

Vernon Housing Commission
Procedures Regarding Impermissible Subletting or Assigning of Housing Units
Adopted December 12, 2012

Pursuant to Ordinance 1183, as amended, and the Vernon Rental Housing Policy (“VRHP”), the Vernon Housing Commission (“VHC”) hereby adopts the following procedures regarding the impermissible subletting or assigning of housing units.

Recitals

A. The VHC is committed to managing its housing stock according to “best practices” for private, residential housing. The VRHP requires that all procedures be “neutral, fair and reasonable.”

B. Every leasee is prohibited by his or her lease from subletting and/or assigning his or her housing unit to another person or persons.

C. The VHC desires to adopt procedures with respect to the impermissible and unauthorized subletting and/or assigning of housing units that are “neutral, fair and reasonable.” The VHC recognizes that unless it uniformly enforces all leases with respect to this issue, it will not be treating all leasees and prospective leasees neutrally and fairly.

Procedures

1. If the VHC Director, or his or her designee (the “Director”), suspects or believes that a leasee is impermissibly subletting and/or assigning his or her housing unit to another person or persons, the Director shall contact the leasee by a means reasonably calculated to make actual contact, and inquire as to whether any such impermissible subletting and/or assignment has, in fact, occurred. A leasee shall be given no less than ten (10) calendar days and no more than 15 calendar days to respond to any such inquiry.

2. The Director may initiate an inquiry either based on a credible report to the Director that an impermissible act has occurred or is occurring, or if the Director otherwise has sufficient information from which the Director may reasonably conclude that an impermissible act has occurred or is occurring. Any inquiry authorized by this Procedure is in addition to any verification of occupancy conducted in connection with the initial leasing or the renewal of any lease.

3. If, following an inquiry and any response, if any, the Director is satisfied that no impermissible act has occurred or is occurring, no further action shall be taken.

4. If, following an inquiry and any response, if any, the Director is satisfied that an impermissible act has occurred or is occurring, the Director shall take the following steps:

a. Declare the subject lease void based on the impermissible act;

- b. Give notice of the voiding of the subject lease to the named leasee on the subject lease;
- c. Give statutory notice to any occupants of the subject housing unit of the need to vacate the subject housing unit within the minimum statutory timeframe;
- d. If following statutory notice, any occupants remain in the subject housing unit, take all appropriate legal actions
 - i. to evict any remaining occupants of the subject housing unit who do not have a legal right to occupy the subject housing unit;
 - ii. to recover possession of the subject housing unit; and
 - iii. to recover all damages, costs, and attorneys' fees from all responsible parties as are recoverable;
- e. To take such other and further steps as may be appropriate to effectuate the purpose of this Procedure.
- f. No further action by the VHC shall be required to proceed with the foregoing steps.

5. Prior to initiating any legal action, the Director shall advise the Chair and the Vice-Chair of the VHC of the pending initiation of legal action. Failure to so advise, however, shall not void or otherwise invalidate any act by the Director that is otherwise consistent with this Procedure.

6. Any compromise or settlement of any legal action, or any compromise of any claims against any person, with a value in excess of \$2,500, must be approved by the VHC. If the VHC fails to approve any such compromise or settlement, the Director is authorized and required to proceed with appropriate legal action until its conclusion, including any appeal, if in the opinion of the Director, an appeal is appropriate.

7. The Director is authorized to compromise or settle any legal action, or otherwise compromise any claim against any person, if the value of the claim is less than \$2,500, and if, in the discretion of the Director, such compromise or settlement is appropriate under the circumstances and consistent with the VRHP.

8. The Director shall report to the VHC at each regularly scheduled meeting of the VHC on the status of any pending legal actions and the compromise or settlement of any claims. The Director shall provide such additional reports to the VHC as may be requested by the Chair.