



RELOCATIONS ORDERED BY AUTHORIZED GOVERNMENT AGENCIES FOR CODE VIOLATIONS

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Tenants in the City of West Hollywood are protected from most evictions. However, a tenant can be evicted for certain specific causes such as nonpayment of rent, causing a nuisance, using the unit for illegal purposes, violating terms of the lease, etc. Landlords may also relocate tenants for no fault of their own. One form of relocation occurs when government agencies order that work be performed on a unit and determines that the tenant cannot stay in the unit in its current condition or during the work ([Section 17.52.010\[13\]](#) and [17.52.110](#)).

Can Landlords Evict Tenants in Order to Renovate a Unit?

No. Landlords may not relocate tenants simply in order to rehab or remodel a rental unit. Major remodeling or rehab projects that require a vacant unit would need to wait until the unit is voluntarily vacated. Landlords may only force a tenant to vacate a unit in order to repair or renovate it **if**:

a. The repairs were ordered by Building and Safety, Health Department, Fire Department or other authorized governmental agency to comply with existing codes **and**: the agency has determined that the repairs cannot be completed with the tenant in the unit or the unit has been ordered demolished or removed from residential use; the agency has determined that the required work will take more than six months; **and** the landlord has obtained all permits required to do the work from the City of West Hollywood and the County of Los Angeles;

or

b. The agency has determined that the unit must be eradicated or demolished because it is uninhabitable or not permitted and the landlord has obtained any required demolition permits.

The landlord cannot relocate the tenants without first obtaining the permits if the governmental agency has found that the conditions are a life-safety issue and ordered that tenants vacate immediately. In this case, the landlord must house the tenants temporarily.

What Notice Must the Landlord Give?

The landlord must give a 60-day written notice to the tenant. A copy of the notice from the authorized agency ordering that the unit be vacated must be attached to the 60-day notice. If Building and Safety, the Fire Department, the Health Department or other authorized agency red tags a unit or property or has ordered the unit(s) vacated in less than 60 days, the landlord must pay reasonable costs for temporary housing at a hotel or other vacant apartment until the end of the period for which the tenant has already paid rent and until the permanent relocation fee has been paid to the tenant.

If a tenant is relocated for this purpose, are they entitled to a relocation fee?

Yes, the relocation fee must accompany the notice to terminate the tenancy. The 60-day noticing period has not begun until the landlord pays the tenant the appropriate relocation fee. If the unit was red-tagged or ordered vacated by an authorized agency in less than 60 days, the landlord's responsibility to pay reasonable costs for hotel or other vacant apartment does not end until the relocation fees have been paid.

How much is the relocation fee?

Relocation fees must be paid at the time of notice when an owner is relocating a tenant because a government agency orders the unit eradicated, demolished or vacated for a period longer than six months. Refer to the attached relocation fee guide for information on the required fee amount.

What Happens to the Tenant After the Work Is Performed?

Once the work has been performed, the landlord must offer the relocated tenant the right of first refusal to move back into the unit. Only if the tenant refuses the offer, can the unit be rented to someone else.

Can the Rent Be Increased After the Landlord Completes the Work?

No. The rent remains at the Maximum Allowable Rent (MAR) that existed when the tenant was relocated plus any general adjustments that became available while the unit was not rented.

When the owner gives a notice to change the terms of tenancy by terminating it, the unit is not decontrolled during vacancy. So if the relocated tenant chooses not to move back into the unit, the landlord must charge the MAR plus annual general adjustments to the new tenant who moves in when the work is completed.

Must the Landlord File Anything with the City?

The landlord must submit to the Department a copy of the notice to the tenant. Additionally, landlords must file a "Tenant Relocation Counseling Assistance Form" with the Rent Stabilization and Housing Division.

What If the Tenant Refuses to Move Out After the Landlord Complies With All Requirements?

If the tenant does not vacate the unit within the sixty (60) day period, they may be taken to court for eviction. In addition, the tenant may have to refund the relocation fees paid by the landlord if ordered by the court.

What If the Work Will Take Less Than Six Months?

If the work ordered by a government agency as listed above will take less than six months or to fumigate for termites or other pests or vermin (if such fumigation cannot be completed while the unit is occupied), the landlord may take temporary repossession of the unit. To do so, the landlord must pay for reasonable costs for temporary housing in a hotel or a vacant apartment.

If the tenants have been relocated because a unit has been "red-tagged" and ordered vacated immediately by Building and Safety, the Fire or Health Department or any other authorized governmental agency and the relocation exceeds seven days, the landlord must notify the Department with the name(s) of the tenant(s) and the location of the temporary housing.

Need Further Assistance?

If you have any questions please contact the Rent Stabilization and Housing Division by calling (323)848-6450 during normal business hours: Monday - Thursday, 8:00 a.m. to 5:00 p.m. and Fridays 8:00 a.m. to 4:30 p.m., or visit the City's website at www.weho.org.

The Rent Stabilization Ordinance is amended periodically. Tenants and landlords are encouraged to contact the West Hollywood Rent Stabilization & Housing Division for the most current version of the Ordinance.