



How to Find California Single-Resident Occupancy (SRO) Laws and Information

Research Guide

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This research guide is not intended as a substitute for legal advice. The reader should consult the text of the laws and resources cited to see if there have been changes and to confirm accuracy. Please consult with an attorney if legal advice is needed.

California Department of Consumer Affairs

- <http://www.dca.ca.gov/publications/landlordbook/whois.shtml>

This may be a good starting point for researching the legal rights of hotel and motel guests, residential hotel guests, single lodgers, and residents of “transitional housing.”

The State of California Department of Consumer Affairs web site listed above has information on “residential hotels” and “single lodger in a private residence” in their “Special Situations” section.

California Statutes and Laws

California Codes

<http://www.leginfo.ca.gov/calaw.html> – “Official California Legislative Information”

- **Civil Code section 1940(b):** transient occupancies defined
- **Civil Code section 1940.1:** transient occupancy status– possible civil penalties for requiring an occupant to check out and re-register to maintain status
- **Civil Code section 1946.5:** written notice by either party required to terminate occupancy
 - **Penal Code section 602.3:** authority to arrest hold-over lodger after proper notice given of termination of occupancy
- **Civil Code section 1865:** “Hotel,” “innkeeper,” “guest,” and innkeeper’s eviction of guests defined
 - **Civil Code section 1865(a):** term ‘hotel’ “shall not include any residential hotel, as defined in section 50519 of the Health and Safety Code.”



- **Health and Safety Code sections 50519 – 50522:** Rehabilitation of Residential Hotels provisions
 - **Section 50519(b)(1):** “Residential hotel” defined
 - **Section 50519(c):** the “purpose of the standards shall be to protect the health, safety, and welfare of the occupants of those residential hotels, to allow the economically feasible rehabilitation of those residential hotels....”

California Code of Regulations (CCR)

Online resource: <http://www.calregs.com>

- **Title 25, sections 7301(q):** defines "Residential Hotel"
- **Title 25, sections 7301 (r):** defines "Residential Hotel Unit"
- **Title 4, section 10325 (g)(3):** “*SRO projects* – To be considered Single Room Occupancy (SRO) housing, the application shall meet the following additional threshold requirements... (A) – (L).”

San Diego City Municipal Code (SDMC)

San Diego Municipal Code is available online at the City of San Diego Web site:

<http://www.sandiego.gov/city-clerk/officialdocs/legisdocs/muni.shtml>.

[Residents of other cities within California should check their local codes and regulations.]

SD City Council approved the *SRO Preservation and Relocation Assistance* Ordinances in 1987

- **Sections 143.0510 - 143.0590:** *SRO Hotel Regulations*
<http://docs.sandiego.gov/municode/MuniCodeChapter14/Ch14Art03Division05.pdf>
- **Section 143.0510:** *Purpose of SRO Hotel Regulations* – “to ensure the retention of the existing number of *SRO hotel rooms* and to provide assistance to tenants of *SRO hotel rooms* that will be displaced by the demolition, conversion, or rehabilitation of existing *SRO hotel rooms*.”
- **Section 143.0570 (a):** *SRO Hotel Relocation Assistance Benefits* – “Long-term tenant” defined: those who have “resided in the SRO hotel for at least 90 consecutive calendar days preceding the permit application date,” for purposes of applying for relocation benefits as described in **Section 143.0570(b) through (e):** *Financial Assistance*.
- **Section 140.0570 (c):** *Technical Assistance* – “The San Diego Housing Commission shall provide assistance in locating decent, safe, and affordable housing opportunities to tenants who have resided in the *SRO hotel* for at least 30 consecutive calendar days.”



Legal Treatises

- Difference between a “tenant” and “proprietor-guest” (or lodger):
 - *California Practice Guide: Landlord-Tenant, KFC 145.F75*
 - The Rutter Group
 - **Sections 2:36 through 2:41**
 - Eviction procedures – sections 2:37.1 and 2:37.2
 - Difference between “tenant” & “proprietor-guest” – section 2:38
 - “Residential hotels” and forced checkout/re-registration prohibited – section 2:40.1
 - “Roommates” – section 2:41...
- Civil Code section 1940 overview, proprietor-lodgers, residential hotels, and landlord-tenant relationships:
 - *California Landlord-Tenant Practice Guide, KFC 145.C34*
 - Continuing Education of the Bar (CEB)
 - **Chapter 1, Sections 1.3 – 1.3 D**
- Definitions of “apartment hotel,” “residential hotel,” “boarding” or “lodging house,” and “rooming house”:
 - *West’s California Jurisprudence 3d, KFC 80.C29*
 - **Volume 37:** title – “Hotels and Motels,” **sections 4-6 and 10-12**
- “Evicting a lodger” - someone who rents a room in a house
 - *California Landlord’s Law Book: Evictions, KFC 145.Z9 L32*
 - Nolo Press, 13th Edition, **pg. 6:** “Evicting a Lodger”
- “Self-help” evictions of tenants in residential hotels, lodgers, occupants of transitional housing, and hotel guests
 - *California Eviction Defense Manual, KFC 1028.E9 M68*
 - Continuing Education of the Bar
 - **Sections 3.8 to 3.11:** whether self-help eviction is a remedy, depending on tenant, lodger or guest status
 - **Section 7.10:** notice to terminate occupancy and lodgers who hold over in owner-occupied dwellings subject to immediate arrest and removal



Informational Web Sites

- San Diego Housing Commission (SDHC)
 - <http://www.sdhc.net/haotherprog1a.shtml>
- SDHC: Single Room Occupancy Hotels:
 - <http://www.sdhc.net/pdfdocs/AffordableHousingResourcesGuide.pdf>
- San Diego Housing Federation (SDHF)
 - <http://www.housingsandiego.org/links.php>
- SDHF: Affordable Housing Policy Resource Page
 - http://www.housingsandiego.org/library_policies.php
- 211 San Diego: Affordable Housing – “Affordable Rental Units”
 - <http://www.211sandiego.org/landing-page/affordable-housing>
- County of San Diego: Housing Resources Directory:
 - http://www.sdcounty.ca.gov/sdhcd/docs/housing_resource.pdf
- Single-Room-Occupancy Residential Hotel Program San Diego, CA – Ford Foundation
 - <http://www.fordfound.org/archives/item/0286/text/005>

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Please consult a Law Librarian for further assistance.