

February 13, 1996
REPORT TO THE HONORABLE
MAYOR AND CITY COUNCIL

COLLEGE AREA RENTERS AND LANDLORD ASSOCIATION
V. CITY OF SAN DIEGO

On February 5, 1996, the Fourth District Court of Appeal filed its decision in the above-entitled case. The case arose in 1991 when the City enacted the "one family dwelling rental regulations" codified at Municipal Code section 101.0463. The regulations were an overlay zone designed to address problems associated with mini-dorms in single-family neighborhoods.

The matter was challenged by the College Area Renters and Landlord Association ("Association") on the grounds that it was preempted by state law and violated principles of equal protection. The Superior Court granted judgment in the Association's favor on those grounds. The City filed an appeal and, in an opinion certified for partial publication, the Court of Appeal found that the ordinance violated principles of equal protection because it illegally discriminated between tenants and resident owners when such persons are similarly situated. The court specifically declined to rule on the preemption argument, although it did provide some guidance on that issue.

A copy of the opinion is enclosed for your review. We will be reporting to you with a more thorough analysis in the near future.

Respectfully submitted,
JOHN W. WITT
City Attorney

LJG:js:Lit.(043.1)
Enclosure
RC-96-5