

RESOLUTION NUMBER R-260642

Adopted on May 7, 1984

WHEREAS, under existing law, cities and counties through use of their police powers, have authority to enact rent control measures; and

WHEREAS, the only existing restriction on this authority is a 1976 ruling by the State Supreme Court in the case of Birkenfield v. City of Berkeley, in which the court held that rent control measures must: (1) be in response to health and welfare problems within the community, i.e., a rental housing shortage; and (2) cannot deprive rental property owners of a just and reasonable return, i.e., cannot establish purely arbitrary rent amounts; and

WHEREAS, AB 3808 (Costa) would provide additional restrictions on the authority of cities and counties to enact rent control measures as specified in the legislative analysis provided by the Intergovernmental Relations Department as an attachment to IRD Report No. 84-22, dated April 18, 1984; and

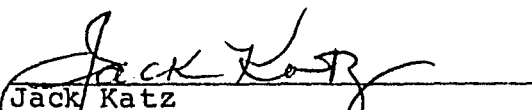
WHEREAS, the matter was reviewed by the Rules Committee on April 23, 1984 and said Committee, by a 3-2 vote, recommended adoption of IRD's recommendation to oppose said legislation; and

WHEREAS, the matter is now forwarded to the full Council with a recommendation to oppose AB 3808 (Costa) - Rent Control;
NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council, for and on behalf of the people of San Diego,

after consideration of IRD Report No. 84-22, dated April 18, 1984, with the legislative analysis attached thereto, do hereby express its support of AB 3808 (Costa), provided said bill is amended to provide an exemption under the City's "Affordable Housing Density Bonus" ordinance and program.

APPROVED: John W. Witt, City Attorney

By 
Jack Katz
Chief Deputy City Attorney

JK:smm
5/2/84
REV.5/18/84
Or.Dept:Rules
Form=r.none

MAY 7 1984

Passed and adopted by the Council of The City of San Diego on
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK

Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By Ellen Board, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-260642 Adopted MAY 7 1984