

ORDINANCE NO. .
BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,
STATE OF CALIFORNIA

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**INTRODUCTION OF AN ORDINANCE READOPTING AND AMENDING CHAPTER
3.108, CONSISTING OF SECTIONS 3.108.010 TO SECTION 3.108.140, TO TITLE 3
OF THE SAN MATEO COUNTY ORDINANCE CODE, SETTING FORTH PROPERTY
OWNER OBLIGATIONS WITH RESPECT TO TENANTS DISPLACED FROM
UNSAFE OR SUBSTANDARD UNITS.**

The Board of Supervisors of the County of San Mateo, State of California,
ORDAINS as follows:

SECTION 1. The Board of Supervisors of the County of San Mateo hereby finds and
declares as follows:

WHEREAS, some residential rental units in San Mateo County have been
found to have severe code violations which threaten the life and safety of
occupants, and while these situations are rare, they must be addressed; and

WHEREAS, the hazardous living conditions often require that the tenant
vacate the structure to allow for extensive repairs or demolition of the structure;
and

WHEREAS, these code violations may be caused by the negligence,
postponed maintenance, or improper use of the structure as a residence by the
property owner, and said code violations may breach an owner's implied
warranty of habitability and could constitute constructive eviction of the tenant
household from its residence; and

WHEREAS, the difficulty of finding affordable replacement housing and the burden of incurring moving-related expenses create financial hardship for tenant households, particularly those who are low-income; and

WHEREAS, relocation benefits and assistance are necessary to ensure that displaced tenants secure safe, sanitary and decent replacement housing; and

WHEREAS, property owners who fail to properly maintain residential rental properties, and/or create substandard residential rental units should bear responsibility for the hardships their actions (or inaction) create for the tenant; and

WHEREAS, relocation costs are a necessary component of code enforcement that should be borne by the property owner, and the County should be reimbursed by the responsible owner for relocation-related costs that it incurs in the code enforcement process; and

WHEREAS, requiring property owners to pay relocation costs under this Chapter will encourage them to promptly correct code violations and protect the public health, safety and general welfare of County residents; and

WHEREAS, the level of payments provided for in this Chapter reflects that actual costs of relocation likely to be incurred by displaced tenant household – in particular, moving costs and the cost of first and last months' rent, as well as other costs associated with involuntary dislocation; and

WHEREAS, the purpose of this Chapter and establishing Property Owner Obligations With Respect to Tenants Displaced from Unsafe or Substandard Units is to require that property owners whose tenants are displaced, either temporarily or permanently, due to County code enforcement activities, receive from property owners payments to alleviate hardships associated with such displacements, thereby protecting and enhancing the health and safety of County residents; and

WHEREAS, consistent with the purpose of this Chapter, it would be appropriate to include an anti-retaliation provision in the Ordinance to help advance these goals by ensuring tenants who exercise rights granted under the Ordinance will be protected from retaliation by property owners for doing so.

SECTION 2. Chapter 3.108, consisting of Sections 3.018.010 through 3.108.140, is hereby added to Title 3 of the San Mateo County Ordinance Code, and shall read, in its entirety, as follows:

3.108.010 - Title.

This Chapter shall be known as Property Owner Obligations With Respect to Tenants Displaced from Unsafe or Substandard Units.

3.108.020 - Definitions.

For the purposes of this Chapter 3.108, the following words and phrases shall have the meanings set forth herein:

- (a) “Code enforcement activities” are activities initiated by the County of San Mateo to determine the condition and/or legal conformity or nonconformity of a dwelling and to require the property owner to make

necessary repairs to the dwelling, to vacate the dwelling, or to take other action as necessary to bring the dwelling into compliance with applicable state or local zoning, building, and/or housing standards, and/or other technical codes adopted and enforced by the County for existing residential properties.

(b) “Declaration of substandard condition” means a declaration, notice, or order executed by an Enforcement Officer under the authority of the applicable provision of law declaring that a dwelling is substandard.

(c) “Definitive steps” means specific actions taken by a tenant household indicating an intent to move from a dwelling or room during an expected displacement period, such as entering into contracts or incurring expenses directly related to the anticipated move from the dwelling or room, and which can be substantiated with reasonably probative documentation (such as bills, invoices, rental agreements, estimates, etc.).

(d) "Dwelling" means any structure that a person uses as a place of permanent or customary abode in the unincorporated area of the County, including, but not limited to, a single-family dwelling, a unit in multifamily or multipurpose dwelling, a unit of a condominium or cooperative housing project, a mobilehome as herein defined, a garage or shed, or any other unit or property that is considered to be real property under State law. A dwelling is any structure that is actually used for residential purposes regardless of whether the structure is decent, safe or sanitary and regardless of whether the actual residential use is legally permitted or conforming under any applicable laws or regulations.

(e) "Department" means the San Mateo County Planning and Building Department.

(f) "Director" means the head of the Department, or his or her designee.

(g) "Enforcement Officer" means any County employee or agent of the County whose position requires enforcement of any provision of the San Mateo County Ordinance Code, any County ordinance or any state law or regulation related to zoning, building or housing standards, and/or other technical codes adopted by the County for existing residential properties including, but not limited to, code compliance officers, building officials and environmental health specialists.

- (h) “Mobilehome” means a mobilehome as defined in section 798.3 of the California Civil Code.
- (i) “Noncomplying dwelling or room” means a dwelling or room in the unincorporated area of the County which has been found or determined by an Enforcement Officer to be substandard, blighted, unsafe, a public nuisance, a drug nuisance, or otherwise not in conformity with applicable state or local zoning, building and/or housing standards and/or other technical codes adopted and enforced by the County for existing residential properties; and “noncomplying condition” or “noncompliance” means any physical condition or use with respect to the dwelling or room that contributes to such finding or determination.
- (j) “Notice to abate life-threatening condition” means a notice and/or order to abate a substandard or noncomplying condition issued by the County pursuant to its code enforcement activities, however such notice or order is denominated, that indicates on its face that a life threatening condition is present.
- (k) “Notice to vacate” means a notice and/or order, however denominated, issued by the County or a court of competent jurisdiction to a property owner and/or a tenant household pursuant to the County’s code enforcement activities requiring that a dwelling or room be vacated, either immediately or at some future specified time, as a result of a determination that such dwelling or room fails to comply with applicable building, housing, zoning, or other code standards. For purposes of this Chapter, a “Notice to Vacate”

includes a complaint or action filed by the County with a court of competent jurisdiction and served on the property owner pursuant to the County's code enforcement activities whereby the County asks for vacation of the property as requested relief.

(l) "Permanent displacement" means the vacating of a dwelling or room by a tenant household due to code enforcement activities when that dwelling or room (or an equivalent dwelling or room in the building), in the judgment of the Enforcement Officer, cannot foreseeably be brought into code compliance or will not otherwise be available for re-occupancy by the tenant household within ninety (90) days from the date of vacating; or when the tenant household and the property owner have agreed that the displacement shall be permanent.

(m) "Property owner" means a person, persons, corporation, partnership, limited liability company, or any other entity holding fee title to the subject real property. In the case of multiple ownership of the subject real property, "property owner" means each entity holding any portion of the fee interest in the property and the property owner's obligations in this Chapter shall be joint and several as to each property owner.

(n) "Room" means an unsubdivided portion of the interior of a dwelling in the unincorporated area of the County which is used for the purpose of sleeping, and is occupied by a tenant household for at least thirty (30) consecutive days. This includes, but is not limited to, a single room occupancy (SRO)

living space. This definition applies to any space that is actually used for residential purposes regardless of whether the structure is decent, safe or sanitary and regardless of whether the actual residential use is legally permitted or conforming under any applicable laws or regulations.

(o) “Temporary displacement” means the vacating of a dwelling or room by a tenant household due to code enforcement activities when that dwelling or room (or an equivalent dwelling or room in the same building) will foreseeably be brought into code compliance and be available for re-occupancy by the tenant household within ninety (90) days from the date of vacating; or when the tenant household and property owner have otherwise agreed that the displacement shall be considered temporary.

(p) “Tenant household” means one or more individuals who rent or lease a dwelling or room as their primary residence and who share living expenses.

3.108.030 - Tenant Eligibility for Relocation Payments.

(a) A tenant household shall be eligible for relocation payments from a property owner under this Chapter if the tenant household is displaced from its dwelling or room due to the County’s code enforcement activities. For purposes of this Chapter, a tenant household shall be deemed to be displaced from its dwelling or room due to code enforcement activities in either of the following circumstances:

1. The tenant household receives a notice from the property owner requiring the household to vacate or quit the dwelling or room at any time after the County or a court has issued a notice to vacate, notice to abate life-threatening condition or a declaration of substandard condition covering that dwelling or room; or

2. The tenant household vacates its dwelling or room (whether or not the property owner requires vacation) after (a) the County or a court has issued a notice to vacate, notice to abate life-threatening condition, or declaration of substandard condition covering that dwelling or room, and (b) the abatement period has expired without correction of the noncomplying condition (if a time period to abate the noncomplying condition is specified in such notice or declaration and the County or court does not order earlier vacation).

(b) Notwithstanding subsection (a) above, a tenant household shall not be deemed displaced due to code enforcement activities in any of the following cases:

1. The property owner demonstrates to the satisfaction of the Director that vacation of the dwelling or room was due primarily to a cause other than either (a) the noncomplying condition, (b) the County's or court's determination that the dwelling or room was a noncomplying dwelling or room, or (c) the need to make repairs to rectify any noncomplying condition;
2. The property owner demonstrates to the satisfaction of the Director that the noncomplying condition was created by the tenant household or the tenant household's guests or invitees, and was not created by the property owner or the property owner's agent, or that the condition giving rise to the code enforcement activities existed at the time that the tenant household occupied the dwelling or room and that the tenant household occupied the dwelling or room for the purpose of receiving relocation benefits;
3. The property owner demonstrates to the satisfaction of the Director that the tenant household unreasonably prevented the property owner or the property owner's agent from undertaking maintenance or repairs that would have prevented or rectified the noncomplying condition;
4. All noncomplying conditions are corrected, as determined by the County, prior to the time the tenant household has taken definitive steps to move from the dwelling or room;
5. The notice to vacate, notice to abate life-threatening condition, or declaration of substandard condition is rescinded or withdrawn by the County or the court or is overturned on appeal prior to the time the tenant household has taken definitive steps to move from the dwelling or room;
6. The property owner offers, in writing, to move the tenant household immediately into a replacement dwelling or room in the same building, and all of the following are true: (a) the replacement dwelling or room is

at least substantially comparable in size, condition and amenities to the formerly occupied dwelling or room; (b) the replacement dwelling or room complies with all applicable zoning, building and housing codes; (c) the replacement rent is no greater than the rent charged for the formerly occupied dwelling or room; and (d) the offer was made prior to the time the tenant household has taken definitive steps to move; or

7. The tenant household is required to vacate the dwelling or room due solely to damage resulting from an earthquake, fire, flood, natural disaster, civil disturbance, or accident outside the control of the property owner, if (a) the vacation is required within six months of such event, and (b) the property owner demonstrates to the satisfaction of the Director that such damage was not caused by the acts or the negligence of the property owner or by a preexisting condition in the building in violation of applicable building, housing, fire, or other health and safety codes.

(c) Any provision of a lease or rental agreement for a dwelling or room in which the tenant household agrees to modify or waive any of its rights under this Chapter, including its rights to relocation payments, shall be void as contrary to public policy.

3.108.040 - County Notices to Property Owners.

(a) An Enforcement Officer or other authorized official, along with issuance of any notice to vacate, notice to abate life-threatening condition, or declaration of substandard condition to a property owner covering a dwelling or room shall inform the property owner that any tenant household that vacates said dwelling or room may be eligible for relocation payments from the property owner, that failure to make required relocation payments to eligible tenant households before vacation may result in the County making payments on behalf of the property owner, and that failure to reimburse the County for all relocation payments made and other costs incurred may result in a lien being placed on the property. Following issuance of any such notice or declaration and expiration of the period to abate the noncomplying

condition (if an abatement period is specified in any such notice or declaration), the County shall also use reasonable efforts to deliver information to each affected tenant household in the building regarding the relocation benefits and assistance, if any, to which the tenant household may be entitled.

(b) Failure by the County to supply or attempt to supply any of the information or notices provided for in this Chapter shall not affect the validity of any code enforcement notice, order, or action, nor shall any such failure impact any property owner's obligation to abate any noncomplying conditions or provide relocation assistance as required under this Chapter.

3.108.050 - Property Owners' Notices to Tenants.

Any notice from a property owner to an eligible tenant household to vacate or quit a dwelling or room following the issuance of a notice to vacate, notice to abate a life threatening condition, or declaration of substandard condition must set forth the reasons for the need to vacate, the tenant household's entitlement to relocation payments from the property owner, the tenant household's right to reoccupancy following completion of repairs (if the property is one to be repaired), and the estimated date for reoccupancy. The property owner shall send a copy of all notices to the Enforcement Officer issuing the notice on behalf of the County.

3.108.60- Relocation Payments by Property Owners.

(a) The property owner shall be responsible for providing relocation payments, in the amounts specified in section 3.108.090, to an eligible tenant household in the form and manner prescribed in this Chapter.

(b) Except as set forth in Section 3.108.060(e), in the case of permanent displacement, the property owner shall make the relocation payment directly to an eligible tenant household no later than ten (10) days before the expected vacation date of the dwelling or room specified in either a County or court notice or order or the property owner's notice to vacate pursuant to sections 3.108.040 and 3.108.050, whichever date is earliest in the event of multiple notices. If less than ten (10) days' advance notice of vacation is given, or no vacation date is specified in such notice or order, then the payment by the property owner to the tenant household shall be made no later than the actual time of vacation.

(c) If an eligible tenant household vacates a dwelling or room on its own initiative pursuant to section 3.108.030(a)(2) in response to a notice to abate life-threatening condition or declaration of substandard condition issued by the County (rather than in response to a notice to vacate by the County, a court or a property owner), and if that tenant household has not given advance notice to the property owner of its intention to vacate, then the payment by the property owner to the tenant household shall be made no later than ten (10) days after written demand for such payment is made by the tenant household to the property owner; provided, however, that in such case, such a demand must be made in writing by the tenant household within thirty (30) days following the actual vacation of the dwelling or room.

(d) In the case of temporary displacement, the property owner shall make the payment directly to an eligible tenant household within five (5) days after the tenant household has submitted reasonably probative documentation (such as bills,

invoices, rental agreements, estimates, etc.) to the property owner of the actual moving and temporary housing expenses the tenant household will incur or has incurred as a result of the temporary displacement during the expected displacement period.

(e) If the property owner and the tenant household agree in writing that a displacement initially treated as a temporary displacement is to be a permanent displacement, the property owner shall provide the tenant household relocation payments for temporary displacement required under Section 3.108.090(b) within the period required under Section 3.108.060(d), as well as relocation payments for permanent displacement required under Section 3.108.090(a) within 10 days after the displacement is determined, in writing, to be a permanent displacement.

(f) The obligation of the property owner to deliver relocation payments to a tenant household shall be suspended pending the outcome of an appeal pursuant to section 3.108.110 of this Chapter, if the property owner has made a timely request for appeal.

(g) Notwithstanding other provisions of this Chapter, a tenant household shall not be required to vacate the dwelling or room until the required relocation payment has been made and any appeal requested by the property owner has been concluded, unless (1) the Enforcement Officer has determined for health and safety reasons that vacation must occur sooner; or (2) the property owner has complied with the provisions of California Government Code Section 7060, *et seq.*, to withdraw such dwelling or room from rental or lease. However, a property owner

remains liable for payment of relocation payments to eligible tenant households under this Chapter notwithstanding the applicability of the exceptions above in clauses (1) and (2).

(h) The property owner shall also be responsible for reimbursing the County for any relocation payments made and costs incurred by the County pursuant to the provisions of this Chapter, including pursuant to section 3.108.070.

3.108.070 - Relocation Payments by County Chargeable to Property Owners.

(a) The County, in its sole discretion and subject to funding availability, may make any of the payments required of a property owner under this Chapter, including advancing eligible tenant household(s) reimbursable “moving expenses” and “temporary housing accommodations costs” as each of these terms are defined below in Section 3.108.090(b). Such payments shall continue to be an obligation of the property owner and shall be reimbursed by the property owner to the County. The County may consider making such payments in its own discretion or if a tenant household makes a written request to the Department following a property owner’s failure to pay the required payments within the period mandated under section 3.108.060, but in no event later than sixty (60) days following the tenant household’s vacation of the dwelling or room. Prior to any County payment to a tenant household, the Director shall make a determination regarding the eligibility of the tenant household for relocation payments. The Department will make reasonable efforts to contact a representative of the property owner prior to making the determination or authorizing the County’s payment. However, failure to give prior

notice to the property owner shall not relieve the property owner of any obligations under this Chapter.

(b) When the County makes any relocation payments that are the responsibility of the property owner under this Chapter, the County shall bill the property owner for the amount of payment, plus any administrative and other direct and/or indirect costs that it would not have incurred but for the failure of the owner to make the required payment. The County Manager, in consultation with the County Counsel, shall have the discretion to reduce the amount of any required reimbursement from a property owner to the County in cases where the factual and legal circumstances warrant such a reduction. The property owner shall reimburse the County within five (5) days of receipt of billing from the County. If the property owner does not make full and timely payment to the County, the County is entitled to recover an additional amount equal to the sum of one-half the amount paid by the County on the property owner's behalf, but not to exceed ten thousand dollars (\$10,000), as a penalty for failure to make timely payment. The County may also record a lien on the subject property with the County Recorder and shall provide notice of such lien to the property owner and to the County Assessor. The form of such lien and the manner of enforcement and collection shall be as authorized by state or local law. Alternatively, the County may include the unreimbursed amount in any other lien placed on the property by the County to secure payment of enforcement costs. Notwithstanding the above, the intent of this Chapter is to place primary responsibility for making relocation payments to displaced tenant households on those property owners who

are responsible for code violations, and nothing in this section is intended to relieve or release any such property owner from this responsibility.

3.108.080 - Tenant Households' Return Rights.

(a) An eligible tenant household who has experienced temporary or permanent displacement from its dwelling or room due to code enforcement activities shall have the right to return to that dwelling or room, or, if this is not possible, to move into an equivalent dwelling or room in the same building if there is an equivalent dwelling or room owned by the same owner, if and when the dwelling or room is ready for occupancy and under the same terms and conditions that applied to the tenancy prior to the period of displacement. If a tenant household intends to exercise this right, it must inform the property owner in writing of its current address at all times during the period of displacement.

(b) The property owner shall notify the eligible relocated tenant household at least thirty (30) days in advance by certified mail of the availability of the dwelling or room. If a shorter notice is given and the tenant household indicates that it wishes to return, the dwelling or room must be held vacant at no cost to the household for a period no less than thirty-five days after the mailing of the notice of availability. The notice shall provide that within seven days of receipt of notice of availability of the dwelling or room, a tenant household wishing to return must notify the property owner in writing of this election.

(c) If a tenant household wishing to return to the dwelling or room is required to pay a security deposit, the tenant household must be permitted sufficient time to obtain a refund of any deposit paid to obtain replacement housing during the period of relocation.

(d) This return right is in addition to an eligible tenant household's entitlement to monetary relocation payments from the property owner under the terms of this Chapter 3.108, and the exercise of this option by a tenant shall not affect the household's eligibility for such payments.

3.108.090 - Amount of Relocation Payments.

(a) Permanent displacement. An eligible tenant household that will experience permanent displacement as defined above shall receive a monetary relocation payment from the property owner equal to three times the current monthly United States Department of Housing and Urban Development (HUD) Fair Market Rent for a unit of comparable size and type to the dwelling or room from which the displacement occurs, plus a payment not to exceed one thousand dollars (\$1,000.00) for actual moving costs and related expenses incurred by the tenant household and substantiated by reasonably probative documentation. The property owner shall treat any non-complying dwelling or room that does not have one or more separate bedrooms as an "efficiency unit" for purposes of determining the applicable HUD Fair Market Rent and calculating the required monetary relocation payment on that basis. In addition, the tenant household is entitled

to a refund and/or accounting for any security deposit held by the property owner pursuant to California Civil Code section 1950.5. For purposes of this Chapter, “HUD Fair Market Rent” means the amount specified in the schedule of Fair Market Rents for existing housing published by the U.S. Department of Housing and Urban Development under Section 8 of the United States Housing Act of 1937, as amended, applicable to the County of San Mateo and current as of the date the County or court issues the notice to vacate, notice to abate life-threatening condition, or declaration of substandard condition.

(b) Temporary displacement. An eligible tenant household that will experience temporary displacement as defined above shall receive monetary relocation payment or payments from the property owner to cover the tenant household’s actual and reasonable moving expenses and temporary housing accommodations costs incurred as a result of the temporary displacement. “Moving expenses” shall include the cost of removing, transporting, and/or storing the tenant household’s personal property during the displacement period, and “temporary housing accommodations costs” shall include the cost of rental payments and hotel or motel payments during the displacement period. Except as provided in Section 3.108.060(e), in no event shall the property owner be liable for making payments in excess of the amount the tenant household would receive in the case of permanent displacement under Section 3.108.090(a).

(c) Immediate vacation. When the condition of a dwelling or room is a danger to the public health and safety such that the County requires immediate vacation, i.e.,

vacation with less than thirty (30) days advance notice either from the County or from the property owner to the tenant household of the need to vacate, an eligible tenant household displaced from such a dwelling or room shall be entitled to an additional payment from the property owner in the amount of one thousand dollars (\$1000.00), in addition to the amounts set forth above. Such additional payment is intended to compensate the tenant household for the additional costs associated with short-notice moves and the added inconvenience of such moves.

(d) Payments for relocation shall not be considered by the County as income or assets for any government benefits program.

3.108.100 - Infraction.

(a) Any person violating any provision or failing to comply with any of the requirements of this Chapter shall be guilty of an infraction and shall be punishable by the following:

1. A fine not exceeding one hundred (\$100.00) dollars for a first violation;
2. A fine not exceeding two hundred (\$200.00) dollars for a second violation;
3. A fine not exceeding three hundred (\$300.00) dollars for each additional violation within one year;
4. Each person shall be guilty of a separate offense for each and every day during any portion of which said violation is committed.

3.108.110 - Appeals Process.

(a) Written appeal.

1. A property owner may contest an order to make relocation payments or a notice of penalty or fine assessed this Chapter by submitting an appeal in writing together with a processing fee listed in the County's fee schedule. The appeal shall set forth the factual basis for disputing the order to pay relocation benefits or the notice of penalty or fine.

2. Appeals must be addressed to the Director, and must be received within ten (10) days of the date appearing on the order to pay relocation benefits or the notice of penalty or fine. A copy of the appeal must be provided by the property owner to any tenant household(s) directly affected by the appeal on or by the same date that the appeal is received by the Director.
3. Unless the property owner has requested a hearing pursuant to Section 3.108.110(b), after reviewing the appeal, the Director shall prepare a written decision and send it to the property owner and any tenant household(s) directly affected by the appeal via certified mail or personal delivery. The decision of the Director shall constitute the final decision of the County with no additional administrative right to appeal. To the extent allowed by law, the decision and the order to pay relocation benefits or notice of penalty or fine shall have the same force and effect as a resolution of the County Board of Supervisors for the purpose of filing a lien, special assessment, or for pursuing any other method of collection.

(b) Request for hearing; hearing procedure.

1. If a property owner desires a hearing on an appeal, a request for hearing must be made at the time the written appeal is submitted. If a hearing is requested, an independent Hearing Officer will be appointed. Any tenant household(s) directly affected by the appeal shall have the right to attend and participate in the hearing.
2. The appeal hearing shall be set for a date within thirty (30) days from the date that the appeal is filed, unless the Director determines that good cause exists for an extension of time. The property owner and any tenant household(s) directly affected by the appeal shall receive notice of the time and place at least fifteen (15) days prior to the hearing unless the Director determined, in writing, that the matter is urgent, in which case the property owner and tenant households shall receive at least five (5) days prior notice of the hearing.
3. Documentary evidence and names of potential witnesses shall be provided by the Enforcement Officer, the property owner and any tenant household(s) directly affected by the appeal to the Hearing Officer and the opposing party at least five (5) days prior to the appeal hearing or as soon as practicable prior to the hearing. At the hearing, the property owner and any tenant household(s) directly affected by the appeal shall be given the opportunity to testify and to present evidence concerning the order to pay relocation benefits or the notice of penalty or fine. The failure of the property owner to appear at the appeal hearing shall constitute a forfeiture of the fine or penalty (if applicable).

(c) Hearing officer's decision.

1. After considering all of the testimony and evidence submitted at the hearing, the Hearing Officer shall issue a written decision to uphold or cancel all or part of the order to pay relocation benefits or the notice of penalty or fine and shall state the reasons for that decision. The decision of the Hearing Officer shall include findings regarding the evidence in the record and submitted at the hearing, as well as the existence of any proper grounds for the order to pay relocation benefits or the notice of penalty or fine. A copy of the Hearing Officer's written decision shall be provided to the property owner as well as any tenant household(s) directly affected by the appeal.
2. If the Hearing Officer determines that the order to pay relocation benefits or the notice of penalty or fine should be upheld, then the property owner shall pay the appropriate sum(s) to the tenant household and/or the County within 10 days after the property owner's receipt of the Hearing Officer's written decision.
3. The decision of the Hearing Officer shall be the final decision of the County with no additional administrative right to appeal. To the extent allowed by law, the decision and the order to pay relocation benefits or notice of penalty or fine shall have the same force and effect as a resolution of the County Board of Supervisors for the purpose of filing a lien, special assessment, or for pursuing any other method of collection.

3.108.120 – Retaliation is Barred.

No property owner shall take any action in retaliation against any member of a tenant household for exercising rights granted under this Chapter.

3.108.130 - Private Right of Action.

(a) Any tenant household that believes that the provisions of this Chapter have been violated shall have the right to file an action for injunctive relief and/or actual damages. Likewise, any property owner that believes that the provisions of this Chapter have been violated shall have the right to file an action for injunctive relief and/or actual damages. Treble damages shall be awarded for a property owner's willful failure to comply with the payment obligations established under this Chapter.

In any action brought under this Chapter, the court may award reasonable attorney's fees to any prevailing party.

(b) Nothing herein shall be deemed to interfere with the right of a property owner to file an action against a tenant or non-tenant third party for the damage done to said owner's property. Nothing herein is intended to limit the damages recoverable by any party through a private action.

3.108.140 – Severability.

If any provision of this Chapter is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this Chapter shall not be invalidated.

SECTION 3. This Ordinance shall be effective thirty (30) days from the passage date thereof.

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