

ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE CHAPTER 25-1 RELATING TO
TENANT NOTIFICATION AND RELOCATION REQUIREMENTS; AND
CREATING AN OFFENSE AND PENALTY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Section 25-1-82 (*Non-Subdivision Application Requirements and Expiration*) is amended to amend Subsections (C) and (D) to read as follows:

- (C) Except as otherwise provided in this section, the [The] responsible director or building official may not accept an application unless the application is determined to be complete in accordance with this subsection.
- (1) The responsible director or building official shall accept an application as complete if the applicant has paid the required fee and provided the information required to be included in the application no later than the 45th day after the application is submitted.
 - (2) If an application is rejected as incomplete, the responsible director or building official shall provide the applicant a written explanation identifying the deficiencies and the information required to complete the application 10 working days after receipt of the application.
 - (3) An application expires if it is not complete on or before the 45th day after the application is submitted. An applicant may submit an update to provide additional information and to correct deficiencies at any time before the application expires.
- (D) Applications Subject to Section 25-1-712 (*Tenant Notification Required*).
~~[In establishing application deadlines under Subsection (A) of this section, the director shall provide that no application for which notice is required under Section 25-1-712 (*Tenant Notification Required*) may be approved or posted for public hearing until after the required notification period.]~~
- (1) An application is complete if the applicant has paid the required fee, provided the information required to be included, and complied with the notification requirements or the required number of days lapse.

- 40
- 41 (2) If, at the time an application is submitted, a multi-family property is
- 42 unoccupied but was occupied within the previous 120 days, the application
- 43 will be rejected as incomplete.
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- 45 (3) If, at the time an application is submitted, a mobile home park is unoccupied
- 46 but was occupied within the previous 270 days, the application will be
- 47 rejected as incomplete.
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49 **PART 2.** Section 25-1-90 (*Tolling of Application Period*) is amended to delete

50 Subsection (B)(2).

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52 **PART 3.** Section 25-1-701 (*Definitions*) is amended to delete the definitions of “Mobile

53 Home Park”, “Multi-Family Redevelopment”, and “Tenant Displacement”.

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55 **PART 4.** Chapter 25-1, Article 15, Division 3 (*Tenant Notification and Relocation*) is

56 amended to amend Sections 25-1-711 (*Purpose and Applicability*), 25-1-712 (*Tenant*

57 *Notification Required*), 25-1-713 (*Additional Notice Requirements*), 25-1-714 (*Tenant*

58 *Relocation Program*), and Section 25-1-717 (*Offenses*) to read as follows:

59

60 **§ 25-1-711 PURPOSE, [AND] APPLICABILITY, EXCEPTIONS AND**

61 **DEFINITIONS.**

62

- 63 (A) The requirements of this division seek to mitigate, through notification
- 64 requirements and relocation assistance, the impacts of tenant displacement
- 65 resulting from multi-family redevelopment and the demolition or change in use of
- 66 multi-family properties [buildings] and mobile home parks. This division does not
- 67 regulate or affect the landlord-tenant relationship.
- 68
- 69 (B) Except where otherwise provided, the requirements of this division do not apply to
- 70 any dwelling unit:
- 71
- 72 (1) demolished or vacated because of damage caused by the tenant or by other
- 73 events beyond the owner's control, including fire, civil commotion,
- 74 malicious mischief, vandalism, tenant waste, natural disaster or other
- 75 destruction;
- 76
- 77 (2) owned by a public housing agency;
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- 79 (3) located inside the boundaries of an educational institution that is occupied by
80 students, faculty, or staff of the institution;
81
82 (4) for which relocation assistance is required to be paid to the tenants under
83 federal or state law; or
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85 (5) that is operated as emergency or temporary shelter for homeless persons and
86 owned or administered by a nonprofit organization or public agency.
87

88 (C) In this division,

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90 (1) MOBILE HOME PARK means a site containing five or more structures
91 that:

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93 (a) are transportable in one or more sections;

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95 (b) in travelling mode, are at least 8 feet in width or 40 feet in length or,
96 when erected onsite, are 320 square feet or more in area;

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98 (c) are built on a permanent chassis and designed to be used as a
99 dwelling, with or without a permanent foundation; and

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101 (d) includes plumbing, heating, air-conditioning, and electrical systems;
102 or

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104 (e) satisfies all criteria other than the size requirements in Paragraph
105 (1)(b).

106
107 (2) MULTI-FAMILY PROPERTY means a property that includes at least five
108 residential units;

109
110 (3) MULTI-FAMILY REDEVELOPMENT means the demolition, alteration,
111 repair, partial demolition, redevelopment, rezoning, or change in use of a
112 multi-family property, or any portion of a multi-family property, or a mobile
113 home park;

114
115 (4) TENANT DISPLACEMENT means any condition that requires a tenant to
116 vacate a multi-family building or mobile home park due to multi-family

redemption, where a tenant will not be relocated to another comparably sized unit within the same building or site; and

- (5) UNPERMITTED WORK means an activity described in multi-family redevelopment that occurs without the appropriate approval under this title.

§ 25-1-712 TENANT NOTIFICATION REQUIRED.

(A) The requirements of this section apply to:

(1) an application to:

- (a) ~~[(4)]~~ demolish, alter, or repair the interior or exterior of one or more residential units at a multi-family property ~~[building]~~ that would result in the displacement of one or more tenants ~~[-in a building with five or more occupied residential units]~~, including a demolition permit or a building permit;
- (b) ~~[(2)]~~ approve a site plan or change of use permit for an existing mobile home park; or
- (c) ~~[(3)]~~ rezone a property within the Mobile Home Residence (MH) District designation that contains an existing mobile home park; or ~~[-]~~

(2) multi-family redevelopment that results in displacement of one or more tenants and includes unpermitted work.

(B) Notification Timelines.

(1) An applicant must provide tenant notification ~~[either]~~ prior to ~~[-or concurrent with-]~~ submittal of the application in accordance with the timelines established under this subsection.

(2~~[4]~~) To demonstrate that required notification was provided prior to submittal of an application, the applicant must include a certified statement, on a form approved by the director, confirming that all tenants ~~[entitled to notice under Subsection (C)]~~ received notification required under this section within the following timeframes:

(a) for a multi-family property [building], at least 120 days prior to the date application for a building permit or a demolition permit was submitted; or

(b) for a mobile home park, at least 270 days prior to the date the application for a rezone, site plan, or change of use permit was submitted.

~~[(2) If notification is provided at the time an application is submitted, the application may be approved no earlier than:~~

~~(a) for a demolition or building permit, 120 days after all tenants of the multi-family building who are entitled to notice under Subsection (C) receive notification required under this section; or~~

~~(b) for a rezone, site plan, or change of use permit, at least 270 days after all tenants of the mobile home park entitled to notice under Subsection (C) received notification required under this section.]~~

(C) The notification required by this section must be on a form approved by the director and must:

(1) be delivered:

(a) by the applicant or the applicant's representative, or by registered or certified mail, with return receipt requested;

(b) to all units:

(i) ~~[proposed for demolition]~~ in a multi-family property [building] under a permit application for which notice is required under Subsection (A)(1)(a) of this section; or

(ii) located in a mobile home park included in a rezone, change of use, or site plan application for which notice is required under Subsections (A)(1)(b), (c)[2], (3)] of this section; and

- 193 (2) include the following information, in English, Spanish, and such other
194 language as may be required by the director:
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196 (a) the applicant's name and contact information;
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198 (b) a description of the development application for which notification is
199 required under Subsection (A) of this section;
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201 (c) a statement that the application may be reviewed [~~approved~~] on or
202 after the 120th or 270th day, whichever applies, following receipt of
203 the notice and may result in displacement of tenants;
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205 (d) a description of any tenant relocation assistance that may be available
206 under Section 25-1-714 (*Tenant Relocation Program*), including
207 income eligibility requirements and forms for requesting assistance;
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209 (e) information regarding applicable school district policies relating to
210 district residency requirements;
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212 (f) information regarding the requirements of state law for return of
213 security deposits;
214
215 (g) information regarding the availability of fee waivers from Austin
216 Energy for obtaining utility service at a new residence where
217 relocation is required due to displacement;
218
219 (h) other information as may be required by the director, including
220 programs and services to assist displaced tenants; and
221
222 (3) be on a form provided by the director, which shall be uniform for all
223 applicants except that the director may require an additional language as
224 provided under Paragraph (2).
225

- 226 (D) If an applicant requests an extension of a [~~demolition~~] permit for which
227 notification under this section is required, the applicant must provide re-
228 notification to tenants consistent with the requirements for a new application.
229

(E) A landowner or landowner's agent must provide notification that complies with Subsection (C) prior to multi-family redevelopment that includes unpermitted work. In this subsection, prior to multi-family redevelopment means:

(1) for a multi-family property, at least 120 days before unpermitted work begins; and

(2) for a mobile home park, at least 270 days before unpermitted work begins.

§ 25-1-713 ADDITIONAL NOTICE REQUIREMENTS.

(A) At the time that notification is provided under Section 25-1-712 (*Tenant Notification Required*), the owner or operator of a multi-family property [building] or mobile home park must post one or more signs in accordance with this section.

(B) The sign must be on a form approved by the director and must:

(1) describe the application for which notification is required under Section 25-1-712 (*Tenant Notification*) and state that any new or existing tenants may be required to relocate from the property as a result of proposed demolition or redevelopment; and

(2) to the greatest extent feasible:

(a) for a mobile home park, be posted at the main entrance in a location visible to the public from the adjacent public right-of-way or private drive; or

(b) for a multi-family property [building], be posted at the front of the leasing office or other primary building entrance as determined by the director.

(C) A sign required to be posted under this section must remain on the property until:

(1) for a multi-family property [building], the date that demolition, alteration, or repair activity begins; and

(2) for a mobile home park, the earlier of:

- (a) the date that the property ceases to be used as a mobile home park; or
- (b) if applicable, the date that the site plan approval or change of use permit expires; and
- (3) the date that multi-family redevelopment ends if unpermitted work occurs as part of the multi-family redevelopment.
- (D) If a landowner or a landowner's agent rents a unit to a new tenant following application for a permit requiring notice under Section 25-1-712 (*Tenant Notification Required*), the landowner or landowner's agent must provide the tenant with notification that includes the information required under Section 25-1-712(C) (*Tenant Notification Required*).

§ 25-1-714 TENANT RELOCATION PROGRAM.

- (A) The director shall adopt a tenant relocation program by administrative rule for the purpose of mitigating the impacts of tenant displacement resulting from multi-family redevelopment within the City of Austin.
- (B) The tenant relocation program must, at a minimum, include each of the elements described in this subsection.
- (1) **Tenant Relocation Fee.** The program must include a methodology to be used by the director in recommending to the city council the amount of the fee required under Section 25-1-715 (*Tenant Relocation Assistance—Developer Funded*). The methodology shall include a nexus study that accounts for the impacts of displacement to tenant communities directly affected by multifamily redevelopment and to the community as a whole. The fee shall be consistently calculated and uniformly applied, but may vary based on number of units, bedrooms, and other objective criteria identified by the nexus study.
- (2) **Eligibility for Tenant Relocation Assistance.** The program shall establish eligibility requirements that a tenant must meet in order to receive tenant relocation assistance under Section 25-1-715 (*Tenant Relocation Assistance—Developer Funded*) or Section 25-1-716 (*Tenant Relocation Assistance—City Funded*). At a minimum, the eligibility requirements must:

(a) require that a tenant:

(i) have a household income at or below 70% of median family income or, for residents of a mobile home park, 80% of median family income; and

(ii) submit a claim form documenting income eligibility no later than the deadline established by the director ~~[reside at the property on the date that the initial notification required under Section 25-1-712(8) (*Tenant Notification Required*) is delivered]~~; and

~~[(iii) submit a claim form documenting income eligibility no later than the deadline established by the director; and]~~

(b) allow a tenant who resided at a property where multi-family redevelopment occurred to be eligible to participate if the tenant:

(i) resided at the multi-family property within 120 days before the application was submitted; or

(ii) resided at the mobile home park within 270 days before the application was submitted; or

(iii) resided at the property on the date that unpermitted work occurred; and

(c**[b]**) prohibit participation by tenants of multi-family redevelopment that is exempt from this division under Section 25-1-711 (*Purpose, Applicability, Exemptions, and Definitions*), except that the director may allow use of funds under Section 25-1-716 (*Tenant Relocation Assistance—City Funded*) to provide relocation assistance for tenant displacement resulting from fire, civil commotion, malicious mischief, vandalism, natural disaster, or other destruction beyond the control of the owner or tenant.

(3) Use of Tenant Relocation Assistance. The program must specify the types of expenses for which tenant relocation assistance may be provided. Eligible

346 expenses paid using funds collected under Section 25-1-715 (*Tenant*
347 *Relocation Assistance—Developer Funded*) must be reasonably attributable
348 to tenant displacement based on the nexus study required under Paragraph
349 (C)(1).
350

- 351 (4) Refund Procedures. The program shall establish procedures by which an
352 applicant who paid a tenant relocation fee under Section 25-1-715 (*Tenant*
353 *Relocation Assistance—Developer Funded*) may request a refund of any fees
354 not spent for an authorized purpose within ten years after approval of an
355 application for which notification is required under Section 25-1-712
356 (*Tenant Notification Required*).
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- 358 (C) The director may include additional elements in the tenant relocation program,
359 including but not limited to notification forms and other documents required under
360 Section 25-1-712 (*Tenant Notification Required*) and Section 25-1-713 (*Additional*
361 *Notice Requirements*).
362

363 § 25-1-717 OFFENSES. 364

- 365 (A) A person commits an offense if the person fails to deliver the notification required
366 under Section 25-1-712 (*Tenant Notification Required*) [~~and Section 25-1-713~~
367 ~~(*Additional Notification Requirements*)~~] to one or more units within a multi-family
368 property [~~building~~] or mobile home park. A person commits a separate offense for
369 each day the person fails to deliver required notification to an individual unit
370 within a multi-family property [~~building~~] or mobile home park for which
371 notification is required.
372

- 373 (B) A person commits an offense if the person fails to post the notification required
374 under Section 25-1-713 (*Additional Notification Requirements*). A person commits
375 a separate offense for each day the person fails to post the required notification.
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- 377 (~~C~~[B]) Each offense is punishable by a fine not to exceed \$500 and requires proof of a
378 culpable mental state.
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PART 5. This ordinance takes effect on _____, 2023.

PASSED AND APPROVED

§
§
§

_____, 2023

Kirk Watson
Mayor

APPROVED: _____

Anne L. Morgan
City Attorney

ATTEST: _____

Myrna Rios
City Clerk