

## **Motion Sheet re: Agenda Item No. 50 (Tenant Relocation Assistance/Notification)**

Council Meeting: September 1, 2016

*Provide copy of motion to City Clerk and indicate that you have done so; then move that the proposed amendments be incorporated into the draft ordinance.*

### **Summary of Amendments:**

1. The first amendment adds an uncodified section to the ordinance directing the city manager to continue stakeholder discussions regarding key provisions of the ordinance related to penalties and tenant relocation fees. This provision will give the manager authority, without further initiation, to propose changes to the ordinance when the nexus study is complete and the manager presents a proposed relocation fee to the city council for consideration.
2. The second amendment would require proof of a “culpable mental state” in order to prosecute a violation of the notification requirements.
3. The third amendment would limit penalties for violation of the notice requirements to one violation per unit for each day that a multi-family building or mobile home park hasn’t provided all of the required notifications.

### **Text of Amendments:**

1. **Add the following as a new Part 10 (uncodified) and renumber the remaining parts accordingly:**

**PART 10.** In preparing the nexus study and developing a recommended relocation fee, as required by this ordinance, the city manager is directed to continue stakeholder review and discussion regarding each of the issues listed below. The city manager may, as deemed appropriate, propose additional code amendments related to any or all of these issues and present the amendments to the City Council for consideration, without further initiation, concurrent with an ordinance establishing the proposed relocation assistance fee.

- ***Penalties and enforcement.*** The city manager should seek input on whether the penalty amount required by Section 25-1-717 (*Offenses*) should be calculated based on the number individual units for which notice

is required or whether it should be limited to the total number of multi-family buildings or mobile home parks included in the permit application that triggers the notice requirement. The manager should also seek input on whether or not proof of a culpable mental state should be required to prosecute a violation.

- ***Relocation assistance fee.*** After completing the nexus study, the city manager should seek input regarding calculation of the relocation assistance fee prior to recommending a fee amount to the City Council. The input may include, but need not be limited to, whether relocation assistance should be required for some or all “by-right” redevelopment projects that do not require a rezone or other discretionary approval.

**2. In Section 25-1-717 (*Offenses*), at page 10, amend Subsection (B) to read as follows:**

- (B) Each offense is punishable by a fine not to exceed \$500 and requires proof of a culpable mental state.

**3. In Section 25-1-717 (*Offenses*), at page 10, amend Subsection (A) to read as follows:**

- (A) A person commits an offense if the person fails to deliver the notification required under [who violates a provision of this division commits an offense for each day that the violation continues. For violation of the notice requirement in] Section 25-1-712 (*Tenant Notification Required*) or [and] Section 25-1-713 (*Additional Notification Requirements*) to one or more units within a multi-family building or mobile home park [; a person commits a separate offense for each day that an individual tenant does not receive the required notification]. A person commits a separate offense for each day the person fails to deliver required notification to an individual unit within a multi-family building or mobile home park for which notification is required.