

ORDINANCE NUMBER O- 21708 (NEW SERIES)

DATE OF FINAL PASSAGE AUG 08 2023

AN ORDINANCE AMENDING CHAPTER 9, ARTICLE 8
OF THE SAN DIEGO MUNICIPAL CODE BY ADDING
NEW DIVISION 9, SECTIONS 98.0901, 98.0902, AND 98.0903,
RELATING TO NOTICE OF A TENANT'S RIGHT TO
OPERATE A FAMILY DAYCARE HOME.

WHEREAS, a recent report by The San Diego Foundation and the University of San Diego entitled *San Diego County Childcare Landscape: An Analysis of the Supply and Demand* found that 48 percent of families are not able to find an available licensed childcare option for their children ages zero to five and found the cost of full-time childcare for two young children is nearly \$34,000 annually; and

WHEREAS, San Diego families need more childcare options; and

WHEREAS, family daycare homes provide a local option for many San Diegans in need of care for their children; and

WHEREAS, Senate Bill 234 (2019) added California Health and Safety Code section 1597.41, effective January 1, 2020, to provide protections for tenants operating family daycare homes out of rental housing and provides specific housing discrimination remedies to family daycare home providers; and

WHEREAS, the Council of the City of San Diego (Council) desires to strengthen protections for tenants locally, raise awareness among landlords and tenants of their rights under Senate Bill 234, and protect tenants operating, or wanting to operate, family daycare homes; and

WHEREAS, increasing awareness of state laws impacting landlords and family daycare providers can aid in the expansion of childcare opportunities for San Diego families; and

WHEREAS, to increase awareness and strengthen protections for tenants operating, or desiring to operate, family daycare homes in residential rental property, tenants of a residential rental property should be notified of the rights and protections that exist under state law; and

WHEREAS, Council intends to rely on the enforcement provisions and remedies in Chapter 1 of the San Diego Municipal Code; and

WHEREAS, the Office of the City Attorney has drafted this Ordinance based on the information provided by City staff, with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

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

Section 1. That Chapter 9, Article 8 of the San Diego Municipal Code is amended by adding new Division 9, sections 98.0901, 98.0902, and 98.0903 to read as follows:

Division 9: Notice of Tenant's Right to Operate a Daycare Home

§98.0901 Purpose

The purpose of these regulations is to ensure tenants receive adequate notice of the protections available in California Health and Safety Code sections 1597.30 – 1597.622 to operate a family daycare home in a residential rental property.

§98.0902 Definitions

All defined terms in this Division appear in italics. For purposes of this Division, the following definitions apply:

Dwelling unit has the same meaning as in San Diego Municipal Code section 113.0103.

Family daycare home has the same meaning as in California Health and Safety Code section 1596.78(a), as may be amended, which refers to a facility that regularly provides care, protection, and supervision for 14 or fewer children in the provider's own home for periods of less than 24 hours per day.

Residential rental property means a *dwelling unit* that is used for a *tenancy*.

Tenancy means the right or entitlement of an individual or household to use or occupy a *residential rental property* for more than 30 days.

§98.0903 Notice of Right to Operate a Family Daycare Home

Every written lease or other document establishing a *tenancy* within the City of San Diego shall include the following notice in 12-point font or larger:

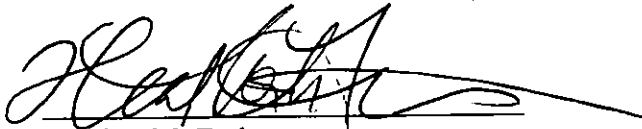
Use of this rental property as a family daycare home is protected by state law in California Health and Safety Code sections 1597.30 – 1597.622. A family daycare home is where the daycare provider lives and provides care, protection, and supervision for 14 or fewer children for periods of less than 24 hours per day while the parents or guardians are away. The property owner or manager may not refuse to rent, or refuse to allow you to use, the rental property as a family daycare home. You may be required to provide notice to the property owner or manager that you operate or plan to operate a family daycare home. The property owner or manager may require an increased security deposit. If you believe your rights under this state

law have been denied, you may file a complaint with the
California Civil Rights Department.

Section 2. That a full reading of this Ordinance is dispensed with prior to passage, a
written copy having been made available to the Council and the public prior to the day of its
passage.

Section 3. That this Ordinance shall take effect and be in force on the later of the thirtieth
date from and after its final passage or January 1, 2024.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Heather M. Ferbert
Senior Chief Deputy City Attorney

HMF:cw:sc
05/31/2023
07/17/2023 REV.
Or.Dept: Council District 7
Doc. No.: 3321137_2

I hereby certify that the foregoing Ordinance was passed by the Council of the City of
San Diego, at this meeting of AUG 01 2023.

DIANA J.S. FUENTES
City Clerk

By 
Deputy City Clerk

Approved: 8/8/23
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 9, ARTICLE 8
OF THE SAN DIEGO MUNICIPAL CODE BY ADDING
NEW DIVISION 9, SECTIONS 98.0901, 98.0902, AND
98.0903, RELATING TO NOTICE OF A TENANT'S RIGHT
TO OPERATE A FAMILY DAYCARE HOME.

Chapter 9: Building, Housing, and Sign Regulation

Article 8: Housing

Division 9: Notice of Tenant's Right to Operate a Daycare Home

§98.0901

Purpose

The purpose of these regulations is to ensure tenants receive adequate notice of
the protections available in California Health and Safety Code sections 1597.30 –
1597.622 to operate a family daycare home in a residential rental property.

§98.0902

Definitions

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the following definitions apply:

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section 113.0103.

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Code section 1596.78(a), as may be amended, which refers to a facility that

regularly provides care, protection, and supervision for 14 or fewer children in the provider's own home for periods of less than 24 hours per day.

Residential rental property means a dwelling unit that is used for a tenancy.

Tenancy means the right or entitlement of an individual or household to use or occupy a residential rental property for more than 30 days.

§98.0903

Notice of Right to Operate a Family Daycare Home

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rights under this state law have been denied, you may file
a complaint with the California Civil Rights Department.

HMF:cw:sc
05/31/2023
07/17/2023 REV.
Or.Dept: Council District 7
Doc. No.: 3321130_2

AUG 01 2023

Passed by the Council of The City of San Diego on _____, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage AUG 08 2023.

AUTHENTICATED BY:

(Seal)

TODD GLORIA

Mayor of The City of San Diego, California.

DIANA J.S. FUENTES

City Clerk of The City of San Diego, California.

By Kristell Medina, Deputy

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

JUL 17 2023

AUG 08 2023

, and on _____.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

DIANA J.S. FUENTES

City Clerk of The City of San Diego, California.

By Kristell Medina, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 21708