether sales will be permitted to families with minor children.

d. **Floor and Elevation Plans,** including indications of common and private areas, and required exits.

3. The following additional information may be required by the Advisory Agency as a condition of approval:

a. **Certificate of Housing Compliance Inspection Report** or equivalent report satisfactory to the Advisory Agency, which report shall detail any violations of provisions of Title 16, Adoption of Uniform Codes, enacted after such permit was issued and which are explicitly made applicable to existing structures.

b. **Building Inspection Reports** (if any such report has already been submitted to the California Department of Real Estate, a copy of such report shall be furnished to the City):

(1) Building component reports indicating conditions and estimated remaining useful life of the roof, foundation, plumbing, electrical, heating, air conditioning, other mechanical and structural systems prepared by a registered civil or structural engineer, licensed general building contractor, licensed general engineering contractor or architect;

(2) Structural pest control report, prepared by a licensed pest control contractor;

(3) Acoustical report, indicating (1) the type of construction between dwelling units and the general sound attenuation characteristics of such construction, or indicating the level of sound attenuation between dwelling units, and (2) the feasibility of various levels of improvement, prepared by a licensed acoustical engineer; and

(4) Utility metering reports, if the units of the building are not individually metered, indicating the feasibility of individual or submetering, prepared by qualified engineers.

c. **Any Other Information**, including conditions, covenants and restrictions, articles of incorporation and by-laws, which the Advisory Agency deems necessary to determine if the proposed project is consistent with the Municipal Code.

4. **All Projects.** No application for tentative map or preliminary parcel map approval of a residential conversion project shall be accepted without adequate evidence from the applicant that each tenant of the project has received notice of the application as of the date of application and notice of the relocation assistance provisions of Subsection 18.32.070 of this section. Any person who becomes a tenant of a residential rental unit proposed for conversion to a residential condominium, stock cooperative or community apartment project after the date of such application shall be given written notice of the pendency of such applications prior to entering into any written or oral rental agreement. This paragraph shall only apply to map applications filed on or after the effective date of this ordinance.

18.32.050. Tenant Notification

A. Notification of Hearing on Tentative Map or Preliminary Parcel Map. In addition to other notification requirements of the Municipal Code, the Advisory Agency shall give notice of any public hearing on a tentative map or preliminary parcel map to at least one tenant in each dwelling unit of such building or buildings proposed for conversion.

Such notice shall be in writing and mailed not less than 30 days prior to the public hearing on the tentative map or preliminary parcel map.

Such notice may include a questionnaire, to be completed at the option of each tenant, regarding the approximate ages and disabilities or handicaps, if any, of the household members, comments concerning the physical condition of the building and its various components and characteristics as outlined in Subparagraph (a) of Paragraph 2 of Subdivision A of Subsection 18.32.040 of this section, and such other information as may be pertinent to the pending proceedings.

B. Notification of Proposed Conversion Prior to Termination of Tenancy Due to the Conversion. Each tenant of a conversion project subject

to this section shall be given 180 days written notice of intention to convert prior to termination of tenancy due to the conversion or proposed conversion. Each person who becomes a tenant of such conversion project after the date of such 180 days' written notice shall be given a copy thereof before entering into any written or oral rental agreement. but shall not be entitled to 180 days written notice prior to termination of tenancy due to the conversion or proposed conversion.

C. Residential Conversion Project – Notification of Exclusive Right to Purchase. The applicant shall give each tenant of any proposed residential conversion project written notice of an exclusive right to contract for the purchase of the dwelling unit occupied by the tenant or purchase of a share in the corporation entitling the shareholder to enjoy exclusive occupancy of the unit upon the same or more favorable terms and conditions than those on which such unit or share will be initially offered to the general public. The right shall run for a period of not less than 90 days from the issuance of the subdivision public report pursuant to Section 11018.2 of the California Business and Professions Code, unless the applicant receives prior written notice of the tenant's intention not to exercise the right.

Where two or more units are combined pursuant to conditions of tentative map or preliminary parcel map approval, the notice required by this Subdivision C shall be given to the tenants of the combined units and priority among tenants shall be determined in an equitable manner. A tenant who is prevented from purchasing his unit due to combination of units shall be given a right of first refusal with respect to the comparable unit in the same residential conversion project, to the extent possible.

18.32.060. Tentative Map And Preliminary Parcel Map Approval.

A. All tentative maps and preliminary parcel maps filed in connection with residential conversion projects shall be subject to Divisions of Land regulations contained in Division 2 in Title 18 of the Municipal Code, except as herein otherwise provided. All such maps shall be subject to the General Plan only to the extent that such plan contains a definite statement of policies and objectives explicitly applicable to conversion projects, except as otherwise provided in this subsection.

B. The Advisory Agency shall disapprove a tentative map or preliminary parcel map for a residential conversion project, if it finds (a) that the map is not substantially consistent with the applicable density provisions of the General Plan in effect at the time the original building permit was issued, and (b) the application for map approval is filed less than ten years from the date the original certificate of occupancy for the building was issued.

C. The Advisory Agency shall disapprove a tentative map or preliminary parcel map for a residential conversion project if it finds that any applicable General Plan provision contains a definite statement of policies and objectives explicitly applicable to conversion projects and the proposed map is not substantially consistent with such provision.

D. The Advisory Agency shall disapprove a tentative map or preliminary parcel map for a residential conversion project if it finds that there are uncorrected violations of Title 16 of the Municipal Code, and that an adequate plan to correct such violations has not been developed or accomplished. For purposes of this provision, Title 16 of the City's Municipal Code means the provisions of Title 16 in effect when the building permit was issued and other subsequently enacted regulations explicitly made applicable to existing structures.

E. The Advisory Agency shall disapprove a tentative map or preliminary parcel map for a residential conversion project, if it finds that (a) the building permit for the building was issued prior to October 1, 1933, and the building is of unreinforced masonry construction, or (b) the building is more than three stories in height without an elevator. This provision may be waived where the Advisory Agency finds that any such condition has been corrected in conformity with Municipal Code standards.

F. After considering the following criteria, the Advisory Agency may approve a tentative map or preliminary parcel map for a residential conversion project, unless it makes both of the following findings: (1) the vacancy rate of the planning area in which the property is located is five percent or less, and (2) the cumulative effect of the rental housing market in the planning area of successive residential conversion projects (past, present and future) is significant. A finding of significant cumulative effect shall be based on the following factors: (a) the number of tenants who are willing and able to purchase a unit in the building; (b) the number of units in the existing residential building prior to conversion; (c) the number of units which would be eliminated in case conversion occurred in order to satisfy Municipal Code parking requirements; (d) the adequacy of the relocation assistance plan proposed by the subdivider; and (e) any other factors pertinent to the determination. "Vacancy rate" shall refer to the most current vacancy rate for multiple-family dwelling units as published by the City's Planning Director, or other estimate or survey satisfactory to the Advisory Agency.

18.32.070. Parking Residential Conversion Projects.

A. The minimum number of resident parking spaces per dwelling unit shall be one and one-quarter parking spaces per dwelling unit having three or less habitable rooms and one and one-half parking spaces per each dwelling unit having more than three habitable rooms. The Advisory Agency may increase

or decrease the required number of parking spaces up to and including three-quarters of a space per dwelling unit, where it finds that such modification is consistent with the purposes of this section.

B. The minimum number of guest parking spaces shall be one quarter space per dwelling unit for projects containing 50 or fewer units and one-half space per dwelling unit for projects containing more than 50 units. The Advisory Agency may modify the guest parking requirement up to and including one-half space per unit where it finds such modification consistent with the purposes of this section.

C. The Advisory Agency may require up to one of the required resident parking spaces per dwelling unit to be provided in a private garage or carport where it finds that such is reasonable and feasible and consistent with the purposes of this section.

D. Where the number of parking spaces required by other provisions of this code in existence on the date of map application exceeds the minimum numbers established by this section, the number of parking spaces shall not be diminished.

E. The design and improvement of parking facilities and areas shall substantially conform to the provisions of section 10.32 of Title 10 of the City's Municipal Code.

18.32.080. Building Reports – Residential Conversion Projects. The Advisory Agency may require, as a condition of approval, that the applicant notify such person who communicates an interest in purchasing a unit or share that the following reports are available for inspection during normal business hours, and shall take all reasonable steps to assure that such reports fully, fairly and accurately describe the conditions reported:

A. Any report submitted pursuant to Subsection 18.32.040 of this section.

B. A report concerning compliance with the sound transmission control standards established by the City, if any.

C. A report concerning compliance with the residential energy conservation standards established the by Article 1, Part 6, Title 24 of the California Administrative Code.

D. A report concerning compliance with the elevator safety standards established by Title 8 of the California Administrative Code.

E. A report concerning compliance with any provision of Title 16 the City's Municipal Code which the Advisory Agency and the Building Officer find appropriate for such reporting purpose.

18.32.090. Low And Moderate Income Housing – Residential Conversion Projects. Each residential conversion project shall comply with any and all affordable income housing provisions in the Municipal Code, including but not limited to Chapter 19.28.

18.32.100. Rental Housing Production.

A. As a condition of tentative map or preliminary parcel map approval, the Advisory Agency shall require that the applicant or his successor in interest pay to the City a fee of **\$5,000** for each unit in a residential conversion project, based on the number of units in the project prior to conversion. This fee shall be paid prior to approval of the Final Map by the City Engineer.

B. All fees collected pursuant to this Subsection 18.32.100 shall be deposited and held in the Rental Housing Production Account of the City's Planning Department, which account is hereby established to be administered by the City's Planning Department separately from all other money expended by the Department. Money in this account shall be used exclusively for the development of low and moderate income rental housing in the City, pursuant to guidelines carrying out this purpose prepared by the Department and approved by resolution of the City Council.

NOW, THEREFORE, BE IT FURTHER ORDAINED:

Section 1: Chapter 18.34 is hereby added to Division 2 of Title 18 of the City of American Canyon Municipal Code.

SEC. 18.34. TENANT RELOCATION ASSISTANCE WHERE APARTMENTS ARE TO BE CONVERTED.

18.34.010. Statement of Purposes. At the present time, there is a critically short supply of rental housing in the City, and, due to the extreme profitability in the current real estate market, of constructing condominiums or converting existing apartment projects to condominiums, stock cooperatives and to community apartment projects for sale, it is anticipated that the number of applications to construct condominiums or to convert existing apartment projects into condominiums, stock cooperatives and to community apartment projects will increase and will adversely impact the availability of existing rental housing and affordable housing units in the City, and will result in the removal of rental housing units and affordable housing units from the market. Tenants who face eviction due to conversion are experiencing serious difficulties in locating comparable replacement rental housing. These difficulties are particularly acute

for elderly tenants and those with physical limitations, particularly the handicapped and disabled. In addition, families with minor dependent children face greater relocation difficulties than families without such children.

Since the conversion of rental units to condominiums, stock cooperatives, and community apartment projects is a substantial cause of the rental housing and affordable housing shortage, the City Council finds and declares that an emergency exists requiring the emergency enactment of this ordinance and it would be just and proper for the subdividers who may enjoy the benefits of such conversions to assist tenants who are displaced by the conversion activity and who otherwise would be forced to bear the burdens of displacement without any assistance.

18.34.020 Definitions. For purposes of this section, the definitions in Chapter 18.32 of the City's Municipal Code ("the Municipal Code") and the following definitions shall apply:

1. **"Landlord"** means an owner, lessor, or sublessor, (including any person, firm, corporation, partnership, or other entity) who receives or is entitled to receive rent for the use of any rental unit, or the agent, representative or successor of any of the foregoing.
2. **"Notice of Termination"** means the notice of intention to terminate tenancy, whether given by a landlord or by a tenant, provided for by California Civil Code Section 1946.
3. **"Qualified Tenant"** means any tenant who satisfies any of the following criteria on the date said tenant gives or receives a Notice of Termination; (1) has attained age 62; (2) is handicapped as defined in Section 55072 of the California Health and Safety Code; (3) is disabled as defined Title 42 United States Code 423; (4) is a person residing with and on whom is legally dependent (as determined for federal income tax purposes) one or more minor children; or (5) is a person whose income is within the low-income category as defined by the U.S. Department of Housing and Urban Development for its Section 8 program as confirmed by the State Department of Housing and Community Development in amendment to Section 6932 of Title 25 of the California Code of Regulations.
4. **"Rental Unit"** means each dwelling unit, efficiency dwelling unit, guest room, and suite in the City as defined in Section 19.35 of this Code, together with the land and buildings appurtenant thereto, and all housing services, privileges, furnishings and facilities supplied in connection with the use or occupancy thereof, including

garage and parking facilities. The term "Rental Unit" shall not include:

- a. A one-family dwelling, except where three or more dwelling units are located on the same lot;
- b. Housing accommodations in hotels, motels, inns, tourist homes and boarding and rooming houses, provided that, at such time as an accommodation has been occupied by one or more of the same tenants for sixty 60 days or more, such accommodation shall become a rental unit subject to the provisions of this section.
- c. Housing accommodations in any hospital, convent, monastery, extended medical care facility, asylum, nonprofit home for the aged, fraternity or sorority house, or housing accommodations owned, operated or managed by an institution of higher education, a high school or an elementary school for occupancy by its students.
- d. Housing accommodations which a government unit, agency or authority owns, operates, or manages, or which are specifically exempted from municipal rent regulation by state or federal law or administrative regulation.
- e. Mobilehome.

5. "Tenant" means a tenant, subtenant, lessee, sublessee, or any other person entitled to use or occupancy of a rental unit. Tenant does not include any person who:

- a. Is residing in a conversion project and intends to purchase a unit in such project after conversion has been accomplished, or who intends to reside with such a purchaser, or
- b. Received actual written notice, prior to entering into a written or oral agreement to become a tenant, that an application to convert the building to a condominium, stock cooperative or community apartment project was on file with the City or had already been approved, whichever the case may be.

18.34.030. Relocation Assistance Required. In connection with the conversion of a building into a condominium, stock cooperative or community apartment as those terms are defined in California Government Code and

Business and Professions Code, the landlord shall provide relocation assistance to each tenant in accordance with Subsection 18.34.040. This subsection shall not apply where a subdivision map application for condominiums, stock cooperative or community apartment purpose was filed for approval with the City prior to the effective date of this Ordinance. A landlord's obligation to comply with Subsection 18.34.040 does not exist prior to the time the landlord gives the notice of intention to convert required by Government Code Section 66427.1.

18.34.040. Relocation Assistance. Relocation assistance, where required by the preceding subsection, shall be provided in accordance with the following provisions.

A. Landlord's Responsibility.

1. The landlord shall:

a. Make available to each tenant, at no cost, a reasonably complete and current list of vacant and available rental units within a one and one half mile radius of the building being converted, which units are comparable as to size and amenities to the unit occupied by the tenant; and,

b. Make a reasonable and good faith effort to assure that tenants without cars are driven, at no cost, and tenants with cars are assisted, in order to inspect replacement rental units; and,

c. Hire an ambulance or similar vehicle, at no cost to the tenant, and otherwise take reasonable steps to assist any disabled or handicapped tenant with relocation-related activities; and,

d. Pay a relocation fee of **\$8,000** to qualified tenants and a **\$3,200** fee to all other tenants in order to assist the tenants in meeting costs of relocation, higher rents for replacement housing, and any related expenses. For the year beginning on the effective date of this ordinance and all subsequent years, the fee amounts shall be automatically increased by the cost-of-living increase determined by the United States Labor Department for the San Francisco/Oakland/Bay Area. The adjusted amount shall be rounded to the nearest fifty dollar increment.

This payment shall be made as follows:

(1) The entire fee shall be paid to a tenant who is the only tenant in a rental unit;

(2) If a rental unit is occupied by two or more tenants, any one of whom is a qualified tenant, then each tenant of the unit shall be paid a pro-rata share of the \$8,000 fee;

(3) If a rental unit is occupied by two or more tenants, none of whom is a qualified tenant, then each tenant of the unit shall be paid a pro-rata share of the \$3,200 fee.

In no event shall the landlord be liable to pay more than \$8,000 to all tenants residing in a unit in which at least one qualified tenant lives, or to pay more than \$3,200 to all tenants residing in a unit in which no tenant is a qualified tenant. If a tenant is entitled to monetary relocation benefits pursuant to City administrative agency action or any provision of local, state or federal law, then those benefits shall operate as a credit against any fee required to be paid to the tenant under this section.

2. In lieu of the assistance provided for in the paragraph 1.a. above, the landlord may elect to relocate any tenant into a comparable replacement rental unit satisfactory to the tenant and pay all actual costs of relocating the tenant up to a maximum of \$8,000 per household. For the year beginning on this effective date of this Ordinance and all subsequent years, the fee amounts shall be automatically increased by the cost-of-living increase determined by the United States Labor Department for the San Francisco/Oakland Bay Area. The adjusted amount shall be rounded to the nearest fifty dollar increment. A tenant may not unreasonably withhold approval of a replacement rental unit offered by the landlord. For purposes of this provision only, comparability shall be determined from the following factors: size; price; location; proximity to medical and recreational facilities, parks, community centers, shops, transportation, schools, churches, and synagogues; and amenities.

3. In lieu of the assistance provided for in the paragraph 1.a. above, if the tenant chooses, instead of relocating to a rental unit, to purchase a unit or single-family home in Napa County, the tenant may instead choose to receive the amount of \$15,000 per household from the landlord towards the relocation and costs

associated with the purchase of the new unit or single-family home. For the year beginning on this effective date of this Ordinance and all subsequent years, the fee amounts shall be automatically increased by the cost-of-living increase determined by the United States Labor Department for the San Francisco/Oakland Bay Area. The adjusted amount shall be rounded to the nearest fifty dollar increment.

4. In lieu of the assistance provided for in paragraphs 1.a and 3 above, all tenants shall have the exclusive right to purchase a converted unit for an amount which is ten (10) percent below the market rate listing price for such unit. The exclusive right to purchase must be exercised within thirty (30) days of the recordation of any Final Map establishing a Community Apartment Project, Condominium or Stock Cooperative.

B. When Assistance Shall be Provided.

1. **List of Available Rental Units.** The landlord shall perform the acts described in Subparagraph a. of Paragraph 1 of Subdivision A above for the period beginning on or before the service of the 180 days notice of intention to convert, until the date of termination set forth in the Notice of Termination.

2. **Transportation.** The landlord shall perform the acts described in Subparagraphs b. and c. of Paragraph 1 of Subdivision A above for the period beginning on or before the service of the 180 days notice of intention to convert described in Government Code Section 66427.1(c), until the date of termination set forth in the Notice of Termination.

3. **Monetary Assistance.** The landlord shall perform the acts described in Subparagraph 4 of Paragraph a of Subdivision 1 above within 15 days of service of the Notice of Termination.

4. **Replacement Housing.** In lieu of the acts described in Paragraph 1 of Subdivision A above, the landlord may perform the acts described in Paragraph 2 of Subdivision A within 30 days of service of the 180 days notice of intention to convert described in Government Code Section 66427.1(c).

18.34.050. Civil Remedies. In an action by a landlord to recover possession of a rental unit, a tenant may raise as an affirmative defense the failure of the landlord to comply with Subsection 18.34.040 of this section. In addition, any landlord who fails to provide monetary relocation assistance to a tenant as required by this section shall be liable in a civil action to the tenant to

whom such assistance is due for damages in the amount the landlord has failed to pay, together with reasonable attorney fees and costs as determined by the court.

18.34.060. Applicability.

A. This section shall apply to judicial proceedings to recover possession of a rental unit occupied by a qualified tenant commenced 31 days after the effect date of this ordinance.

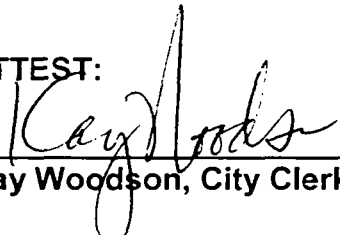
B. This section, as amended herein, shall apply to judicial proceedings to recover possession of a rental unit occupied by a tenant commenced 31 days after the effect date of this Ordinance.


Section 2: The provisions of Chapters 18.32 and 18.34 as set forth in this ordinance shall take effect immediately as an urgency measure for the immediate preservation of public health, safety and welfare pursuant to Government Code section 36937(b) for the foregoing reasons and those set forth in the Ordinance Recitals and the Ordinance Statement of Purpose, section 18.34.010.

The foregoing Ordinance was introduced, read, passed and adopted at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 7th day of September, 2006, by the following vote:

AYES:	Shaver, Garica, Anderson, Bennett, Coffey
NOES:	None
ABSTAIN:	None
ABSENT:	None


Cecil Shaver, Mayor

ATTEST:

Kay Woodson, City Clerk

APPROVED AS TO FORM:

William D. Ross, City Attorney