RESOLUTION NO. 2012-29

A RESOLUTION OF THE BELL COMMUNITY HOUSING AUTHORITY APPROVING THE POLICIES AND GUIDELINES FOR ENFORCEMENT OF RENT PAYMENT AND/OR EVICTION

WHEREAS, pursuant to the California Housing Authorities Law, on February 21, 1995, the City of Bell activated the Bell Community Housing Authority to assist the City in the acquisition, construction and management of low and moderate income housing within the City; and

WHEREAS, the Bell Community Housing Authority accommodates over 358 tenants among the Bell Mobile Home Park, the Florence Village Mobile Home Park and 64 Apartment units; and

WHEREAS, in October 2005, the Bell Community Housing Authority issued $20,790,000 in Lease Revenue Bonds pledging the proceeds of rents from the Mobile Home Parks and the Apartment Units to the payment of the debt service; and

WHEREAS, in November 2010, the responsibility for the property management and administration of the City's mobile home parks was assigned to in-house staff of the Community Services Department, an assignment that had previously been performed by a contracted property management firm; and

WHEREAS, in July 2011 the property management and administration of the City's rental apartment units was assigned to in-house staff of the Community Services Department, an assignment that was re-assigned from the Community Development Department and had previously been performed by a contracted property management firm; and

WHEREAS, an essential element in ensuring the collection of rent and, thereby, the payment of the debt service, is the enforcement of polices and guidelines for rent payments and, if necessary, eviction;

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE BELL COMMUNITY HOUSING AUTHORITY DOES HEREBY RESOLVE AND DETERMINE AS FOLLOWS:

Section 1. That the Bell Community Housing Authority Policies and Guidelines for Enforcement of Rent Payment and/or Eviction as detailed in Exhibit A are hereby adopted.

Section 2. That the Interim City Manager and/or his designee is authorized and directed to implement these policies and guidelines.

Section 3. This Resolution shall take effect from and after the date of its passage and adoption.

PASSED, APPROVED, AND ADOPTED this 7th day of March 2012.

Ali Saleh, Mayor

APPROVED AS TO FORM:

David Aleshire, City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Patricia Healy, Interim City Clerk of the City of Bell, hereby attest to and certify that the foregoing resolution is the original resolution adopted by the Bell City Council at its regular meeting held on the 7th day of March, 2012, by the following vote:

AYES:	Alvarez, Quintana, Valencia, Harber, Saleh (5)
NOES:	None (0)
ABSENT:	None (0)
ABSTAIN:	None 0)

Patricia Healy, Interim City Clerk

EXHIBIT A

City of Bell
Bell Community Housing Authority
Policies and Guidelines for Enforcement of Rent Payment and/or Eviction

I. PURPOSE

The City of Bell ("City") owns two mobile home parks, Florence Village Mobile Home Park and Bell Mobile Home Park, several apartment units located within City limits, and four apartments located in the Florence Village Mobile Home Park. The City's Community Housing Authority ("BCHA") manages the spaces in the City-owned mobile home parks and apartment units, which accommodates over 358 tenants among all the properties.

II. INTENT

A. To identify and establish the criteria for appropriate management of tenants' compliance with the City's mobile home parks' rules and regulations and rental leases and/or agreements.

B. To establish policies and procedures for the enforcement of the City's mobile home parks' rules and regulations and rental agreements entered by and between tenants and BCHA through processes, which include, but is not limited to, payment plans. The intent is to minimize legal costs associated with the unlawful detainer process and to demonstrate a willingness on the City's behalf to work with residents.

C. To establish policies and procedures for unlawful detainer actions in order to minimize loss of rental revenue to the City.

D. To establish procedures for the removal or disposal of surplus property that may become the property of BCHA during an eviction process or by any other means.

III. DEFINITIONS

A. BCHA: Bell Community Housing Authority.

B. Delinquent Tenant: A tenant who has breached a rental agreement by conduct which includes, but is not limited to, failure to pay rent, breach of a payment plan, failure to comply with a reasonable mobile home park rule or regulation as set forth in the rental agreement, and conduct on the premises constituting a substantial annoyance to other residents.

C. Unlawful Detainer Action: A lawsuit brought by a landlord against a tenant where the landlord claims that a tenant no longer has the right to occupy the property.

IV. COMMON GROUNDS FOR TERMINATION OF RENTAL AGREEMENT AND TENANCY

A. Breach of a Rule or Regulation. The tenancy of a resident who is in breach of a rule or regulation set forth in the rental agreement may be subject to termination.

B. Conduct Constituting Substantial Annoyance. A tenant whose conduct constitutes a substantial annoyance or is a nuisance to other homeowners or resident may be subject to eviction from the City-owned premises. Upon discovery of such annoyance or nuisance, the City will provide notice to the tenant in writing and if the behavior or matter causing annoyance or nuisance is not corrected immediately and/or repeated, the tenant will be subject to termination.

C. Non-Payment of Rent. All tenants are to pay rent by the 6th of every month. If a tenant fails to pay the rent as required by the rental agreement, the tenant is considered delinquent in the payment of rent and a late fee will be assessed.

V. EVICTION PROCEDURES FOR FAILURE TO PAY RENT

A. Friendly Reminder. Upon the non-payment of rent, which may not exceed one month, BCHA shall send a reminder to any delinquent tenant notifying that s/he is behind in the rent and s/he is to contact a BCHA representative to discuss a payment plan to assist the tenant to become current with the rent.

B. Payment Plans.

1. If the delinquent tenant opts to enter into a payment plan for the rent owed, s/he is to execute a written agreement to make monthly installments towards the arrears in addition to paying the current monthly rent. Mobile homeowners are encouraged to enter into payment plans. [Delinquent tenants may not be placed on a payment plan more than once in a 12-month term.]

2. If a delinquent tenant does not contact BCHA staff and fails to pay rent and late fees or in the event of a tenant on a payment plan, the tenant fails to make payment on the payment plan and late fees, BCHA will begin the unlawful detainer process.

C. Notices. BCHA shall prepare and serve the appropriate and applicable notices to terminate possession of the premises and to terminate the lease agreement pursuant, but not limited, to *Civil Code* sections 798.55(b), 798.56(d), 799.65, 799.70, and 1946, and *Code of Civil Procedure* section 1161.

D. Commencement of Litigation. If a delinquent tenant fails to cure the ground(s) for termination of the lease (i.e., pay rent owed, vacate the premises or both) within the time as proscribed by the notices, BCHA staff shall seek approval of the Chief Administrator Officer ("CAO") to commence litigation against said delinquent tenant.

E. Remedies Sought Against Tenants.

1. The City will seek to recover possession of the space the tenant occupies in the mobile home park or the City will seek a writ of possession of the premises to evict the delinquent tenant.

2. The City will also seek a monetary judgment which may include, but is not limited to, attorney's fees and costs, and the amount of rent found due.

F. Removal of Mobile Home. In the event that a mobile home park tenant fails to remove the mobile home from the park and abandons the mobile home, the City will seek the court's approval to sell the abandoned mobile home and its contents pursuant, but not limited to California *Civil Code* section 798.61, and City rules, procedures, ordinances and regulations pertaining to the acquisition and disposition of property.

G. Removal of Surplus Property

Director of Community Services shall submit to the Finance Department, at such time and in such form as prescribed by the Finance Director, reports identifying any mobile homes, recreation vehicles or trailers owned by BCHA that are declared surplus. With the approval of the CAO, the Community Services Director, or a designee, shall have authority to sell the surplus unit. The City shall sell the mobile home, recreation vehicle or trailer in an "as is" condition and may require the purchaser to remove the unit from the mobile home park property as a condition of the sale.

Any sale of surplus mobile homes, recreation vehicles or trailers shall be made by the most effective method; this may include formal sealed bids, public auction, or negotiations. The City may require a certified check when selling these units.

If the Director of Community Services determines that such surplus property shall be disposed of by auction, the Director, with approval of the CAO, shall designate the person to conduct the auction and the person to act as clerk, to make a record of bids and payments during said auction. The Director may employ the use of an on-line auction process or may contract with professional auctioneers and clerks who shall receive compensation solely out of the proceeds of the auction. All sales using this process shall be for cash and the purchase price shall be paid immediately upon the sale being declared by the auctioneer. No City employee shall be a purchaser of any mobile home, recreation vehicle or trailer sold by BCHA.

If after the mobile home, recreation vehicle or trailer is offered for sale through sealed bids, public auction, or negotiations, there are no offers on the unit, the Community Services Director, with approval by the CAO, may abate the unit by securing the services of a contractor to remove and dispose of the mobile home, recreation vehicle or trailer.

With the exception of excluding City employees from this process, to the extent there are any inconsistencies between the provisions of this section and the City's detailed Purchasing Ordinance, the provisions of the Purchasing Ordinance shall apply.