

**Statement of the San Mateo City Council's Decision in the matter of the  
Property Owner Appeal of the Order to Pay Temporary Relocation Benefits  
(1409 Beacon Avenue)**

**Section 1. Introduction**

San Mateo Municipal Code Section 7.50.030 requires property owners to pay for the temporary relocation of their tenants when the tenants are displaced by the City's code enforcement efforts in response to substandard housing conditions. Section 7.50.070 provides that the City may make such payments on its own initiative and bill the property owner for reimbursement. Section 7.50.100 provides that property owners who are billed by the City for relocation payments made pursuant to Section 7.50.070 may appeal the billing to the City Council.

In this case, the City paid temporary relocation benefits to two individuals who were displaced due to the property owner's failure to provide hot water to the property as required by law. The owner appealed and, after conducting a hearing on the matter, the City Council denied the appeal. Section 7.50.100 requires, in relevant part, that "the City Council shall issue a written decision to uphold or cancel all or part of the decision, order, or determination regarding relocation benefits... and shall state the reasons for that decision," and that "[t]he decision of the City Council shall include findings regarding the evidence in the record and submitted at the hearing." This statement of decision is issued pursuant to these requirements.

**Section 2. Applicable Law**

Section 7.50.030 provides as follows:

(a) A tenant household shall be eligible for relocation payments from a property owner under this chapter if the tenant household is displaced from its dwelling or room due to the City's code enforcement activities. For purposes of this chapter, a tenant household shall be deemed to be displaced from its dwelling or room due to code enforcement activities in either of the following circumstances: The tenant household vacates its dwelling or room (whether or not the property owner requires vacation) after (a) the City or a court has issued a notice to vacate, notice to abate life-threatening condition, or declaration of substandard condition covering that dwelling or room, and (b) the abatement period has expired without correction of the noncomplying condition (if a time period to abate the noncomplying condition is specified in such notice or declaration and the City or court does not order earlier vacation).

Section 7.50.020 provides as follows:

"Tenant household" means one or more individuals who rent or lease a dwelling or room as their primary residence and who share living expenses.

**Section 3. Evidence Presented**

At the hearing on this matter City staff and the property owner's former tenant presented documentary evidence and testimony to establish the following:

On August 12, 2020, city staff conducted an inspection of the property at 1409 Beacon Avenue and observed that the residence lacked hot water as required by law.

On August 13, 2020, city staff issued a notice of this violation to Ahmad Dawoud. The notice established a deadline to correct the violation of August 20, 2020.

Between August 13, 2020, and the compliance deadline, city staff made additional attempts to contact Mr. Dawoud to discuss the violation.

On August 26, 2020, city staff observed that the violation had not been corrected and posted a notice of substandard building on the property and relocated the tenants occupying the property to a hotel. The City paid the room rental for the tenants.

The violation was not corrected until September 28, 2020.

#### Section 4. Defenses Asserted

At the hearing on this matter, the appellant argued that he was not required to pay the relocation costs charged on the following grounds:

Relocation expenses incurred for the benefit of sublessee [REDACTED] were not properly billed to the appellant because Ms. [REDACTED] was not a tenant. The appellant argued that his lease with [REDACTED] did not authorize subleasing and the appellant did not approve the sublease of the property to Ms. [REDACTED].

The relocation expenses incurred for the benefit of [REDACTED] should be reduced because Mr. [REDACTED] had stopped paying rent and was not cooperative with the property owner's previous attempts to correct problems reported by Mr. [REDACTED].

#### Section 5. Findings of fact.

Based upon the evidence presented at the hearing on this matter, the City Council makes the following findings of fact:

On August 12, 2020, city staff conducted an inspection of the property at 1409 Beacon Avenue and observed that the residence lacked hot water as required by law.

On August 13, 2020, city staff issued a notice of this violation to Ahmad Dawoud. The notice established a deadline to correct the violation of August 20, 2020.

Between August 13, 2020, and the compliance deadline, city staff made additional attempts to contact Mr. Dawoud to discuss the violation.

On August 26, 2020, city staff observed that the violation had not been corrected and posted a notice of substandard building on the property and relocated the tenants occupying the property to a hotel. The City paid the room rental for the tenants.

The violation was not corrected until September 28, 2020.

The sublessee, [REDACTED], was a “tenant” of the 1409 Beacon Avenue for the purposes of Section 7.50.030 and was entitled to temporary relocation expenses under that section. Ms. [REDACTED] rented a dwelling at the property and shared with [REDACTED] the rental costs for the property. The many texts and emails between Mr. [REDACTED] and Mr. Dawoud established that Mr. Dawoud was aware that his tenant had subleased the property and that Mr. Dawoud authorized him to so.

While Mr. Dawoud claimed that [REDACTED] had reported many issues with the property and did not cooperate with efforts to correct the problems in April and May of 2020, Mr. Dawoud provided no evidence disputing the lack of hot water that was observed by City staff in August and September of 2020.

#### Section 6. Conclusion

Based upon the findings above, the City Council denies the appeal of Ahmad Dawoud and affirms the order that he pay the sum of \$7,248.25 as reimbursement for temporary relocation expenses paid by the City and related administrative costs.

Section 7. The appellant, Ahmad Dawoud, is informed that the time within which judicial review of this decision may be sought is governed by Section 1094.6 of the California Code of Civil Procedure.

---

Eric Rodriguez, Mayor

Date