

ORDINANCE NUMBER O- 12313 (NEW SERIES)

ADOPTED ON SEP 07 2004

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 113.0103; AND AMENDING CHAPTER 14, ARTICLE 3, DIVISION 5, BY AMENDING SECTIONS 143.0540 AND 143.0570 TITLED SRO HOTEL REGULATIONS, ALL RELATING TO GENERAL REGULATIONS.

WHEREAS, in 1977, the City Council of the City of San Diego adopted an ordinance [the SRO Ordinance] intended to preserve the City's supply of SRO units and to protect tenants displaced by demolition or conversion of SRO hotel rooms; and

WHEREAS, since the adoption of the SRO Ordinance, the State of Cahfomia enacted the Ellis Act which limits the City's ability to adopt regulations that preclude landowners from going out of the rental housing business; and

WHEREAS, the City Attorney recommends revisions to the City's existing regulations to ensure compliance with applicable State law and allow continued enforceability of the City's regulations; and

WHEREAS the City Council desires to make every effort to ensure that its most vuhnerable residents have decent, safe, sanitary and affordable housing and that its regulations are fully enforceable; NOW THEREFORE,

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

Section 1. That Chapter 11, Article 3, Division 1 of the San Diego Municipal Code is amended by amending Section 113.0103, to read as follows:

§113.0103 Definitions

Abutting property through Specified Sexual Activities [No Change.]

SRO (single room occupancy) hotel means a *structure* which contains six or more *SRO hotel rooms*. An *SRO hotel* does not include any institution in which persons are housed or detained under legal restraint or hospitalized or otherwise under medical, nursing or psychiatric care, or fraternity or sorority houses.

SRO hotel room means a *guest room* or efficiency unit, as defined by California Health and Safety Code section 17958.1, intended or designed to be used, or which is used, rented, or hired out, to be occupied, or which is occupied, as a primary residence, by guests.

Stabilization through Yard [No change.]

Section 2. That Chapter 14, Article 3, Division 5 of the San Diego Municipal Code is amended by amending Sections 143.0540 and 143.0570, to read as follows:

§143.0540 Demolition or Conversion Permit Requirement for SRO Hotel Rooms

Before a permit to convert or demolish all or part of an *SRO hotel* or *SRO hotel room* is issued, the *applicant* shall execute a Housing Replacement Agreement with the San Diego Housing Commission in accordance with Section 143.0550. A Housing Replacement Agreement is not required unless the *SRO hotel* had an occupancy permit issued prior to January 1, 1990, and the owner or operator did

not deliver a notice of intent to withdraw accommodations from rent to the City before January 1, 2004.

§143.0570 **SRO Hotel Relocation Assistance Benefits**

(a) through (c) [No change.]

(d) **Notice of Termination of Tenancy**

To terminate a tenancy or the purpose of demolition, conversion, or rehabilitation of an *SRO hotel* or *SRO hotel room* regulated under the *SRO hotel* regulations, the owner must fully comply with Sections 143.0560, 143.0570, and 143.0580. The notice of termination of tenancy may not be given before the date of the notice required by Section 143.0580.

(e) **Evictions**

(1) This subsection 143.0570(e) applies to any *SRO hotel* that received a certificate of occupancy prior to January 1, 1990, and for which the owner or operator did not deliver to the City on or before January 1, 2004, a notice of intent to withdraw accommodations from rent.

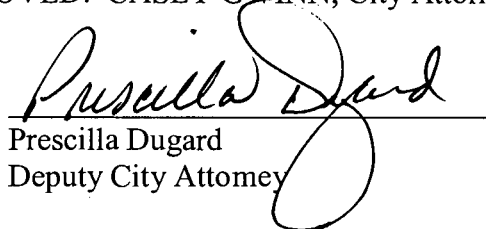
(2) In addition to the tenant list required by Section 143.0560(a), the *applicant* shall submit a list of the names of any tenants who have moved, been removed, or evicted during the preceding 180 calendar days and the reasons for the move, removal, or eviction.

Section 3. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 4. That this ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: CASEY GWINN, City Attorney

By



Prescilla Dugard
Deputy City Attorney

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Or.Dept:LU&H
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