



## City of San Diego “Mini-dorm” Regulations FACT SHEET

### **Background**

Early in 2007, the San Diego City Council began pursuing ways of addressing noise, parking, trash and other nuisances caused by residents of “mini-dorms” in the College Area surrounding San Diego State University. Mini-dorms are characterized as single-family homes that are rented out to multiple residents (usually students) at a time. Often, the property owner has added or converted extra space or garages into bedrooms to accommodate additional tenants.

The SDCAA worked extensively with city staff to identify what existing enforcement options were available to them as well as to inform them about some of the restrictions landlords face in trying to resolve situations with problem tenants. Though the SDCAA was able to dissuade city staff from supporting a requirement that landlords register every tenant with the city, several new regulations emerged.

### **Residential High Occupancy Permit Ordinance**

During its Jan. 14, 2008 meeting, the San Diego City Council adopted one of two proposed ordinances regulating the operation of mini-dorms in the city. The first, a **Residential High Occupancy Permit Ordinance**, requires all city households of six or more adults living together for a period of 30 or more consecutive days to obtain a permit annually at a cost of \$1,000. In order to obtain the permit, parking plans must be submitted to the city that demonstrate enough off-street parking to accommodate all but one adult. Households earning at or below the Area Median Income (AMI) may apply for an exemption to the ordinance.

**What to do:** For more information about the Permit, visit the Development Services Department page of the city’s Web site at <http://www.sandiego.gov/development-services/industry/landdevcode/minidorm.shtml>.

To apply for a Permit, you may download a DS-20 form off of the city’s Web site at <http://www.sandiego.gov/development-services/pdf/industry/forms/ds020.pdf> or call (619) 446-5000.

### **Rooming House Ordinance**

The second ordinance, the **Rooming House Ordinance**, was adopted by the City Council on April 15, 2008. The Rooming House Ordinance mandates that landlords cannot rent out three or more individual rooms of a home under separate leases. Additionally, rooming houses are only allowed as a permitted use in certain residential zones or commercial zones. It also only allows continued use of the property as a rooming house for three years (April 2011). Finally, with the exception of certain specified situations, the ordinance requires one parking space per tenant for all rentals that meet the criteria of a rooming house.

**What to do:** Because this ordinance only applies to rentals with three or more separate leases, landlords may still rent to three or more individuals under one master lease. If one tenant moves out, the new tenant may be added to the master lease. For more information about this, call SDCAA Membership Services and Screening Compliance Director Nancy Robertson at (858) 278-8070. You may also read more about the Ordinance at <http://www.sandiego.gov/development-services/industry/landdevcode/minidorm.shtml>.

### **Administrative Citation Program/Community Assisted Party Program (CAPP)**

In mid-2007, the city began a program allowing the San Diego Police Department and SDSU campus police the ability **to cite noisy residents and/or property owners who fail to take action about problem tenants up to \$1,000 each**. After a six-month pilot program in the College Area, the program was expanded citywide in April 2008. For a flow chart of how the citation project works, [click here](#).

**What to do:** Member landlords concerned with the possibility of being fined for a tenant's problem behavior are advised to consider adding a clause to their lease agreements allowing the recovery of the fine amount from the offending tenant. It is recommended that a landlord-tenant knowledgeable attorney review the draft language beforehand, but some suggested dos and don'ts of the agreement are:

#### DO

- Include specific language prohibiting excessive noise or any conduct that disturbs neighbors or the surrounding neighborhood
- Include language that the property cannot be used in any manner that would violate any federal, state or local laws or ordinances (SDCAA rental agreements already contain such language)
- Use a crime free lease addendum
- Make sure the lease and/or rules prohibit tenants from allowing trash and/or debris to accumulate anywhere on the property

#### DON'T

- Include language that attempts to prohibit tenants from having guests visit (although you can and should limit the number of days a guest can stay – the industry standard is no more than 14 days in a 12-month period without prior written approval of the landlord).
- Include language that attempts to "fine" a tenant for violating any lease provisions - a landlord's power lies in eviction if the lease is violated in a material fashion. Imposing fines could lead to a lawsuit against the landlord for unfair business practices.
- Include language that attempts to skirt state landlord-tenant laws, such as language stating that a resident can be given a 30-day notice for lease violations while the resident is on a fixed-term lease.

#### Additional Regulations

Other attempts to curb the problems associated with mini-dorms that were not opposed by the SDCAA included the following amendments to development standards:

- RS zone (lots with less than 10,000 square feet):
  - Limited to six bedrooms maximum
  - Hardscape for vehicular use limited to four surface parking spaces maximum
- RS zone lots limited to 60 percent maximum hardscape in the front yard
- New single dwelling unit parking standards ensure parking spaces will be functional
- In the campus impact area (single dwelling units with five or more bedrooms):
  - New development must provide one parking space for each bedroom
  - A minimum of two parking spaces are required in a garage
- In the parking impact overlay zone, all lots are required to have a 12-foot driveway at the front property line.

#### Contacts & Resources:

- City of San Diego Mini-dorm Web site: <http://www.sandiego.gov/development-services/industry/landdevcode/minidorm.shtml>.
- To report a problem "party house" to the Community Assisted Party Program (CAPP) coordinator, please contact SDPD at (619) 516-3000.
- SDSU Good Neighbor Program: (619) 594-6555.
- Neighborhood Code Compliance Division (re: mini-dorms): (619) 236-5500
- To better understand how the regulations apply to a particular property, please refer to the [Official Zoning Map](#) or contact Development Permit Information staff at (619) 446-5000.