

Permanent Relocation Assistance

What is permanent relocation assistance?

Santa Monica law requires that landlords pay a fee to tenants who are forced to permanently move out of their homes, in some situations.

When is a tenant entitled to the relocation fee?

- The landlord takes the building off the rental market (Ellis Act);
- The landlord or a relative moves into the apartment (owner-occupancy); or
- The landlord seeks to demolish the unit or otherwise remove it from rental use.

The fee does *not* apply in cases of earthquake or other natural disaster, or where relocation is necessary to comply with the City's retrofitting requirements.

For Ellis Act evictions, does the tenant have to be low-income to get the fee?

No. All tenants forced to move out under Ellis qualify, regardless of income.

What type of prior notice is required?

If tenants are forced to vacate due to one of the above reasons, the landlord has to give them prior written notice. The landlord also must give tenants a "Notice of Tenant Relocation Assistance and Statement of Rights." This must be on a City-provided form and state:

- the tenant's rights and obligations under the law
- that the relocation fee has been placed in an escrow account (or other account approved by the City), including the name of the escrow company, the amount in escrow, and the date the account was opened

How much is the relocation fee?

Effective July 1, 2009, the fee is as follows:

Single	\$5,700
1 bedroom	\$7,150
2 bedroom	\$8,100
3 bedroom	\$10,000
4 or more	\$10,450

Note: this amount is automatically increased each July 1. For the latest figures, go to http://santa-monica.org/housing/tenant_relocation_fees.htm

What if there are seniors, children, or disabled tenants in the unit?

If any of the displaced tenants is age 62 or over, disabled, or has a child under 18, and occupied the unit before November 17, 1999, the fee is increased by \$1,650.

If there is more than one tenant in an apartment, who gets the fee?

The total relocation fee is paid in one check. The tenants must divide it among themselves.

What if tenants disagree about how the fee should be divided?

They should try to work out the distribution themselves. If they can't, they may seek help from Dispute Resolution Services, which provides free mediation services (310-314-1543).

When does the relocation fee have to be paid?

Within five days after the tenant moves out.

Can a tenant use the money before moving out?

Yes. If a tenant needs the money to help pay for moving, he or she can request in writing that the landlord pay a third party. The landlord then must instruct the escrow holder to pay the third party all or a part of the relocation fee. The third party must receive payment within five days of the tenant's written request.

How does a tenant receive the fee?

The tenant receives the fee from an escrow account opened by the landlord. Before the landlord gives the tenant a notice terminating the tenancy, the landlord must place the relocation fee in an escrow account or other account approved by the City. Within two days after the tenant moves out, the landlord must instruct the escrow holder to give the remaining relocation fees in the escrow to the tenant.

If a tenant fights the eviction, does he or she lose the relocation fee?

No. A tenant does not give up any rights by contesting an eviction. If the tenant wins in court, there may be no eviction and no need for the relocation fee. If the tenant loses, the fee may be reduced by the amount of any court judgment.

Can a tenant stop paying rent after receiving an eviction notice, or apply the fee toward rent?

No. If a tenant withholds rent, or offsets rent against the relocation fees, the tenant might be sued for non-payment of rent. The tenant's duty to pay rent is separate from the landlord's duty to pay relocation fees; the two do not offset each other.

Can a landlord choose to not pay the relocation fee to a tenant?

Only if the landlord chooses to relocate the tenant into a comparable apartment. The landlord is still responsible for paying the tenant's moving costs. The new unit must be comparable to the old one in size, price, location, amenities, proximity to medical and

recreational facilities as well as parks, community centers, shops, transportation, schools, churches and synagogues.

Are single family homes and condominiums subject to relocation assistance requirements?

Yes, unless they are exempt from the Rent Control law. If you are unsure whether your home is rent-controlled, contact the Rent Control Board at 310-458-8751.

What if a tenant agrees to give up relocation benefits?

A tenant can't give up these rights. Any agreement between a landlord and tenant which gives up a tenant's right to relocation benefits is void and can't be enforced.

What should I do if my landlord refuses to pay me the fee?

You should call the Rent Control Board (310-458-8751). Also, you can sue the landlord in court. The court can award you the fee plus a \$500 penalty, attorneys' fees, and other possible damages.

How can I get more information?

Call the Rent Control Board (310-458-8751).