

ORDINANCE NUMBER O-19269 (NEW SERIES)

ADOPTED ON MARCH 30, 2004

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER 9, ARTICLE 8, OF THE SAN DIEGO MUNICIPAL CODE, BY ADDING A NEW DIVISION 7, TITLED "TENANTS' RIGHT TO KNOW REGULATIONS;" AND BY ADDING NEW SECTIONS 98.0701, 98.0702, 98.0720, 98.0725, 98.0730, 98.0750, 98.0760, AND 98.0765, ALL PERTAINING TO CAUSE FOR RESIDENTIAL EVICTIONS.

WHEREAS, on August 6, 2002, the City Council declared an emergency in the City of San Diego due to a severe lack of affordable housing in the City; and

WHEREAS, since declaration of the affordable housing emergency, housing prices in the City have continued to escalate; and

WHEREAS, due to a limited market and increased costs, displaced tenants have a harder time finding decent affordable housing, and

WHEREAS, in response to the affordable housing crisis, the City Council appointed an Affordable Housing Task Force [AHTF] to review the matter and make recommendations to the City Council in order to address the crisis; and

WHEREAS, the AHTF found a need in the City for regulations protecting residential tenants and ensuring the quality of rental housing and recommended the City Council adopt an ordinance requiring good cause for the eviction of long-term residential tenants; and

WHEREAS, on September 3, 2003, the Committee on Land Use and Housing supported the recommendation of the AHTF, that the City adopt an ordinance precluding the eviction of tenants except for good cause;

WHEREAS, the City Council finds that:

1. Long-term tenants deserve to be protected against arbitrary eviction and should be evicted only on reasonable grounds;
2. Ensuring that people can be forced out of their homes only on reasonable grounds promotes stable communities, limiting the number of families that must search for housing in a highly impacted housing market;
3. An increasing number of San Diego rental properties have substandard living conditions and reduced services. Tenants who complain about the conditions have been threatened with eviction and often times evicted. Other tenants do not complain, due to fear of eviction. The result is a spiraling degradation of the living standards for many renters in the City, particularly those in our most vulnerable populations; and
4. Protecting long term tenants from unjust evictions will reduce the impact on the housing rental market and alleviate undue burdens on displaced tenants forced to search for new housing in a limited and expensive housing market; 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 a new Division 7, titled "Tenants' Right to Know Regulations;" and by adding new

sections 98.0701, 98.0702, 98.0720, 98.0725, 98.0730, 98.0750, 98.0760, and 98.0765, to read as follows:

Article 8: Housing

Division 7: Tenants' Right to Know Regulations

§98.0701 Purpose of Tenants' Right to Know Regulations

The purpose of these regulations is to promote stability in the San Diego rental housing market and limit adverse impacts on long-term residential tenants displaced and forced to find replacement housing in the expensive and limited San Diego housing market. The regulations protect the rights of long-term residential tenants by limiting grounds for their eviction and requiring *landlords* to provide notice of such grounds. The rights conferred by these regulations are in addition to any provided in state or federal law.

§98.0702 When Tenant's Right to Know Regulations Apply

This division applies to the rental of any *rental unit* (as defined in section 98.0720) in the City except as specifically exempted in section 98.0725.

§98.0720 Definitions

The following definitions apply to the administration and enforcement of this division:

“*Condominium*” means the same as defined in sections 783 and 1357 of the California Civil Code.

“*Landlord*” means an owner, lessor, sublessor or any other person or entity entitled to offer any residential unit for rent or entitled to receive rent for the use and occupancy of any *rental-unit*.

“*Resident manager*” means a person who resides on the premises and is employed to perform or to be responsible for the operation and/or maintenance of the *rental-units* on the premises.

“*Rental-unit*” means a room or a group of two or more rooms designed, intended, or used for human habitation. *Rental-units* include apartments, *condominiums*, *stock cooperatives*, *single-dwelling units*, and hotel units not exempted under section 98.0725.

“*Single-dwelling unit*” means a single detached structure containing one dwelling unit for human habitation and accessory buildings appurtenant thereto located on a lot or parcel and all housing services provided in connection with the use or occupancy thereof.

“*Stock cooperative*” means the same as defined in California Business and Professions Code section 11003.2.

“*Tenancy*” means the right or entitlement of a tenant to use or occupy a *rental-unit*.

§98.0725 Exemptions

The following shall be exempt from the requirements of this division:

- (a) **Institutional Facilities.** Housing accommodations in any hospital, convent, monastery, extended care facility, asylum, nonprofit home for the aged, fraternity, or sorority house, housing accommodations owned, operated, or managed by a bona fide educational institution for occupancy

by its students or *rental-units* that require intake, case management or counseling and an occupancy agreement as part of the occupation.

- (b) **Agency Owned or Subsidized Units.** Any *rental-unit* owned, operated, or subsidized by any government agency, and which is therefore subject to substantially similar or greater state or federal eviction controls.
- (c) **Rooms Rented to Boarders.** A *rental-unit* in which the *landlord* owns the *rental-unit*, shares kitchen or bath facilities with the tenants, and also occupies the *rental-unit* or a unit in the same building as his or her principal residence.
- (d) **Rental-Units in Hotels, Motels, or Rooming Houses Rented to Transient Guests** which do not qualify as Single Room Occupancy Hotel Rooms pursuant to San Diego Municipal Code Chapter 14, Article 3, Division 5.
- (e) **Mobile Homes.** Mobile homes subject to Mobilehome Residency Law (California Civil Code, Chapter 2.5).
- (f) **Transient occupancies** defined by California Civil Code section 1940(b).

§98.0730 Termination of Tenancy

A residential *tenancy* of more than two years duration shall not be terminated, nor shall its renewal be refused, except for one or more of the following reasons:

- (a) **Nonpayment of Rent.**
- (b) **Violation of Obligation of Tenancy.** The tenant has violated a lawful and material obligation or covenant of the *tenancy*, except that the following may not be grounds for termination or nonrenewal of a *tenancy*:

- (1) The failure to surrender possession of the rental-unit upon the expiration of a specified term, except as provided in section 98.0730(e);
- (c) **Nuisance.** The tenant is committing a nuisance or permitting a nuisance in, or is causing damage to, the *rental-unit* or to the appurtenances thereof or to the common areas of the housing complex containing the *rental-unit*, or is creating an unreasonable interference with the comfort, safety, or enjoyment of any of the other residents of the housing complex.
- (d) **Illegal Use.** The tenant is using or permitting the *rental-unit* to be used for an illegal purpose.
- (e) **Refusal to Renew Lease.** The tenant who had a written lease or rental agreement which terminated on or after MAR 30 2004
(Note to Clerk: insert effective date of this ordinance) has refused, after written request by the *landlord*, to execute a written extension or renewal thereof within the written period prescribed by the lease or state law for a further term of like duration with similar provisions.
- (f) **Refusal to Provide Access.** The tenant has refused to give the *landlord* reasonable access to the *rental-unit* for the purpose of making repairs or improvements, or for the purpose of inspection as permitted or required by the lease or by law, or for the purpose of showing the *rental-unit* to any prospective purchaser or mortgagee.
- (g) **Correction of Violations.** The *landlord*, after having obtained all necessary permits from the City of San Diego, seeks to recover possession

of the *rental-unit* for necessary repair or construction when removal of the tenant is reasonably necessary to accomplish the repair or construction work.

(h) **Withdrawal of Residential Rental Structure from the Rental Market.**

The *landlord* intends to withdraw all *rental-units* in all buildings or structures on a parcel of land from the rental market.

§98.0750 Notice to Tenant

Any *landlord* who attempts to terminate a *tenancy* pursuant to any of the grounds set forth in section 98.0730 shall provide the tenant a written notice to quit or terminate which recites the grounds under which the *landlord* is proceeding. The *landlord* shall provide the notice prior to or at the same time as the written notice of termination set forth in Civil Code section 1946.1, or a three-day notice described in Code of Civil Procedure sections 1161 and 1161a, is served on the tenant.

§98.0760 Affirmative Defense

In any action by a *landlord* to recover possession of a *rental-unit*, the tenant may raise as an affirmative defense any violation or noncompliance with the provisions of this division.

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 passage.

APPROVED: CASEY GWINN, City Attorney

By 
Prescilla Dugard
Deputy City Attorney

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