

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



3.11

On motion of Supervisor Buster, seconded by Supervisor Stone and duly carried, IT WAS ORDERED the reading being waived, that an ordinance bearing the following title, is adopted:

ORDINANCE NO. 893

AN ORDINANCE OF THE COUNTY OF RIVERSIDE, PROVIDING FOR
DISPLACEMENT PAYMENTS FOR RESIDENTIAL HOUSEHOLDS

Roll Call:

Ayes: Buster, Stone, Benoit and Ashley
Nays: None
Absent: Tavaglione

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on March 16, 2010 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors
Dated: March 16, 2010
Kecia Harper-Ihem, Clerk of the Board of Supervisors, in
and for the County of Riverside, State of California.

(seal)

By: [Signature] Deputy

AGENDA NO.
3.11

xc: Supvr. Benoit, Supvr. Ashley, Co.Co., MC, COB

1 Section 4. EXEMPTIONS. The following exemptions shall apply in the
2 application of this ordinance:

- 3 a. No owner shall be liable to any residential household or County agency for
4 displacement payments if the residential household or any one of its
5 members caused or substantially contributed to the condition giving rise to
6 the order to vacate, nor shall any displacement payments be payable to a
7 residential household if any guest or invitee of the residential household has
8 caused or substantially contributed to the condition giving rise to the order
9 to vacate.
- 10 b. No owner shall be liable to any residential household or County agency for
11 displacement payments if the unit or structure became unsafe or hazardous
12 as the result of a fire, flood, earthquake, or other event beyond the control of
13 the owner, and the owner did not cause or contribute to the condition.
- 14 c. No owner shall be liable to any residential household or County agency for
15 displacement payments provided the owner provides a habitable
16 replacement residential unit of comparable size and appurtenances to the
17 vacated residential unit and provided the owner pays all costs associated
18 with moving the residential household to the replacement unit.
- 19 d. No owner shall be liable to any residential household or County agency for
20 displacement payments if the residential household is in default in payment
21 of rent, unless rent is being lawfully withheld by the residential household.
- 22 e. No owner shall be liable to any residential household or County agency for
23 displacement payments if the vacated unit is operated as an emergency or
24 temporary shelter for homeless persons (whether such persons have
25 assigned rooms or beds, and regardless of duration of stay by any occupant)
26 by a nonprofit organization or public agency owning, leasing, or managing
27 such unit.

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1 f. No public entity, as defined in Government Code Section 7260, holding all
2 or any part of the legal title to a residential unit occupied by a residential
3 household otherwise subject to this ordinance, shall be liable for
4 displacement payments.

5 Section 5. DEFINITIONS. As used in this ordinance, the following terms shall
6 have the following meanings:

- 7 a. County Agency. Any agency, department, division, or political
8 subdivision of the County of Riverside or under the authority of the County
9 of Riverside Board of Supervisors, or the Board of Supervisors sitting as the
10 directors of said agency.
- 11 b. Enforcement Agency. Any County of Riverside department or
12 division, including its director or the director's designees, authorized to
13 ascertain the condition of a residential unit and to issue notices requiring
14 owners to bring such units into compliance with applicable building and
15 housing codes that threaten the health and safety of residential households.
- 16 c. Owner. Any person, persons, landlord, corporation, or any entity
17 holding all or any part of the legal title to a property or their agent,
18 successors or assigns. "Owner" does not include a residential household as
19 defined herein, or any member thereof, that holds legal title to the
20 residential unit in which they reside.
- 21 d. Displacement. The required vacating of a residential unit by a residential
22 household as a result of an order to vacate or an order requiring the vacation
23 of a residential unit by the enforcement agency.

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1 e. Residential Unit. A structure or that part of a structure which is used as
2 a place of permanent or customary and usual abode of a residential
3 household, including but not limited to a room in a single family home,
4 hotel or motel, rooming house or apartment, single family home, mobile
5 home or mobile home space, trailer or trailer space. "Residential unit" does
6 not include any unit occupied pursuant to an innkeeper-guest relationship.

7 f. Residential Household. Any person or group of people, whether
8 related or unrelated, entitled to occupy a residential unit or portion of real
9 property primarily for living or dwelling purposes under a written or oral
10 rental agreement as tenants, subtenants, lessees or sublessees, including
11 such persons' personal property that is a normally and customarily
12 contained within the residential unit. "Residential household" does not
13 include the owner of a residential unit or members of the owner's
14 immediate family, except as provided in Section 9 of this ordinance.

15 Section 6. ENTITLEMENT TO DISPLACEMENT PAYMENTS. Any residential
16 household that is displaced or subject to displacement from a residential unit as a result of an order to
17 vacate or an order requiring the vacation of a residential unit by the enforcement agency as a result of a
18 violation so extensive and of such a nature that the immediate health and safety of the residents is
19 endangered, shall be entitled to receive displacement payments from the owner.

20 Section 7. CONTENTS AND SERVICE OF ORDER TO VACATE. At the time of
21 the service of an order to vacate, the enforcement agency shall determine if any residential household
22 subject to the order may be entitled to displacement payments. The determination of entitlement to
23 displacement payments, or the reason that any residential household may not be entitled to displacement
24 payments, shall accompany the order to vacate. The order to vacate shall also include, or be accompanied
25 by, a summary of the provisions of this ordinance and an itemized accounting of the displacement
26 payment due to the residential household. Failure to provide such summary or itemized accounting shall
27 not relieve any person of the obligations imposed by this ordinance.

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1 Section 8. DISPLACEMENT PAYMENT. The amount of the displacement
2 payment due to the residential household shall be determined as follows:

3 a. The displacement payment shall be made available by the owner to the
4 eligible residential household in an amount equal to two months of the
5 periodically established Fair Market Rent for the Riverside-San Bernardino-
6 Ontario, California Metropolitan Statistical Area as determined by the
7 United States Department of Housing and Urban Development pursuant to
8 Section 1437f of Title 42 of the United States Code. The Fair Market Rent
9 for residential households shall be the amount established according to the
10 number of unit bedrooms, except in cases in which the residential
11 household owns the residential unit as set forth in Section 9 of this
12 ordinance, in which case the Fair Market Rent shall be the amount
13 established for manufactured home spaces. In addition, the displacement
14 payment shall include an amount, as determined by the enforcement
15 agency, sufficient for utility service deposits. The displacement payment
16 shall be paid by the owner in addition to the return, as required by law, of
17 any security deposits held by the owner. The displacement payment shall be
18 payable on a per residential household basis.

19 b. The displacement payment shall also include the fixed residential moving
20 cost established by the Federal Highway Administration as set forth in
21 Section 24.302 of Title 49 of the Code of Federal Regulations.

22 Section 9. ADDITIONAL DISPLACEMENT PAYMENT FOR MOVEABLE
23 RESIDENTIAL UNITS ON RENTED REAL PROPERTY. In the
24 case of an order to vacate a portion of real property in which the residential
25 household, or any member thereof, hold legal title to a moveable residential
26 unit on the owner's real property, the displacement payment shall include
27 the reasonable cost of moving the residential household's residential unit to
28 a comparable portion of real property within the County of Riverside,

1 provided such residential unit is not subject to an order to vacate or
2 otherwise not habitable or not moveable as determined by the enforcement
3 agency. If such residential unit is not habitable or not moveable and was
4 allowed by the owner to be placed upon the real property without the owner
5 complying with all applicable land use laws and regulations, then the owner
6 shall reimburse the residential household for the fair market value of the
7 residential unit. If such residential unit is not habitable or not moveable,
8 and if the owner is in compliance with all applicable land use laws for the
9 placing of the residential unit on the owner's real property, then the owner
10 shall not be liable for reimbursing the residential household for any portion
11 of the value of residential unit. An owner's obligation to provide a
12 displacement payment to a residential household that is required to vacate a
13 portion of real property due to the owner's conduct, as determined by the
14 enforcement agency, is limited only to the extent provided by this section.

15 Section 10. TIMING OF DISPLACEMENT PAYMENT.

- 16 a. The displacement payment required by this ordinance shall be paid by the
17 owner to the residential household within ten (10) days after the date that
18 the order to vacate is first mailed to the owner and posted on the premises,
19 or at least twenty (20) days prior to the vacation date set forth in the order to
20 vacate, whichever occurs later.
- 21 b. If there are fewer than ten (10) days between the first posting and mailing of
22 the order to vacate and the vacation date, the displacement payment shall be
23 paid by the owner to the residential household within twenty-four (24)
24 hours after the notice is posted and mailed. The enforcement agency shall
25 attempt to provide telephonic or written notice to the owner to notify the
26 owner that the benefits are payable immediately. Failure to provide the
27 notice as specified in this section shall not relieve the owner of any
28 obligations imposed by this ordinance.

1 c. Any owner who does not make a timely payment shall be liable to the
2 residential household for an amount 1½ times the displacement payments
3 payable pursuant to Section 8 of this ordinance. No penalty shall apply
4 when displacement payments are payable fewer than ten (10) days after the
5 date the order to vacate is first mailed and posted, if the owner makes
6 payment no later than ten (10) days after the order is first mailed and
7 posted.

8 Section 11. DISCRETIONARY DISPLACEMENT PAYMENT BY COUNTY AGENCY.

9 Any County agency may, at its discretion, advance displacement payments to displaced residential
10 households, and shall be entitled to recovery of any advanced displacement payments. The enforcement
11 agency shall be entitled to recover on any County agency's behalf all displacement payments that were
12 due and payable to the residential household by the owner as determined by the enforcement agency and
13 were actually paid by the County agency. The enforcement agency shall also be entitled to recover from
14 the owner an additional amount equal to the sum of one-half the amount so paid, but not to exceed ten
15 thousand dollars (\$10,000), as a penalty for failure to make timely payment to the displaced residential
16 household, and the County's actual costs, including direct and indirect costs, of administering the
17 provision of displacement payments to the displaced residential household. Any amounts paid by the
18 County agency and any applicable penalties and actual costs may also be placed as a lien against the
19 property by the enforcement agency by recording the lien in the County Recorder's office. Prior to
20 instituting any action to collect from the owner any displacement payments paid pursuant to this section,
21 or to impose a lien therefor, the enforcement agency shall send to the owner by first-class mail, postage
22 prepaid, at the owner's address as shown on the last equalized assessment roll, an itemized accounting of
23 all payments paid by any County agency to the residential household, and any penalties or costs the
24 enforcement agency is seeking to recover on the County agency's behalf. Nothing herein shall be
25 construed as requiring the County or any County agency to pay any displacement payments to any
26 residential household, or assume any obligation, requirement, or duty of the owner. Further, nothing
27 herein shall be construed as limiting the County's remedies for recovering any advanced displacement
28 payments.

1 Section 12. APPEAL OF DETERMINATION OF DISPLACEMENT PAYMENTS.

2 a. If the owner contends that not all of the payments deemed chargeable to the
3 owner by the enforcement agency on the grounds that the intended or actual
4 recipients were not displaced residential households, no displacement
5 payments were payable pursuant to this ordinance, or on other grounds, the
6 owner shall be entitled to an administrative hearing before the enforcement
7 agency's director or director's designee by submitting a written appeal to
8 the director of the enforcement agency within twenty (20) days after receipt
9 by the owner of an itemized accounting of displacement payments due the
10 residential household or reimbursement due the County for advance
11 displacement payments paid by any County agency to the residential
12 household, including any costs and penalties provided herein. After
13 providing at least ten (10) days written notice to the owner, the enforcement
14 agency's director or director's designee shall hold the administrative
15 hearing for the purpose of determining the amount chargeable to the owner,
16 including penalties and costs, if any. Notice may be delivered in person or
17 may be mailed to the address listed by the owner in the request for hearing.
18 In determining the validity of any displacement payments, penalties or costs
19 chargeable to the owner, the director or director's designee shall consider
20 whether the violations that led to the order to vacate were created by, or are
21 the responsibility of, the owner and shall also consider those exceptions set
22 forth in Section 4 of this ordinance. In conducting the hearing, the director
23 or director's designee shall not be limited by the technical rules of evidence.
24 The decision of the director or the director's designee shall be in writing
25 and include notice of a right to appeal the decision to the Board of
26 Supervisors.

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1 b. The decision of the director or the director's designee may be appealed by
2 filing a written notice of appeal with the enforcement agency within ten
3 (10) days after mailing the decision. The appeal shall be heard by the
4 Board of Supervisors which may affirm, amend or reverse the decision and
5 may take any other action deemed appropriate. The enforcement agency's
6 director or the director's designee shall give written notice of the time and
7 the place of the hearing to the appellant. In conducting the hearing, the
8 Board of Supervisors shall not be limited by the technical rules of evidence.

9 c. The final decision of the Board of Supervisors shall be subject to Section
10 1094.5 of the Code of Civil Procedure. If the owner fails to obtain a more
11 favorable decision than that set forth in the itemized accounting, the owner
12 shall be liable to the enforcement agency for the costs of the administrative
13 hearing and appeal, not to exceed five thousand dollars (\$5,000). The
14 failure to receive the itemized accounting shall not relieve the owner of any
15 obligation under this ordinance.

16 Section 13. TIME FOR OWNER TO REIMBURSE COUNTY FOR

17 DISCRETIONARY DISPLACEMENT PAYMENTS. If there are fewer than ten (10) days between the
18 first posting and mailing of the order to vacate and the vacation date, and if the County advances
19 displacement payments to any residential household, prior to the expiration of the 10-day period, the
20 owner shall not be required to reimburse the enforcement agency for a charge identified on the itemized
21 accounting if the owner contests the charge within twenty (20) days after the itemized accounting is
22 mailed to the owner. The owner shall pay any charges that were the subject of the appeal within thirty
23 (30) days after an adverse decision by the enforcement agency on the appeal is mailed to the owner. In all
24 other cases, the owner shall pay any charge identified on the itemized accounting within thirty (30) days
25 after the itemized accounting is mailed to the owner.

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OFFICE OF
CLERK OF THE BOARD OF SUPERVISORS
1st FLOOR, COUNTY ADMINISTRATIVE CENTER
P.O. BOX 1147, 4080 LEMON STREET
RIVERSIDE, CA 92502-1147
PHONE: (951) 955-1060
FAX: (951) 955-1071

KECIA HARPER-IHEM
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR
Assistant Clerk of the Board

March 24, 2010

THE PRESS ENTERPRISE
ATTN: LEGALS
P.O. BOX 792
RIVERSIDE, CA 92501

FAX: (951) 368-9018
E-MAIL: legals@pe.com

RE: ADOPTION OF ORDINANCE NO. 893

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **ONE (1) TIME** on **Friday, March 26, 2010**.

We require your affidavit of publication immediately upon completion of the last publication.

Your invoice must be submitted to this office in duplicate, **WITH TWO CLIPPINGS OF THE PUBLICATION**.

NOTE: PLEASE COMPOSE THIS PUBLICATION INTO A SINGLE COLUMN FORMAT.

Thank you in advance for your assistance and expertise.

Sincerely,

Mcgil

Cecilia Gil, Board Assistant to
KECIA HARPER-IHEM, CLERK OF THE BOARD

Gil, Cecilia

From: PE Legals [legals@pe.com]
Sent: Wednesday, March 24, 2010 8:14 AM
To: Gil, Cecilia
Subject: RE: FOR PUBLICATION: ADOPTION OF ORD. NO. 893

Received for publication on March 26

Thank You! ~Maria G. Tinajero - The Press Enterprise Legal Adv. - 1.800.880.0345 (Phone) - 951.368.9018 (fax) - Please Note: Deadline is 10:30 AM two (2) business days prior to the date you would like to publish.

From: Gil, Cecilia [mailto:CCGIL@rcbos.org]
Sent: Wednesday, March 24, 2010 8:03 AM
To: PE Legals
Subject: FOR PUBLICATION: ADOPTION OF ORD. NO. 893

Good Morning again! Attached is another Adoption of an Ordinance, for publication on Friday, March 26, 2010. Please confirm. THANK YOU!

Cecilia Gil

Board Assistant to the
Clerk of the Board of Supervisors
951-955-8464

**THE COUNTY ADMINISTRATIVE CENTER IS CLOSED EVERY FRIDAY UNTIL FURTHER NOTICE.
PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING.**



OFFICE OF
CLERK OF THE BOARD OF SUPERVISORS
1st FLOOR, COUNTY ADMINISTRATIVE CENTER
P.O. BOX 1147, 4080 LEMON STREET
RIVERSIDE, CA 92502-1147
PHONE: (951) 955-1060
FAX: (951) 955-1071

KECIA HARPER-IHEM
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR
Assistant Clerk of the Board

March 24, 2010

THE DESERT SUN
ATTN: LEGALS
P.O. BOX 2734
PALM SPRINGS, CA 92263

FAX: (760) 778-4731
E-MAIL: legals@thedesertsun.com

RE: ADOPTION OF ORDINANCE NO. 893

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Thank you in advance for your assistance and expertise.

Sincerely,

Mcgil

Cecilia Gil, Board Assistant to
KECIA HARPER-IHEM, CLERK OF THE BOARD

Gil, Cecilia

From: Moeller, Charlene [CMOELLER@palmspri.gannett.com]
Sent: Wednesday, March 24, 2010 9:22 AM
To: Gil, Cecilia
Subject: RE: FOR PUBLICATION: ADOPTION OF ORD. NO. 893

Ad received and will publish on date(s) requested.

Charlene Moeller
Public Notice Customer Service Rep.
The Desert Sun Newspaper
750 N. Gene Autry Trail, Palm Springs, CA 92262
(760) 778-4578, Fax (760) 778-4731
Desert Sun legals@thedesertsun.com
& Desert Post Weekly dpwlegals@thedesertsun.com
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NOTE: Starting on March 29th, there will be a \$10 affidavit processing fee added to the cost of each Public Notice

From: Gil, Cecilia [mailto:CCGIL@rcbos.org]
Sent: Wednesday, March 24, 2010 8:04 AM
To: tds-legals
Subject: FOR PUBLICATION: ADOPTION OF ORD. NO. 893

Good Morning! Attached is an Adoption of above-mentioned Ordinance, for publication on Friday, March 26, 2010. Please confirm. THANK YOU!

Cecilia Gil

Board Assistant to the
Clerk of the Board of Supervisors
951-955-8464

THE COUNTY ADMINISTRATIVE CENTER IS CLOSED EVERY FRIDAY UNTIL FURTHER NOTICE.
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BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

ORDINANCE NO. 893
AN ORDINANCE OF THE COUNTY OF RIVERSIDE
PROVIDING FOR DISPLACEMENT PAYMENTS FOR RESIDENTIAL HOUSEHOLDS

The Board of Supervisors of the County of Riverside ordains as follows:

Section 1. FINDINGS. The Board of Supervisors finds that several residential rental units in the unincorporated areas of Riverside County have severe code violations, which threaten the safety of the residents and require the units to be vacated to allow for extensive repairs and remediation. Residential households displaced as a result of severe code violations suffer a financial burden and the threat of homelessness because of the acute lack of resources available for locating and securing suitable replacement housing. The displacement payment obligations imposed on property owners by this ordinance will partially mitigate the financial hardships faced by displaced residential households. Furthermore, these displacement payment obligations have the additional purpose of encouraging owners to maintain their properties in a habitable condition and in compliance with all applicable codes.

Section 2. PURPOSE. The purpose of this ordinance is to alleviate hardships associated with residential household displacements by requiring owners to make payments to residential households displaced as a result of a determination by enforcement agency authorities that the residential unit is unsafe for habitability by the residents and to implement the administrative procedures set forth in Article 2.5 (commencing with Section 17975) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code.

Section 3. AUTHORITY. This ordinance is adopted pursuant to Article 2.5 (commencing with Section 17975) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code which provides that local enforcement agencies shall determine eligibility for payments to displaced tenants and shall implement an administrative appeals procedure for owners found liable for such payments. This ordinance is also authorized by Health and Safety Code section 17975.7 which provides that the remedies under Article 2.5 are not exclusive.

Section 4. EXEMPTIONS. The following exemptions shall apply in the application of this ordinance:

- a. No owner shall be liable to any residential household or County agency for displacement payments if the residential household or any one of its members caused or substantially contributed to the condition giving rise to the order to vacate, nor shall any displacement payments be payable to a residential household if any guest or invitee of the residential household has caused or substantially contributed to the condition giving rise to the order to vacate.
- b. No owner shall be liable to any residential household or County agency for displacement payments if the unit or structure became unsafe or hazardous as the result of a fire, flood, earthquake, or other event beyond the control of the owner, and the owner did not cause or contribute to the condition.
- c. No owner shall be liable to any residential household or County agency for displacement payments provided the owner provides a habitable replacement residential unit of comparable size and appurtenances to the vacated residential unit and provided the owner pays all costs associated with moving the residential household to the replacement unit.
- d. No owner shall be liable to any residential household or County agency for displacement payments if the residential household is in default in payment of rent, unless rent is being lawfully withheld by the residential household.
- e. No owner shall be liable to any residential household or County agency for displacement payments if the vacated unit is operated as an emergency or temporary shelter for homeless persons (whether such persons have assigned rooms or beds, and regardless of duration of stay by any occupant) by a nonprofit organization or public agency owning, leasing, or managing such unit.
- f. No public entity, as defined in Government Code Section 7260, holding all or any part of the legal title to a residential unit occupied by a residential household otherwise subject to this ordinance, shall be liable for displacement payments.

Section 5. DEFINITIONS. As used in this ordinance, the following terms shall have the following meanings:

- a. County Agency. Any agency, department, division, or political subdivision of the County of Riverside or under the authority of the County of Riverside Board of Supervisors, or the Board of Supervisors sitting as the directors of said agency.

- b. Enforcement Agency. Any County of Riverside department or division, including its director or the director's designees, authorized to ascertain the condition of a residential unit and to issue notices requiring owners to bring such units into compliance with applicable building and housing codes that threaten the health and safety of residential households.
- c. Owner. Any person, persons, landlord, corporation, or any entity holding all or any part of the legal title to a property or their agent, successors or assigns. "Owner" does not include a residential household as defined herein, or any member thereof, that holds legal title to the residential unit in which they reside.
- d. Displacement. The required vacating of a residential unit by a residential household as a result of an order to vacate or an order requiring the vacation of a residential unit by the enforcement agency.
- e. Residential Unit. A structure or that part of a structure which is used as a place of permanent or customary and usual abode of a residential household, including but not limited to a room in a single family home, hotel or motel, rooming house or apartment, single family home, mobile home or mobile home space, trailer or trailer space. "Residential unit" does not include any unit occupied pursuant to an innkeeper-guest relationship.
- f. Residential Household. Any person or group of people, whether related or unrelated, entitled to occupy a residential unit or portion of real property primarily for living or dwelling purposes under a written or oral rental agreement as tenants, subtenants, lessees or sublessees, including such persons' personal property that is a normally and customarily contained within the residential unit. "Residential household" does not include the owner of a residential unit or members of the owner's immediate family, except as provided in Section 9 of this ordinance.

Section 6. ENTITLEMENT TO DISPLACEMENT PAYMENTS. Any residential household that is displaced or subject to displacement from a residential unit as a result of an order to vacate or an order requiring the vacation of a residential unit by the enforcement agency as a result of a violation so extensive and of such a nature that the immediate health and safety of the residents is endangered, shall be entitled to receive displacement payments from the owner.

Section 7. CONTENTS AND SERVICE OF ORDER TO VACATE. At the time of the service of an order to vacate, the enforcement agency shall determine if any residential household subject to the order may be entitled to displacement payments. The determination of entitlement to displacement payments, or the reason that any residential household may not be entitled to displacement payments, shall accompany the order to vacate. The order to vacate shall also include, or be accompanied by, a summary of the provisions of this ordinance and an itemized accounting of the displacement payment due to the residential household. Failure to provide such summary or itemized accounting shall not relieve any person of the obligations imposed by this ordinance.

Section 8. DISPLACEMENT PAYMENT. The amount of the displacement payment due to the residential household shall be determined as follows:

- a. The displacement payment shall be made available by the owner to the eligible residential household in an amount equal to two months of the periodically established Fair Market Rent for the Riverside-San Bernardino-Ontario, California Metropolitan Statistical Area as determined by the United States Department of Housing and Urban Development pursuant to Section 1437f of Title 42 of the United States Code. The Fair Market Rent for residential households shall be the amount established according to the number of unit bedrooms, except in cases in which the residential household owns the residential unit as set forth in Section 9 of this ordinance, in which case the Fair Market Rent shall be the amount established for manufactured home spaces. In addition, the displacement payment shall include an amount, as determined by the enforcement agency, sufficient for utility service deposits. The displacement payment shall be paid by the owner in addition to the return, as required by law, of any security deposits held by the owner. The displacement payment shall be payable on a per residential household basis.
- b. The displacement payment shall also include the fixed residential moving cost established by the Federal Highway Administration as set forth in Section 24.302 of Title 49 of the Code of Federal Regulations.

Section 9. ADDITIONAL DISPLACEMENT PAYMENT FOR MOVEABLE RESIDENTIAL UNITS ON RENTED REAL PROPERTY. In the case of an order to vacate a portion of real property in which the residential household, or any member thereof, hold legal title to a moveable residential unit on the owner's real property, the displacement payment shall include the reasonable cost of moving the residential household's residential unit to a comparable portion of real property within the County of Riverside, provided such residential unit is not subject to an order to vacate or otherwise not habitable or not moveable as determined by the enforcement agency. If such residential unit is not habitable or not moveable and was allowed by the owner to be placed upon the real property without the owner complying with all applicable land use laws and regulations, then the owner shall reimburse the residential household for the fair market value of the residential unit. If such residential unit is not habitable or not moveable, and if the owner is in compliance with all applicable land use laws for the placing of the residential unit on the owner's real property, then the owner shall not be liable for reimbursing the residential household for any portion of the value of residential unit. An owner's obligation to provide a displacement payment to a residential household that is required to vacate a portion of real property due to the owner's conduct, as determined by the enforcement agency, is limited only to the extent provided by this section.

Section 10. TIMING OF DISPLACEMENT PAYMENT.

- a. The displacement payment required by this ordinance shall be paid by the owner to the residential household within ten (10) days after the date that the order to vacate is first mailed to the owner and posted on the premises, or at least twenty (20) days prior to the vacation date set forth in the order to vacate, whichever occurs later.
- b. If there are fewer than ten (10) days between the first posting and mailing of the order to vacate and the vacation date, the displacement payment shall be paid by the owner to the residential household within twenty-four (24) hours after the notice is posted and mailed. The enforcement agency shall attempt to provide telephonic or written notice to the owner to notify the owner that the benefits are payable immediately. Failure to provide the notice as specified in this section shall not relieve the owner of any obligations imposed by this ordinance.
- c. Any owner who does not make a timely payment shall be liable to the residential household for an amount 1½ times the displacement payments payable pursuant to Section 8 of this ordinance. No penalty shall apply when displacement payments are payable fewer than ten (10) days after the date the order to vacate is first mailed and posted, if the owner makes payment no later than ten (10) days after the order is first mailed and posted.

Section 11. DISCRETIONARY DISPLACEMENT PAYMENT BY COUNTY AGENCY.

Any County agency may, at its discretion, advance displacement payments to displaced residential households, and shall be entitled to recovery of any advanced displacement payments. The enforcement agency shall be entitled to recover on any County agency's behalf all displacement payments that were due and payable to the residential household by the owner as determined by the enforcement agency and were actually paid by the County agency. The enforcement agency shall also be entitled to recover from the owner an additional amount equal to the sum of one-half the amount so paid, but not to exceed ten thousand dollars (\$10,000), as a penalty for failure to make timely payment to the displaced residential household, and the County's actual costs, including direct and indirect costs, of administering the provision of displacement payments to the displaced residential household. Any amounts paid by the County agency and any applicable penalties and actual costs may also be placed as a lien against the property by the enforcement agency by recording the lien in the County Recorder's office. Prior to instituting any action to collect from the owner any displacement payments paid pursuant to this section, or to impose a lien therefor, the enforcement agency shall send to the owner by first-class mail, postage prepaid, at the owner's address as shown on the last equalized assessment roll, an itemized accounting of all payments paid by any County agency to the residential household, and any penalties or costs the enforcement agency is seeking to recover on the County agency's behalf. Nothing herein shall be construed as requiring the County or any County agency to pay any displacement payments to any residential household, or assume any obligation, requirement, or duty of the owner. Further, nothing herein shall be construed as limiting the County's remedies for recovering any advanced displacement payments.

Section 12. APPEAL OF DETERMINATION OF DISPLACEMENT PAYMENTS.

- a. If the owner contends that not all of the payments deemed chargeable to the owner by the enforcement agency on the grounds that the intended or actual recipients were not displaced residential households, no displacement payments were payable pursuant to this ordinance, or on other grounds, the owner shall be entitled to an administrative hearing before the enforcement agency's director or director's designee by submitting a written appeal to the director of the enforcement agency within twenty (20) days after receipt by the owner of an

itemized accounting of displacement payments due the residential household or reimbursement due the County for advance displacement payments paid by any County agency to the residential household, including any costs and penalties provided herein. After providing at least ten (10) days written notice to the owner, the enforcement agency's director or director's designee shall hold the administrative hearing for the purpose of determining the amount chargeable to the owner, including penalties and costs, if any. Notice may be delivered in person or may be mailed to the address listed by the owner in the request for hearing. In determining the validity of any displacement payments, penalties or costs chargeable to the owner, the director or director's designee shall consider whether the violations that led to the order to vacate were created by, or are the responsibility of, the owner and shall also consider those exceptions set forth in Section 4 of this ordinance. In conducting the hearing, the director or director's designee shall not be limited by the technical rules of evidence. The decision of the director or the director's designee shall be in writing and include notice of a right to appeal the decision to the Board of Supervisors.

- b. The decision of the director or the director's designee may be appealed by filing a written notice of appeal with the enforcement agency within ten (10) days after mailing the decision. The appeal shall be heard by the Board of Supervisors which may affirm, amend or reverse the decision and may take any other action deemed appropriate. The enforcement agency's director or the director's designee shall give written notice of the time and the place of the hearing to the appellant. In conducting the hearing, the Board of Supervisors shall not be limited by the technical rules of evidence.
- c. The final decision of the Board of Supervisors shall be subject to Section 1094.5 of the Code of Civil Procedure. If the owner fails to obtain a more favorable decision than that set forth in the itemized accounting, the owner shall be liable to the enforcement agency for the costs of the administrative hearing and appeal, not to exceed five thousand dollars (\$5,000). The failure to receive the itemized accounting shall not relieve the owner of any obligation under this ordinance.

Section 13. TIME FOR OWNER TO REIMBURSE COUNTY FOR DISCRETIONARY DISPLACEMENT PAYMENTS. If there are fewer than ten (10) days between the first posting and mailing of the order to vacate and the vacation date, and if the County advances displacement payments to any residential household, prior to the expiration of the 10-day period, the owner shall not be required to reimburse the enforcement agency for a charge identified on the itemized accounting if the owner contests the charge within twenty (20) days after the itemized accounting is mailed to the owner. The owner shall pay any charges that were the subject of the appeal within thirty (30) days after an adverse decision by the enforcement agency on the appeal is mailed to the owner. In all other cases, the owner shall pay any charge identified on the itemized accounting within thirty (30) days after the itemized accounting is mailed to the owner.

Section 14. PRIVATE RIGHT OF ACTION. Any person who is a member of a residential household who is entitled to displacement payments from an owner under this ordinance shall have the right to file an action for injunctive relief and/or damages against the owner. Attorney fees and costs shall be awarded to the prevailing party in any such action. These remedies shall be in addition to those provided by any other law.

Section 15. SEVERABILITY. If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are hereby declared to be severable.

Section 16. EFFECTIVE DATE. This ordinance shall take effect thirty (30) days after its adoption.

Marion Ashley, Chairman of the Board

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said County, held on **March 16, 2010**, the foregoing Ordinance consisting of sixteen (16) sections was adopted by said Board by the following vote:

AYES: Buster, Stone, Benoit and Ashley
NAYS: None
ABSENT: Tavaglione

Kecia Harper-Ihem, Clerk of the Board
By: Cecilia Gil, Board Assistant

③ REMITTANCE ADDRESS
 POST OFFICE BOX 12009
 RIVERSIDE, CA 92502-2209
 FAX (951) 368-9026

① BILLING PERIOD 03/26/10 - 03/26/10
 ⑤ BILLING DATE 03/26/10
 ② TOTAL AMOUNT DUE 1,253.20
 ⑩ ADVERTISING/CLIENT NAME BOARD OF SUPERVISORS
 FOR BILLING INFORMATION CALL (951) 368-9713
 * UNAPPLIED AMOUNT ⑩
 ⑭ PAGE NO 1
 TERMS OF PAYMENT Due Upon Receipt

⑥ BILLED ACCOUNT NAME AND ADDRESS
 BOARD OF SUPERVISORS
 COUNTY OF RIVERSIDE
 P.O. BOX 1147
 RIVERSIDE CA 92502

⑥ BILLED ACCOUNT NUMBER 045202
 REP NO LE04

Statement #: 56530586 Amount Paid \$ _____ Your Check # _____

PLEASE DETACH AND RETURN UPPER PORTION WITH YOUR REMITTANCE

④ DATE	① REFERENCE	② ③ ④ DESCRIPTION OTHER COMMENTS/CHARGES	⑤ SAU SIZE ⑥ BILLED UNITS	⑦ RATE	⑧ GROSS AMOUNT	⑨ NET AMOUNT
03/26	4170213 CO	ADOPTION OF ORD. NO.893 Class : 10 Ctext Ad# 10209109 Placed By : Cecilia Gil	964 L	1.30		1,253.20

2010 APR - 1 PM 3:59
 4th & 5th District
 3.11 of 03/16/10

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					1,253.20

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 RIVERSIDE, CA 92502-2209
 TELEPHONE (951) 368-9711
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ADVERTISING STATEMENT/INVOICE

 * UNAPPLIED AMOUNTS ARE INCLUDED IN TOTAL AMOUNT DUE

① STATEMENT NUMBER	② BILLING PERIOD	③ BILLED ACCOUNT NUMBER	④ ADVERTISER/CLIENT NUMBER	⑤ ADVERTISER/CLIENT NAME
56530586	03/26/10 - 03/26/10	045202		BOARD OF SUPERVISORS

THE PRESS-ENTERPRISE

3450 Fourteenth Street
Riverside CA 92501-3878
951-684-1200
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**PROOF OF PUBLICATION
(2010, 2015.5 C.C.P.)**

Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc.: Adoption of Ord. No. 893

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper of general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673 and under date of August 25, 1995, Case Number 267864; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

03-26-10

I Certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: Mar. 26, 2010
At: Riverside, California



BOARD OF SUPERVISORS

P.O. BOX 1147
COUNTY OF RIVERSIDE
RIVERSIDE CA 92502

Ad #: 10209109

PO #:

Agency #: _____

Ad Copy:

BOARD OF SUPERVISORS OF THE COUNTY OF
RIVERSIDE, STATE OF CALIFORNIA

ORDINANCE NO. 893

**AN ORDINANCE OF THE COUNTY OF RIVERSIDE
PROVIDING FOR DISPLACEMENT PAYMENTS
FOR RESIDENTIAL HOUSEHOLDS**

The Board of Supervisors of the County of Riverside
ordains as follows:

Section 1. FINDINGS. The Board of Supervisors finds that several residential rental units in the unincorporated areas of Riverside County have severe code violations, which threaten the safety of the residents and require the units to be vacated to allow for extensive repairs and remediation. Residential households displaced as a result of severe code violations suffer a financial burden and the threat of homelessness because of the acute lack of resources available for locating and securing suitable replacement housing. The displacement payment obligations imposed on property owners by this ordinance will partially mitigate the financial hardships faced by displaced residential households. Furthermore, these displacement payment obligations have the additional purpose of encouraging owners to maintain their properties in a habitable condition and in compliance with all applicable codes.

Section 2. PURPOSE. The purpose of this ordinance is to alleviate hardships associated with residential household displacements by requiring owners to make payments to residential households displaced as a result of a determination by enforcement agency authorities that the residential unit is unsafe for habitability by the residents and to implement the administrative procedures set forth in Article 2.5 (commencing with Section 17975) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code.

Section 3. AUTHORITY. This ordinance is adopted pursuant to Article 2.5 (commencing with Section 17975) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code which provides that local enforcement agencies shall determine eligibility for payments to displaced tenants and shall implement an administrative appeals procedure for owners found liable for such payments. This ordinance is also authorized by Health and Safety Code section 17975.7 which provides that the remedies under Article 2.5 are not exclusive.

Section 4. EXEMPTIONS. The following exemptions shall apply in the application of this ordinance:

- a. No owner shall be liable to any residential household or County agency for displacement payments if the residential household or any one of its members caused or substantially contributed to the condition giving rise to the order to vacate, nor shall any displacement payments be payable to a residential household if any guest or invitee of the residential household has caused or substantially contributed to the condition giving rise to the order to vacate.
- b. No owner shall be liable to any residential household or County agency for displacement payments if the unit or structure became unsafe or hazardous as the result of a fire, flood, earthquake, or other event beyond the control of the owner, and the owner did not cause or contribute to the condition.
- c. No owner shall be liable to any residential household or County agency for displacement payments provided the owner provides a habitable replacement residential unit of comparable size and appurtenances to the vacated residential unit and provided the owner pays all costs associated with moving the residential household to the replacement unit.
- d. No owner shall be liable to any residential household or County agency for displacement payments if the residential household is in default in payment of rent, unless rent is being lawfully withheld by the residential household.
- e. No owner shall be liable to any residential household or County agency for displacement payments if the vacated unit is operated as an emergency or temporary shelter for homeless persons (whether such persons have assigned rooms or beds, and regardless of duration of stay by any occupant) by a nonprofit organization or public agency owning, leasing, or managing such unit.
- f. No public entity, as defined in Government Code Section 7260, holding all or any part of the legal title to a residential unit occupied by a residential household otherwise subject to this ordinance, shall be liable for displacement payments.

Section 5. DEFINITIONS. As used in this ordinance, the following terms shall have the following meanings:

- a. **County Agency.** Any agency, department, division, or political subdivision of the County of Riverside or under the authority of the County of Riverside Board of Supervisors, or the Board of Supervisors sitting as the directors of said agency.
- b. **Enforcement Agency.** Any County of Riverside department or division, including its director or the director's designees, authorized to ascertain the condition of a residential unit and to issue notices requiring owners to bring such units into compliance with applicable building and housing codes that threaten the health and safety of residential households.
- c. **Owner.** Any person, persons, landlord, corporation, or any entity holding all or any part of the legal title to a property or their agent, successors or assigns. "Owner" does not include a residential household as defined herein, or any member thereof, that holds legal title to the residential unit in which they reside.

- d. Displacement. The required vacating of a residential unit by a residential household as a result of an order to vacate or an order requiring the vacation of a residential unit by the enforcement agency.
- e. Residential Unit. A structure or that part of a structure which is used as a place of permanent or customary and usual abode of a residential household, including but not limited to a room in a single family home, hotel or motel, rooming house or apartment, single family home, mobile home or mobile home space, trailer or trailer space. "Residential unit" does not include any unit occupied pursuant to an innkeeper-guest relationship.
- f. Residential Household. Any person or group of people, whether related or unrelated, entitled to occupy a residential unit or portion of real property primarily for living or dwelling purposes under a written or oral rental agreement as tenants, subtenants, lessees or sublessees, including such persons' personal property that is a normally and customarily contained within the residential unit. "Residential household" does not include the owner of a residential unit or members of the owner's immediate family, except as provided in Section 9 of this ordinance.

Section 6. ENTITLEMENT TO DISPLACEMENT PAYMENTS. Any residential household that is displaced or subject to displacement from a residential unit as a result of an order to vacate or an order requiring the vacation of a residential unit by the enforcement agency as a result of a violation so extensive and of such a nature that the immediate health and safety of the residents is endangered, shall be entitled to receive displacement payments from the owner.

Section 7. CONTENTS AND SERVICE OF ORDER TO VACATE. At the time of the service of an order to vacate, the enforcement agency shall determine if any residential household subject to the order may be entitled to displacement payments. The determination of entitlement to displacement payments, or the reason that any residential household may not be entitled to displacement payments, shall accompany the order to vacate. The order to vacate shall also include, or be accompanied by, a summary of the provisions of this ordinance and an itemized accounting of the displacement payment due to the residential household. Failure to provide such summary or itemized accounting shall not relieve any person of the obligations imposed by this ordinance.

Section 8. DISPLACEMENT PAYMENT. The amount of the displacement payment due to the residential household shall be determined as follows:

- a. The displacement payment shall be made available by the owner to the eligible residential household in an amount equal to two months of the periodically established Fair Market Rent for the Riverside-San Bernardino-Orange, California Metropolitan Statistical Area as determined by the United States Department of Housing and Urban Development pursuant to Section 1437f of Title 42 of the United States Code. The Fair Market Rent for residential households shall be the amount established according to the number of unit bedrooms, except in cases in which the residential household owns the residential unit as set forth in Section 9 of this ordinance, in which case the Fair Market Rent shall be the amount established for manufactured home spaces. In addition, the displacement payment shall include an amount, as determined by the enforcement agency, sufficient for utility service deposits. The displacement payment shall be paid by the owner in addition to the return, as required by law, of any security deposits held by the owner. The displacement payment shall be payable on a per residential household basis.
- b. The displacement payment shall also include the fixed residential moving cost established by the Federal Highway Administration as set forth in Section 24.302 of Title 49 of the Code of Federal Regulations.

Section 9. ADDITIONAL DISPLACEMENT PAYMENT FOR MOVEABLE RESIDENTIAL UNITS ON RENTED REAL PROPERTY. In the case of an order to vacate a portion of real property in which the residential household, or any member thereof, hold legal title to a moveable residential unit on the owner's real property, the displacement payment shall include the reasonable cost of moving the residential household's residential unit to a comparable portion of real property within the County of Riverside, provided such residential unit is not subject to an order to vacate or otherwise not habitable or not moveable as determined by the enforcement agency. If such residential unit is not habitable or not moveable and was allowed by the owner to be placed upon the real property without the owner complying with all applicable land use laws and regulations, then the owner shall reimburse the residential household for the fair market value of the residential unit. If such residential unit is not habitable or not moveable, and if the owner is in compliance with all applicable land use laws for the placing of the residential unit on the owner's real property, then the owner shall not be liable for reimbursing the residential household for any portion of the value of residential unit. An owner's obligation to provide a displacement payment to a residential household that is required to vacate a portion of real property due to the owner's conduct, as determined by the enforcement agency, is limited only to the extent provided by this section.

Section 10. TIMING OF DISPLACEMENT PAYMENT.

- a. The displacement payment required by this ordinance shall be paid by the owner to the residential household within ten (10) days after the date that the order to vacate is first mailed to the owner and posted on the premises, or at least twenty (20) days prior to the vacation date set

forth in the order to vacate, whichever occurs later.

If there are fewer than ten (10) days between the first posting and mailing of the order to vacate and the vacation date, the displacement payment shall be paid by the owner to the residential household within twenty-four (24) hours after the notice is posted and mailed. The enforcement agency shall attempt to provide telephonic or written notice to the owner to notify the owner that the benefits are payable immediately. Failure to provide the notice as specified in this section shall not relieve the owner of any obligations imposed by this ordinance.

Any owner who does not make a timely payment shall be liable to the residential household for an amount $1\frac{1}{2}$ times the displacement payments payable pursuant to Section 8 of this ordinance. No penalty shall apply when displacement payments are payable fewer than ten (10) days after the date the order to vacate is first mailed and posted, if the owner makes payment no later than ten (10) days after the order is first mailed and posted.

Section 11. DISCRETIONARY DISPLACEMENT PAYMENT BY COUNTY AGENCY.

Any County agency may, at its discretion, advance displacement payments to displaced residential households, and shall be entitled to recovery of any advanced displacement payments. The enforcement agency shall be entitled to recover on any County agency's behalf all displacement payments that were due and payable to the residential household by the owner as determined by the enforcement agency and were actually paid by the County agency. The enforcement agency shall also be entitled to recover from the owner an additional amount equal to the sum of one-half the amount so paid, but not to exceed ten thousand dollars (\$10,000), as a penalty for failure to make timely payment to the displaced residential household, and the County's actual costs, including direct and indirect costs, of administering the provision of displacement payments to the displaced residential household. Any amounts paid by the County agency and any applicable penalties and actual costs may also be placed as a lien against the property by the enforcement agency by recording the lien in the County Recorder's office. Prior to instituting any action to collect from the owner any displacement payments paid pursuant to this section, or to impose a lien therefor, the enforcement agency shall send to the owner by first-class mail, postage prepaid, at the owner's address as shown on the last equalized assessment roll, an itemized accounting of all payments paid by any County agency to the residential household, and any penalties or costs the enforcement agency is seeking to recover on the County agency's behalf. Nothing herein shall be construed as requiring the County or any County agency to pay any displacement payments to any residential household, or assume any obligation, requirement, or duty of the owner. Further, nothing herein shall be construed as limiting the County's remedies for recovering any advanced displacement payments.

Section 12. APPEAL OF DETERMINATION OF DISPLACEMENT PAYMENTS.

- a. If the owner contends that not all of the payments deemed chargeable to the owner by the enforcement agency on the grounds that the intended or actual recipients were not displaced residential households, no displacement payments were payable pursuant to this ordinance, or on other grounds, the owner shall be entitled to an administrative hearing before the enforcement agency's director or director's designee by submitting a written appeal to the director of the enforcement agency within twenty (20) days after receipt by the owner of an itemized accounting of displacement payments due the residential household or reimbursement due the County for advance displacement payments paid by any County agency to the residential household, including any costs and penalties provided herein. After providing at least ten (10) days written notice to the owner, the enforcement agency's director or director's designee shall hold the administrative hearing for the purpose of determining the amount chargeable to the owner, including penalties and costs, if any. Notice may be delivered in person or may be mailed to the address listed by the owner in the request for hearing. In determining the validity of any displacement payments, penalties or costs chargeable to the owner, the director or director's designee shall consider whether the violations that led to the order to vacate were created by, or are the responsibility of, the owner and shall also consider those exceptions set forth in Section 4 of this ordinance. In conducting the hearing, the director or director's designee shall not be limited by the technical rules of evidence. The decision of the director or the director's designee shall be in writing and include notice of a right to appeal the decision to the Board of

Supervisors.

The decision of the director or the director's designee may be appealed by filing a written notice of appeal with the enforcement agency within ten (10) days after mailing the decision. The appeal shall be heard by the Board of Supervisors which may affirm, amend or reverse the decision and may take any other action deemed appropriate. The enforcement agency's director or the director's designee shall give written notice of the time and the place of the hearing to the appellant. In conducting the hearing, the Board of Supervisors shall not be limited by the technical rules of evidence.

The final decision of the Board of Supervisors shall be subject to Section 1094.5 of the Code of Civil Procedure. If the owner fails to obtain a more favorable decision than that set forth in the itemized accounting, the owner shall be liable to the enforcement agency for the costs of the administrative hearing and appeal, not to exceed five thousand dollars (\$5,000). The failure to receive the itemized accounting shall not relieve the owner of any obligation under this ordinance.

Section 13. TIME FOR OWNER TO REIMBURSE COUNTY FOR DISCRETIONARY DISPLACEMENT PAYMENTS. If there are fewer than ten (10) days between the first posting and mailing of the order to vacate and the vacation date, and if the County advances displacement payments to any residential household, prior to the expiration of the 10-day period, the owner shall not be required to reimburse the enforcement agency for a charge identified on the itemized accounting if the owner contests the charge within twenty (20) days after the itemized accounting is mailed to the owner. The owner shall pay any charges that were the subject of the appeal within thirty (30) days after an adverse decision by the enforcement agency on the appeal is mailed to the owner. In all other cases, the owner shall pay any charge identified on the itemized accounting within thirty (30) days after the itemized accounting is mailed to the owner.

Section 14. PRIVATE RIGHT OF ACTION. Any person who is a member of a residential household who is entitled to displacement payments from an owner under this ordinance shall have the right to file an action for injunctive relief and/or damages against the owner. Attorney fees and costs shall be awarded to the prevailing party in any such action. These remedies shall be in addition to those provided by any other law.

Section 15. SEVERABILITY. If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are hereby declared to be severable.

Section 16. EFFECTIVE DATE. This ordinance shall take effect thirty (30) days after its adoption.

Marion Ashley, Chairman of the Board
I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said County, held on March 16, 2010, the foregoing Ordinance consisting of sixteen (16) sections was adopted by said Board by the following vote:

AYES: Buster, Stone, Benoit and Ashley

NAYS: None

ABSENT: Tavaglione

Kecia Harper-Ihem, Clerk of the Board

By: Cecilia Gil, Board Assistant

The Desert Sun

mydesert.com

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Palm Springs, CA 92262
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150

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RIVERSIDE COUNTY-BOARD OF SUP.
PO BOX 1147
RIVERSIDE CA 92502-1147

Customer No.	Invoice No.
RIV069	0003711823
For the Period	Thru
03/01/10	03/28/10
Due Date	Amount Due
04/12/10	4,965.04
AMOUNT PAID	

PLEASE RETURN THIS TOP SECTION WITH PAYMENT IN THE ENCLOSED ENVELOPE AND INCLUDE YOUR CUSTOMER NUMBER ON REMITTANCE.

Date	EDT	Class	Description	Times Run	Col	Depth	Total Size	Rate	Amount
0301			BALANCE FORWARD						3,721.32
0301			COMMERCIAL PAYMENT THANK YOU						487.14-
0304	CLS	0001	CECILIA NO 0894 NOTICE O	8	2	320.00	5120.00		537.20
0312	CLS	0001	CECILIA NO 1045 BOARD OF	8	2	77.00	1232.00		133.82
0312	CLS	0001	CECILIA NO 1046 BOARD OF	8	2	78.00	1248.00		135.48
0313	CLS	0001	CECILIA NO 1074 BOARD OF	8	2	57.00	912.00		100.62
0313	CLS	0001	CECILIA NO 1075 BOARD OF	8	2	53.00	848.00		93.98
0326	CLS	0001	CECILIA NO 1282 BOARD OF	4	2	436.00	3488.00		729.76

<u>0894</u> - Transg. 3.525 of 01/26/10 \$537.20	<u>1045</u> - Probation 9.3 of 03/02/10 \$133.82	<u>1046</u> - Auditor/Cont. 9.1 of 03/02/10 \$135.48	2010 APR - 7 11:25
<u>1074</u> - Probation 9.5 of 03/02/10 \$100.62	<u>1075</u> - Probation 9.4 of 03/02/10 \$93.98	<u>1282</u> - 4th & 5th 3.11 of 03/16/10 \$729.76	

Current	Over 30 Days	Over 60 Days	Over 90 Days	Over 120 Days	Total Due	
1,730.86	3,044.68	.00	189.50	.00	4,965.04	
Contract Type	Contract Qnty.	Expiration Date	Current Usage	Total Used	Quantity Remaining	Salesperson
						MOELLER

The Advertiser shall make payment within 15 days of the billing date indicated on Company's statement, and, in the event that it fails to make payment within such time, Company may reject advertising copy and / or immediately cancel this contract and Advertiser agrees to indemnify Company for all expenses incurred in connection with the collection of amounts payable under this contract, including but not limited to collection fees, attorney's fees and court costs. If this agreement is cancelled due to Advertiser's failure to make timely payment, Company may rebill the Advertiser for the outstanding balance due at the open or earned contract rate, whichever is applicable.

TO ENSURE PROPER CREDIT, PLEASE RETURN THE TOP SECTION AND INCLUDE YOUR CUSTOMER NUMBER ON REMITTANCE.

Customer Number	Name	Invoice Number	Amount Paid
RIV069	RIVERSIDE COUNTY-BOARD OF SUP.	0003711823	

PROOF OF PUBLICATION (2015.5.C.C.P)

STATE OF CALIFORNIA
County of Riverside

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of a printer of the, DESERT SUN PUBLISHING COMPANY a newspaper of general circulation, printed and published in the city of Palm Springs, County of Riverside, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Riverside, State of California under the date of March 24, 1988. Case Number 191236; that the notice, of which the annexed is a printed copy (set in type not smaller than non pariel, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

March 26th, 2010

All in the year 2010

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Palm Springs, California this ---30th, ---- day

of----- March -----, 2010

Signature

This ordinance
c. Any owner who does not make a timely payment shall be liable to the residential household for an amount 1 1/2 times the displacement payments payable pursuant to Section 8 of this ordinance. No penalty shall apply when displacement payments are payable fewer than ten (10) days after the date the order to vacate is first mailed and posted, if the owner makes payment no later than ten (10) days after the order is first mailed and posted.

Section 11. DISCRETIONARY DISPLACEMENT PAYMENT BY COUNTY AGENCY.
Any County agency may, at its discretion, advance displacement payments to displaced residential households, and shall be entitled to recovery of any advanced displacement payments. The enforcement agency shall be entitled to recover on any County agency's behalf all displacement payments that were due and payable to the residential household by the owner as determined by the enforcement agency and were actually paid by the County agency. The enforcement agency shall also be entitled to recover from the owner an additional amount equal to the sum of one-half the amount so paid, but not to exceed ten thousand dollars (\$10,000), as a penalty for failure to make timely payment to the displaced residential household, and the County's actual costs, including direct and indirect costs, of administering the provision of displacement payments to the displaced residential household. Any amounts paid by the County agency and any applicable penalties and actual costs may also be placed as a lien against the property by the enforcement agency by recording the lien in the County Recorder's office.
Prior to instituting any action to collect from the owner any displacement payments paid pursuant to this section, or to impose a lien therefor, the enforcement agency shall send to the owner by first-class mail, postage prepaid, at the owner's address as shown on the last equalized assessment roll, an itemized accounting of all payments paid by any County agency to the residential household, and any penalties or costs the enforcement agency is seeking to recover on the County agency's behalf. Nothing herein shall be construed as requiring the County or any County agency to pay any displacement payments to any residential household, or assume any obligation, requirement, or duty of the owner. Further, nothing herein shall be construed as limiting the County's remedies for recovering any advanced displacement payments.

Section 12. APPEAL OF DETERMINATION OF DISPLACEMENT PAYMENTS.
a. If the owner contends that not all of the payments deemed chargeable to the owner by the enforcement agency on the grounds that the intended or actual recipients were not displaced residential households, no displacement payments were payable pursuant to this ordinance, or on other grounds the owner shall be entitled to an administrative hearing before the enforcement agency's director or director's designee by submitting a written appeal to the director of the enforcement agency within twenty (20) days after receipt by the owner of an itemized accounting of displacement payments due the residential household or reimbursement due the County for advance displacement payments paid by any County agency to the residential household, including any costs and penalties provided herein. After providing at least ten (10) days written notice to the owner, the enforcement agency's director or director's designee shall hold the administrative hearing for the purpose of determining the amount chargeable to the owner, including penalties and costs, if any.
Notice may be delivered in person or may be mailed to the address listed by the owner in the request for hearing. In determining the validity of any displacement payments, penalties or costs chargeable to the owner, the director or director's designee shall consider whether the violations that led to the order to vacate were created by, or are the responsibility of, the owner and shall also consider those exceptions set forth in Section 4 of this ordinance. In conducting the hearing, the director or director's designee shall consider the following:
1. Whether the owner has a right to use the property.
2. Whether the owner has a right to occupy the property.
3. Whether the owner has a right to possess the property.
4. Whether the owner has a right to use the property.
5. Whether the owner has a right to occupy the property.
6. Whether the owner has a right to possess the property.

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Julia Fernandez, Board Secretary
Julia Fernandez

Whitewater River Subbasin Area of Benefit 2010-2011, Director's Report on Water Supply...
Additional information may also be obtained...
P10. Additional information may also be obtained...
of CVWD at (760) 398-2661, extension 2200, during...
which are from 8:00 a.m. to 12 noon and 1:00 p.m. to...
ough Friday.