

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 add a new Subsection (H) to read as follows:

(H) Applications Subject to Section 25-1-712 (*Tenant Notification Required*).

- (1) The responsible director may not certify a site plan application as complete until 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.
- (2) The responsible director or building official may not accept an application as complete until 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.
- (3) If, at the time an application is submitted, a multi-family property is unoccupied but was occupied within the previous 120 days, the application will be rejected as incomplete.
- (4) If, at the time an application is submitted, a mobile home park is unoccupied but was occupied within the previous 270 days, the application will be rejected as incomplete.

PART 2. Section 25-1-701 (*Definitions*) is amended to delete the definitions of “Mobile Home Park”, “Multi-Family Redevelopment”, and “Tenant Displacement”.

PART 3. Chapter 25-1, Article 15, Division 3 (*Tenant Notification and Relocation*) is amended to amend Sections 25-1-711 (*Purpose and Applicability*), 25-1-712 (*Tenant Notification Required*), 25-1-713 (*Additional Notice Requirements*), 25-1-714 (*Tenant Relocation Program*), and Section 25-1-717 (*Offenses*) to read as follows:

§ 25-1-711 PURPOSE, [AND] APPLICABILITY, EXCEPTIONS AND DEFINITIONS.

- (A) The requirements of this division seek to mitigate, through notification requirements and relocation assistance, the impacts of tenant displacement resulting from multi-family redevelopment and the demolition or change in use of

multi-family properties [~~buildings~~] and mobile home parks. This division does not regulate or affect the landlord-tenant relationship.

(B) Except where otherwise provided, the requirements of this division do not apply to any dwelling unit:

- (1) demolished or vacated because of damage caused by the tenant or by other events beyond the owner's control, including fire, civil commotion, malicious mischief, vandalism, tenant waste, natural disaster or other destruction;
- (2) owned by a public housing agency;
- (3) located inside the boundaries of an educational institution that is occupied by students, faculty, or staff of the institution;
- (4) for which relocation assistance is required to be paid to the tenants under federal or state law; or
- (5) that is operated as emergency or temporary shelter for homeless persons and owned or administered by a nonprofit organization or public agency.

(C) In this division,

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

- (a) are transportable in one or more sections;
- (b) in travelling mode, are at least 8 feet in width or 40 feet in length or, when erected onsite, are 320 square feet or more in area;
- (c) are built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation; and
- (d) includes plumbing, heating, air-conditioning, and electrical systems; or
- (e) satisfies all criteria other than the size requirements in Paragraph (1)(b).

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

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

(4) TENANT DISPLACEMENT means any condition that requires a tenant to vacate a multi-family building or mobile home park due to multi-family redevelopment, where a tenant will not be relocated to another comparably sized unit within the same building or site; and

(5) UNPERMITTED REDEVELOPMENT means multi-family redevelopment that occurs without the appropriate approval under this title.

Changed from
"unpermitted
work" to
"unpermitted
redevelopment"

§ 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):
Redrafted
to use new
term and
to add
clarity.

(2) unpermitted redevelopment that results in displacement of one or more tenants either before or after unpermitted redevelopment occurs.

(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[1]) 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.

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

- 105 (a) for a demolition or building permit, 120 days after all tenants of the
106 multi-family building who are entitled to notice under Subsection (C)
107 receive notification required under this section; or
- 108 (b) for a rezone, site plan, or change of use permit, at least 270 days after
109 all tenants of the mobile home park entitled to notice under
110 Subsection (C) received notification required under this section.]

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

113 (1) be delivered:

- 114 (a) by the applicant or the applicant's representative, or by registered or
115 certified mail, with return receipt requested;
- 116 (b) to all units:
- 117 (i) proposed for demolition in a multi-family property [building]
118 under a permit application for which notice is required under
119 Subsection (A)(1)(a) of this section; or
- 120 (ii) located in a mobile home park included in a rezone, change of
121 use, or site plan application for which notice is required under
122 Subsections (A)(1)(b), (c)[2], (3)] of this section; or [and]
- 123 (c) in a manner authorized by the director; and

(c): Added
to allow for
flexibility

124 (2) include the following information, in English, Spanish, and such other
125 language as may be required by the director:

- 126 (a) the applicant's name and contact information;
- 127 (b) a description of the development application for which notification is
128 required under Subsection (A) of this section;
- 129 (c) a statement that the application may be reviewed [approved] on or
130 after the 120th or 270th day, whichever applies, following receipt of
131 the notice and may result in displacement of tenants;
- 132 (d) a description of any tenant relocation assistance that may be available
133 under Section 25-1-714 (*Tenant Relocation Program*), including
134 income eligibility requirements and forms for requesting assistance;
- 135 (e) information regarding applicable school district policies relating to
136 district residency requirements;

- 137 (f) information regarding the requirements of state law for return of
138 security deposits;
- 139 (g) information regarding the availability of fee waivers from Austin
140 Energy for obtaining utility service at a new residence where
141 relocation is required due to displacement;
- 142 (h) other information as may be required by the director, including
143 programs and services to assistant displaced tenants; and
- 144 (3) be on a form provided by the director, which shall be uniform for all
145 applicants except that the director may require an additional language as
146 provided under Paragraph (2).
- 147 (D) If an applicant requests an extension of a ~~[demolition]~~ permit for which
148 notification under this section is required, the applicant must provide re-
149 notification to tenants consistent with the requirements for a new application.
- 150 (E) A landowner or landowner's agent must provide notification that complies with
151 Subsection (C) prior to unpermitted redevelopment. In this subsection, prior to
152 unpermitted redevelopment means:
- 153 (1) for a multi-family property, at least 120 days before unpermitted
154 redevelopment begins; and
- 155 (2) for a mobile home park, at least 270 days before unpermitted redevelopment
156 begins.

Updated
term

157 **§ 25-1-713 ADDITIONAL NOTICE REQUIREMENTS.**

- 158 (A) At the time that notification is provided under Section 25-1-712 (*Tenant*
159 *Notification Required*), the owner or operator of a multi-family property ~~[building]~~
160 or mobile home park must post one or more signs in accordance with this section.
- 161 (B) The sign must be on a form approved by the director and must:
- 162 (1) describe the application for which notification is required under Section 25-
163 1-712 (*Tenant Notification*) and state that any new or existing tenants may
164 be required to relocate from the property as a result of proposed demolition
165 or redevelopment; and
- 166 (2) to the greatest extent feasible:
- 167 (a) for a mobile home park, be posted at the main entrance in a location
168 visible to the public from the adjacent public right-of-way or private
169 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 unpermitted redevelopment ends. Updated term

(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 if the tenant resided at the property:

(i) for a multi-family property, 120 days before multi-family redevelopment begins; or

(ii) for a mobile home park, 270 days before multi-family redevelopment begins; 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 expenses paid using funds collected under Section 25-1-715 (Tenant Relocation Assistance—Developer Funded) must be reasonably attributable to tenant displacement based on the nexus study required under Paragraph (C)(1).

(4) Refund Procedures. The program shall establish procedures by which an applicant who paid a tenant relocation fee under Section 25-1-715 (Tenant Relocation Assistance—Developer Funded) may request a refund of any fees

(b): Simplified so that the look-back period applies irrespective of whether the activity was permitted.

