

ORDINANCE NUMBER O-16987 (NEW SERIES)

ADOPTED ON NOVEMBER 30, 1987

**AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1,
DIVISION 19, OF THE SAN DIEGO MUNICIPAL CODE
BY ADDING SECTIONS 101.1920 THROUGH 101.1928,
RELATING TO RESIDENTIAL HOTEL ROOM PERMANENT
RESIDENT RELOCATION ASSISTANCE REGULATIONS.**

WHEREAS, the City of San Diego's housing market is not meeting the need for affordable housing especially for lower income households; and

WHEREAS, rooms in residential hotels traditionally house the City's lowest income households; and

WHEREAS, the City of San Diego documented the loss of at least 1,247 rooms in residential hotels since 1976 in the downtown area alone; and

WHEREAS, a Housing Commission sponsored study has anticipated a decrease of as many as 950 additional rooms in residential hotels in the downtown area alone over the next three (3) years, a decrease equivalent to a loss of approximately one-third (1/3) of the City's present total; and

WHEREAS, the San Diego Association of Governments has forecast for the City of San Diego an increase of 7,264 very low income households by 1990; and

WHEREAS, the Regional Task Force on the Homeless, established by joint action of the Board of Supervisors, the City Council, and the United Way, has recommended housing preservation regulations to preserve existing residential hotel rooms; and

WHEREAS, the City's Housing Element 1985 has called for consideration of a one-year moratorium on the demolition or conversion of residential hotel rooms; and

WHEREAS, further loss of rooms in residential hotels could impair the ability of The City of San Diego to implement housing programs which are in the interest of the public health, safety and general welfare; and

WHEREAS, Municipal Code Section 91.01 empowers the City to regulate the conversion and/or demolition of buildings in the City of San Diego; and

WHEREAS, an Interim Residential Hotel Room Preservation ordinance was adopted on December 16, 1985, as an emergency measure to address this situation; and

WHEREAS, involuntary displacement of SRO residents causes economic hardship as well as disruption of social well being; and

WHEREAS, this disruption is particularly severe for very low income and elderly persons, and is more pronounced as the length of residence increases; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter X, Article 1, Division 19, of the San Diego Municipal Code be and the same is hereby amended by adding Sections 101.1920 through 101.1928, to read as follows:

SEC. 101.1920 TITLE

Sections 101.1920 through 101.1928 of shall be known as the **San Diego Residential Hotel Room Permanent Resident Relocation Assistance Regulations.**

SEC. 101.1921 PURPOSE

It is the purpose of these regulations to benefit the general public by minimizing the adverse impact on the housing supply and on displaced persons, particularly those who are very low income, elderly and disabled, resulting from the permanent or temporary loss of residential hotel rooms through their conversion, demolition or rehabilitation.

SEC. 101.1922 DEFINITIONS

A. "APPLICANT" is any owner who undertakes the conversion or demolition of any residential hotel.

B. "COMMISSION" shall refer to the San Diego Housing Commission or successor agency which is the agency primarily responsible for development and implementation of a program to preserve and create residential hotel rooms.

C. "CONVERSION" means to change any residential hotel structure or part thereof utilized for residential hotel rooms to any other use by physical means.

D. "DEMOLITION" means to disassemble or destroy any residential hotel structure, or part thereof, used for residential hotel room purposes so as to render it unfit for such use.

E. "LOW INCOME" means any household whose income exceeds fifty percent (50%) but does not exceed eighty percent (80%) of the median income as adjusted for household size as defined by the U. S. Department of Housing and Urban Development (HUD) for the San Diego Standard Metropolitan Statistical Area.

F. "OWNER" is any person, partnership, association, joint venture, corporation or other entity or combination of entities who owns any residential hotel. Owner shall also include agents and any other person acting on the owner's behalf.

G. "PERMANENT RESIDENT" is any very low income person who has resided in a residential hotel for ninety (90) or more consecutive days as of the date the owner submits a permit application.

H. "REHABILITATION" means the construction, reconstruction, renovation, replacement, extension, repair, or otherwise improving any residential hotel structure which results in the displacement of permanent residents.

I. "RESIDENTIAL HOTEL" means a building, structure, or property which as of December 16, 1985 contained five (5) or more rooms of which at least twenty percent (20%) of the rooms were residential hotel rooms. Notwithstanding the above, a residential hotel does not include any building, structure, or property in which persons are housed or detained under legal restraint or hospitalized or otherwise under medical, nursing or psychiatric care.

J. "RESIDENTIAL HOTEL ROOM" means a guest room as defined in Municipal Code Section 101.0101.29 which was occupied by the same person from November 16, 1985 to December 16, 1985, and is located in a residential hotel as defined in paragraph I. above and was rented at or below the equivalent of \$276 per month.

K. "TENANT" is any residential occupant of a residential hotel.

L. "TRANSIENT HOTEL ROOM" means a room within a residential hotel which is not a residential hotel room as defined in paragraph J. above rented at or below 30% of 50% of the monthly median income adjusted for a household size of one as defined by HUD for the Standard Metropolitan Statistical Area of San Diego, California, and is not an office, lobby, hallway, stairway, storage or equipment room or other area within the structure which may not be legally let or rented for sleeping purposes.

M. "VERY LOW INCOME" means any household whose income does not exceed fifty percent (50%) of median income as adjusted for household size as defined by the U. S. Department of Housing and Urban Development (HUD) for the San Diego Standard Metropolitan Statistical Area.

**SEC. 101.1923 DETERMINATION AND REGISTRATION OF RESIDENTIAL
HOTEL ROOMS AND TRANSIENT HOTEL ROOMS**

A. INITIAL STATUS REPORT REQUIREMENTS

Within sixty (60) days of enactment of the San Diego Residential Hotel Room Permanent Resident Relocation Assistance Regulations, the Commission shall attempt to contact each residential hotel owner and operator, through mailings and public service announcements, informing them of the requirements that within forty-five (45) days the owner or operator of each residential hotel shall file with the Commission a report with the following information as of December 16, 1985:

1. The total number of rooms in the residential hotel.
2. The total number of residential hotel rooms.
3. The total number of transient hotel rooms.
4. A rent schedule for all residential hotels rooms.
5. The hotel log or other documentation acceptable to the Commission to substantiate these responses.

B. EXTENSION

Upon application of the owner/operator and based on a showing of good cause, the Commission may grant an extension of fifteen (15) days in which to comply with the above reporting requirements.

C. POSTING REQUIREMENTS

At the time the report is filed with the Commission, a copy shall be posted, along with a copy of these regulations, for thirty (30) days at the central location in the residential hotel accessible to all tenants. Any tenants wishing to comment may contact the Commission within the 30-day period.

D. ROOM DESIGNATION

After the 30-day comment period has elapsed, the status of each hotel shall be determined by the Commission. The Commission shall consider all available relevant information in making its determination, including, but not limited to, the report and evidence submitted in support thereof, tenant comments, transient occupancy tax payment records, and exclusion claims. If no report is received, or if the information received is inadequate to substantiate the claim of transient hotel room status, the Commission shall presume the hotel to be a residential hotel and all rooms to be residential hotel rooms affordable to a residential very low income single person household.

SEC. 101.1924 RESIDENTIAL HOTEL PERMANENT RESIDENT PROVISIONS

Except as hereinafter provided, every applicant for a building or other permit for, or related to, the demolition, conversion or rehabilitation of a residential hotel, residential hotel room, or portion thereof, shall submit a list of tenants at the time of application and shall provide or make available the benefits and notices specified in Sections 101.1925 and 101.1926 to every permanent resident displaced as a result of the proposed demolition, conversion or rehabilitation. Benefits provided by Sections 101.1925.A. and B. and 101.1926.II.A. and B. are not required to be provided to permanent residents if living space, comparable in size accommodations and cost that does not exceed 110% of the permanent resident's rental charged for the last month of residency preceding his or her relocation, is provided

to the permanent residents on the premises or off-site during the period of rehabilitation in the event of rehabilitation of a residential hotel. In cases when comparable living space is provided, the applicant shall pay each affected permanent resident a sum in the amount of \$100 to cover moving and related expenses. Relocation provisions of the San Diego Residential Hotel Room Permanent Resident Relocation Assistance Regulations shall not apply to projects under which relocation benefits or payments are required under state or federal law.

SEC. 101.1925 BENEFITS

Every permanent resident of a residential hotel to be demolished, converted or rehabilitated shall be entitled to the following benefits and rights:

A. FINANCIAL ASSISTANCE

1. One lump sum payment in an amount equal to two times the median residential hotel rent in the case of hotel demolition or conversion, or an amount equal to the monthly median residential hotel rent in the case of hotel rehabilitation, as determined annually by the Housing Commission. In addition, each permanent resident shall be entitled to a rent rebate of \$10 per month for each month's residency in excess of 90 days. The maximum amount of rebate shall be \$210. Length of residence shall be calculated from date of initial occupancy by the permanent resident to the date of application for a building or other permit.

2. The financial benefits shall be paid by the owner to the permanent residents within five (5) business days of an oral or written notice by the permanent residents that they will vacate the premises on an date specified by the permanent resident, but no more than thirty (30) days in advance of the move-out date. The permanent residents shall sign a receipt for the payment. In the event the permanent residents provide less than five (5) days' notice of the move-out date, all monies due the permanent residents shall be paid within five (5) days after the permanent residents relinquish their tenancy.

B. TECHNICAL ASSISTANCE

In addition to the financial assistance provided by paragraph A. above, the Commission shall provide assistance to permanent residents in locating decent, safe and affordable housing opportunities, if requested, by the permanent resident. This assistance shall include a relocation plan for each permanent resident which shall make adequate provision for the relocation of permanent residents displaced by the conversion, demolition or rehabilitation of residential hotels.

C. EXTENDED TENANCY PERIOD

The permanent resident is entitled to at least ninety (90) days' notice of termination of tenancy which may not be given prior to the date of the notice required by Section 101.1926.

D. PERMANENT RESIDENT EVICTIONS PRIOR TO APPLICATION

Notwithstanding any provision of the San Diego Residential Hotel Room Permanent Resident Relocation Assistance Regulations to the contrary, no permit to demolish or convert a residential hotel shall be issued until 180 days has elapsed since the last eviction of a permanent resident unless such eviction was for:

1. Failure to pay rent; or
2. Breach of material covenants, conditions, restrictions or provisions in the rental agreement; or
3. Committing waste or creating a nuisance; or
4. Using the residential hotel room for an illegal purpose.

In addition to the tenant list required by Section 101.1924, the applicant shall submit a list of the names of any permanent residents evicted during the preceding 180 days and the reasons for such eviction.

**SEC. 101.1926 TENANCY TERMINATION AND RELOCATION ASSISTANCE
NOTICE**

At the time the application for a building or other permit for the demolition, conversion or rehabilitation of a residential hotel building, room, or portion thereof is made, the owner must deliver to each affected permanent resident a Tenancy Termination and Relocation Assistance Notice in the following form:

TENANCY TERMINATION AND RELOCATION ASSISTANCE NOTICE

YOU ARE HEREBY NOTIFIED that:

I. On (date) , (owner's name) ,
applied for a building or other permit for the
demolition, conversion or rehabilitation of the
residential hotel in which you reside.

II. Each permanent resident (any person who has
resided in this residential hotel for ninety (90) or
more consecutive days as of the date set forth in
paragraph I. above) is entitled to the following
benefits:

A. Financial Assistance:

1. One lump sum payment, the initial
amount of which shall be \$, plus a rent
rebate of \$10 per month based on length of
tenancy as of the date of application for a
building or other permit, as illustrated in
the examples below:

<u>Length of Residency</u>	<u>Additional Rent Rebate</u>
91 days (minimum)	\$ 10
121 days	20
181 days	40
12 months and 1 day	90
18 months and 1 day	150
More than 2 years (maximum)	210 maximum

2. The financial benefits shall be paid
by the owner to the permanent residents within
five (5) business days of an oral or written
notice by the permanent residents that they
will vacate the premises on a date specified
by the permanent resident, but no more than
thirty (30) days in advance of the move-out
date. The permanent residents shall sign a
receipt for the payment. In the event the
permanent residents provide less than five (5)
days notice of the move-out date, all monies
due the permanent residents shall be paid
within five (5) days after the permanent
residents relinquish their tenancy.

Oral or written notice for payments as
described above shall be given by the
permanent resident to the owner or his
representative as designated below:

NAME: _____
ADDRESS: _____
TELEPHONE: _____

B. Technical Assistance

In addition to the financial assistance required of the owner as provided by paragraph A. above, the Housing Commission shall provide assistance to a permanent resident in locating decent, safe and affordable housing opportunities, if requested by the permanent resident. If you desire assistance, please contact the San Diego Housing Commission, 1625 Newton Avenue, San Diego, CA 92113, telephone (619) 231-9400.

C. Extended Tenancy Period

You are entitled to remain a resident for a period of not less than ninety (90) days from the date set forth in paragraph I. above, provided you are not in default of the provisions of your rental agreement with the owner or operator of the building.

The notice required by this Section shall be delivered to each affected permanent resident personally or by mail and written acknowledgment of service on and receipt by the permanent resident shall be secured. In order to terminate a tenancy, for the purpose of demolition, conversion or rehabilitation of a building or room regulated under the San Diego Residential Hotel Room Permanent Resident Relocation Assistance Regulations, the owner must comply with the San Diego Residential Hotel Room Permanent Resident Relocation Assistance Regulations. The permit to demolish, convert or rehabilitate shall not be issued until ninety (90) days after the date of the Tenancy Termination and Relocation Assistance Notice and only upon submission of proof of service of the required notice(s), whichever later occurs.

SEC. 101.1927 STANDING

A permanent resident, as defined in Section 101.1922, injured by any violation of these regulations, shall be entitled to declaratory relief, injunctive relief and damages in a civil action. Counsel for the tenant shall notify the Office of the City Attorney of The City of San Diego of any action filed pursuant to this Section.

SEC. 101.1928 SEVERABILITY

If any provision of the San Diego Residential Hotel Room Permanent Resident Relocation Assistance Regulations is determined to be void by any court of competent jurisdiction, such determination shall not affect any other provisions of the San Diego Residential Hotel Room Permanent Resident Relocation Assistance Regulations and such other provisions shall remain in full force and effect.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

BY



Frederick C. Conrad
Chief Deputy City Attorney

FCC:cc:600
06/26/87
10/08/87 REV. 1
11/10/87 REV. 2
11/23/87 REV. 3
Or.Dept:Plan.
O-87-253
Form=o.none

NOV 30 1987

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

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
District 4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> VACANT
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"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Celia Ballesteros	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By *Charles G. Abdelnour*, Deputy.

(Seal)

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

NOV 16 1987

NOV 30 1987

, and on

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By *Charles G. Abdelnour*, Deputy.

(Seal)

Office of the City Clerk, San Diego, California

Ordinance Number 0-16987 Adopted NOV 30 1987

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE

1987 DEC 19 AM 2:57

SAN DIEGO, CALIF.

oct

CITY OF SAN DIEGO
202 C STREET, 2ND FLOOR
SAN DIEGO, CA 92101
ATTN: JUNE A. BLACKNELL

NO.

IN THE MATTER OF

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 19, OF
THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTIONS 101-1920
THROUGH 101-1928 RELATING TO RESIDENTIAL HOTEL ROOM PERMANENT
RESIDENT RELOCATION ASSISTANCE REGULATIONS.

ORDINANCE NUMBER O-16987 (NEW SERIES)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 19, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTIONS 101.1920 THROUGH 101.1928 RELATING TO RESIDENTIAL HOTEL ROOM PERMANENT RESIDENT RELOCATION ASSISTANCE REGULATIONS.

The ordinance establishes a regulatory program which provides relocation assistance payments for permanent residents of residential hotels in the event the hotel is demolished, converted to another use or rehabilitated to the extent that permanent residents are displaced. The program is administered by the San Diego Housing Commission.

A complete copy of the ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.

Introduced on NOV 18 1987

Passed and adopted by the Council of The City of San Diego on NOV 30 1987

AUTHENTICATED BY: MAUREEN O'CONNOR

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR,

City Clerk of The City of San Diego, California.

By JUNE A. BLACKNELL, Deputy.

Pub. December 14

96646

I, THOMAS D. KELLEHER, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NUMBER O-16987 (NEW SERIES)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

DEC. 14

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 14 day of DEC., 19 87.

26 Lines x .58 x 2 = \$50.56

Thomas D. Kelleher
(Signature)

2.38 x 10.78 x 2 = \$51.20