

ORDINANCE NUMBER O- 19507 (NEW SERIES)

5/c
6/27/06

DATE OF FINAL PASSAGE JUL - 5 2006

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING THE LAND DEVELOPMENT MANUAL TO INCLUDE AN APPENDIX OF SAMPLE NOTICES REQUIRED FOR CONDOMINIUM CONVERSIONS.

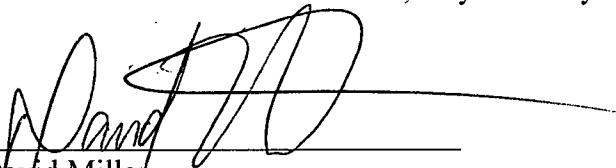
BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1: That the Land Development Manual is amended to add an appendix of sample notices required for condominium conversions pursuant to the California Subdivision Map Act, California Government Code Section 66410 et. Seq. and the San Diego Municipal Code, including a Notice of Tenants Rights and Notices for Condominium Conversions, 60 Day Notice of Termination of Tenancy, and Notice of 90 Day Period of First Right of Refusal to Purchase.

Section 2. 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 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
David Miller
Deputy City Attorney

DM:cfq
05/11/06
Or.Dept:Planning
O-2006-135

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUN 27 2006.

ELIZABETH S. MALAND
City Clerk

By *Esmer Ramos*
Deputy City Clerk

Approved: 7.5.06
(date)

J.S.
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

Notice of Tenants Rights and Notices for Condominium Conversion Within the City of San Diego

You are being notified because you are a tenant in a rental apartment located at _____ [insert property address] _____. An application has been submitted to the City of San Diego requesting that your apartment, along with all others in your complex, be converted into a condominium (for sale residential unit). This notice provides you a summary of your rights, the property owner's obligations, the required notices and documents you must receive, and the earliest date that you must vacate your unit if the conversion is approved. A future public hearing will be held where the request to convert the apartments to condominiums may be approved or denied. You will receive another notice giving you the time, date, and location of this hearing. For additional information please contact _____ [insert DPM's name], the City of San Diego Development Project Manager at [insert phone number].

Your Rights as a Tenant:

A renter in an apartment that is proposed to be converted to a condominium has rights including:

- **Notification** - You have a right to receive required notices/documents throughout the process of converting to condominiums, including notification of public hearings.
- **Public Hearing** - You have a right to attend and speak at the public hearing that will be held to approve or deny the request to convert to condominium.
- **Right to Appeal** - You have the right to appeal a decision to approve or deny a conversion to condominium.
- **First Right of Refusal** - You have the first right to buy your unit or other available unit in the building at the same terms and conditions, or better, that will be offered to the general public.
- **Relocation Assistance** - You are entitled to payment equal to three months rent if you move because of the conversion. You will **forfeit your relocation payment** if you move before you receive the Notice of Termination of Tenancy.

Property Owner Obligations:

A property owner of an apartment that is proposed to be converted to a condominium has obligations including:

- **Maintenance** - The property and the building shall continue to be maintained in good condition throughout the process.
- **Notices** - The property owner shall provide notices to all tenants as identified in the notices section of this Summary of Tenant Benefits.
- **Offer to Purchase** - See First Right of Refusal above. You must be provided a 90 day period in which you may contract to purchase a unit in the building.

Notices/Documents:

A number of notices/documents will be provided to you throughout the process. A summary of each is provided on the reverse side of this information sheet.

Time Frame:

As a tenant of an apartment proposed to be converted to a condominium you can anticipate a **minimum** of 180 days before being asked to relocate if the condominium conversion is approved.

Este aviso esta disponible en español en la biblioteca y en la pagina de internet de la ciudad de San Diego www.sandiego.gov/development-services bajo Avisos en español.

DRAFT

**Summary of
Written Notices and Documents that Must be Provided to Each Tenant**

Notice or Document	Explanation*	Responsible to Provide
60 Day Notice of Intent to Convert to Condominium	Provided at least 60 days before the City makes a decision on the property owner's request to convert to condominium.	Property Owner**
Notice of Application	Mailed no later than 10 business days after the city has determined that the application submitted to convert to condominiums includes all of the required information.	City
Notice of Tenants Rights and Notices	Provided within 10 days of receipt of Notice of Application for existing tenants or prior to signing a rental agreement with a new tenant.	Property Owner
180 Notice Prior to Termination of Tenancy	Provided at least 180 days before you could be asked to vacate. <i>This is only a forewarning of a potential conversion to a condominium and not a notice to vacate.</i>	Property Owner
Notice of Public Hearing	Mailed 10 business days before the date of the public hearing for a decision on the proposed condominium conversion.	City
Copy of Staff Report	Provided no later than 3 days before the public hearing. The report will describe the project and include the staff recommendation to the decision maker.	Applicant
10 Day Notice of Approval of Final Map	Provided no later than 10 days after approval of the final map, parcel map or certificate of compliance for the proposed conversion.	Property Owner
10 Day Notice of Application for Public Report	For project proposing to convert five or more apartments. Provided at least 10 days before or after an application for a public report is or has been submitted to the California Department of Real Estate. The report is available to tenants that request it from the property owner.	Property Owner
Notice of 90 Day Period of First Right of Refusal to Purchase	Provided within 5 working days of either issuance of Subdivision Public Report or 5 within 5 working days of final City approval if not report is required. Tenants have exclusive right to contract to purchase their unit prior to offering purchase to general public.	Property Owner
90 Day Notice of Intent to Sell	Provided no later than 90 days before the units are offered for sale to the general public. Begins the 90 day right to purchase period.	Property Owner
Building Conditions Report	Provided to those tenants that purchase a condominium unit prior to the opening of an escrow account.	Property Owner
Notice of Termination of Tenancy	Provided to tenants 60 days prior to being required to vacate the property.	Property Owner

* More detailed information is provided in each notice and document.

** Property owner or agent of the property owner.

60-DAY NOTICE OF TERMINATION OF TENANCY

To: _____
[insert name of tenant(s)]

From: _____
[insert name of landlord/agent/owner]

TO the above named TENANTS/RESIDENTS AND ALL OTHERS IN POSSESSION.

PLEASE TAKE NOTICE that your month-to-month tenancy at the address listed below is terminated as of the date sixty (60) days after the delivery of this **NOTICE**. The owner of your apartment complex has received approval to convert the rental units to for sale condominiums. You are required to vacate the rental unit and surrender possession to the landlord/agent/owner listed below on the following date:

[insert date 60 days from date notice executed]

The rental unit that you are required to vacate is:

_____	_____
[Street Address]	[Apartment No.]
in the City of San Diego, California, _____ in the County of San Diego.	
[Zip Code]	

THIS IS INTENDED AS A SIXTY (60) DAY LEGAL NOTICE FOR THE PURPOSE OF TERMINATING YOUR TENANCY. THIS TERMINATION OF TENANCY IS IN ACCORDANCE WITH SAN DIEGO MUNICIPAL CODE SECTION 125.0431(4).

Dated: _____
[landlord/agent/owner]

PROOF OF SERVICE/DELIVERY

I, the undersigned, being at least 18 years of age, declare under penalty of perjury that I served the above notice, of which this is a true copy, on the following tenant(s) in possession in the manner(s) indicated below:

- On _____, I handed the notice to the tenants(s) personally
- On _____, after attempting personal service, I handed the notice to a person of suitable age and discretion at the residence/ business of the tenant(s), AND I deposited a true copy in the U.S. Mail, in a sealed envelope with postage fully prepaid, addressed to the tenant(s) at his/her/their residence (date mailed, if different _____).
- On _____, after attempting service in both manners indicated previously, I posted the notice in a conspicuous place at the residence of the tenant(s), AND I deposited a true copy in the U.S. Mail, in a sealed envelope with postage fully prepaid, addressed to the tenant(s) at his/her/their residence (date mailed, if different _____).

Executed on _____ Served by _____

**Notice of 90 Day Period of First Right of Refusal to Purchase
for
Condominium Conversion
Within the City of San Diego**

You are being notified because you are a tenant in a rental apartment located at _____ [insert property address] _____. The apartment complex at which you reside is being converted into a condominium.

Consistent with state law [California Government Code 66427.1(d)], you have the first right of refusal to purchase your unit in the building at the same terms and conditions, or better, than will be initially offered to the general public. This right runs for a period of not less than 90 days from the date of issuance of the subdivision public report pursuant to section 11018.2 of the Business and Professions Code

This notice is to be provided to you within 5 days of either the issuance of the Subdivision Public Report or the initial public offer for sale of the unit if no Subdivision Public Report is required, in accordance with Municipal Code Section 125.0431.

A Subdivision Public Report was issued on _____ [insert date] _____.

If no Subdivision Public report was required, the unit shall be initially offered to the public for sale on _____ [insert date] _____.

Your 90 period of First Right of Refusal to buy your unit will expire on _____ [insert date] _____.

The terms and conditions for buying a unit in during the 90 days are attached. For additional information about please contact:

Individual Contact(s): _____

Company Name: _____

Address: _____

Phone Number: _____

Days & Hours: _____

0-19507