

**COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS
TUESDAY, MARCH 11, 2025**

MINUTE ORDER NO. 12

SUBJECT: ADOPT AN ORDINANCE ADDING TITLE 3, DIVISION 1, CHAPTER 5 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO PREDATORY PRACTICES AFTER THE DECLARATION OF AN EMERGENCY (3/11/2025 - First Reading; 4/8/25- Second Reading unless ordinance is modified on second reading) (DISTRICTS: ALL)

OVERVIEW

In January 2024, San Diego County experienced devastating rainstorms which resulted in a Major Disaster Declaration by the Biden Administration. During disasters such like the January 2024 floods those impacted by disasters deserve protections during this time of uncertainty to ensure they are not victims of predatory practices. On April 30, 2024 (35), the San Diego County Board of Supervisors (Board) directed the Interim Chief Administrative Officer to explore options to extend the protections of Penal Code section 396 addressing predatory real-state and other exploitative consumer practices after the declaration of an emergency.

Today's item requests the Board to approve the introduction of an ordinance relating to Predatory Practices after the Declaration of an Emergency. If the Board takes action as recommended, then on April 8, 2025, staff recommends the Board adopt the ordinance (second reading). If the proposed ordinance is altered on April 8, 2025, then on that date a subsequent meeting date will be selected for the ordinance's adoption.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

On March 11, 2025

1. Approve the introduction of the Ordinance (first reading):
AN ORDINANCE ADDING TITLE 3, DIVISION 1, CHAPTER 5 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO PREDATORY PRACTICES AFTER THE DECLARATION OF AN EMERGENCY

If, on March 11, 2025, the Board takes action as recommended in item 1 above, then on April 8, 2025:

2. Approve the adoption of the Ordinance (second reading):
AN ORDINANCE ADDING TITLE 3, DIVISION 1, CHAPTER 5 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO PREDATORY PRACTICES AFTER THE DECLARATION OF AN EMERGENCY

EQUITY IMPACT STATEMENT

Adding an ordinance to prevent predatory practices after the declaration of an emergency will demonstrate the County of San Diego's commitment to supporting communities that are affected by disasters. Today's recommendations will provide protections to residents who are vulnerable during times of uncertainty.

SUSTAINABILITY IMPACT STATEMENT

The proposed action to add an ordinance Relating to the Predatory Practices after the Declaration of an Emergency aligns with the County of San Diego's Sustainability Goals by promoting health/well-being, and sustainable economic growth for our community. Residents affected by disasters will have the protections to focus on restoring their living conditions prior to any damage occurred without be victims of unfair, unlawful, or fraudulent business acts.

FISCAL IMPACT

There is no fiscal impact associated with these recommendations. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Montgomery Steppe, seconded by Supervisor Lawson-Remer, the Board of Supervisors took the following actions:

1. Noting for the record that an errata was distributed and posted online that amended the proposed ordinance, specifically Section 31503(d)(4) to reflect the following: Take any other action in reliance on a notice of termination of tenancy that expired or attempt to induce a tenant to vacate based on such a notice where the Landlord (or any person or combination of persons within the definition of Landlord) knows, or reasonably should know, has suffered Economic Loss of any sort caused by the emergency. Any such notice of termination of tenancy served or expiring while Section 31.503 is in effect shall be deemed invalid and insufficient to support an action in unlawful detainer.
2. Amended Section 31.503 of the proposed ordinance as follows (changes shown):
 - Upon the proclamation of a local state of emergency by the Board of Supervisors or other authorized official for San Diego County that includes a reference to this section 31.504, evictions without just cause are prohibited until the ~~fifth~~ seventh day after the date of the proclamation unless the County of San Diego issues an urgency ordinance addressing evictions on an earlier date. The following provisions apply:
 - (a) Upon the proclamation of a local state of emergency by the Board of Supervisors or other authorized official for San Diego County that includes a reference to this section 31.503, evictions without just cause are prohibited until the ~~fifth~~ seventh day after the date of the proclamation unless the County of San Diego issues an urgency ordinance addressing evictions on an earlier date.
 - (b) For purposes of this section, "just cause" requires a showing that there is an imminent health or safety threat, as defined in Section 31.501 above.
 - (c) This section does not apply to any eviction where a fully legally compliant notice of eviction has been served or an unlawful detainer action has been filed prior to the proclamation, except that no eviction order against a residential tenant may executed or enforced while Section 31.503 is in effect pursuant to a proclamation of a state of emergency by the Board or other authorized official for San Diego County, unless there is an imminent health or safety threat as defined in Section 31.501 above.
 - (h) In addition to complying with any other applicable notice requirements under local, state, or federal law, any notice of termination of tenancy served on a Tenant with respect to a residential unit during the ~~five~~ seven day term of this ordinance as stated in section (a) above, shall include

the reason for termination amounting to just cause or a different basis for eviction authorized under this ordinance and must set forth specific facts to permit a determination of the date, place, witnesses, and circumstances concerning the reason for eviction.

3. Took action to further consider and adopt the amended Ordinance on April 8, 2025.

AYES: Lawson-Remer, Montgomery Steppe, Desmond

NOES: Anderson

ABSENT: (District 1 Seat Vacant)

State of California)
County of San Diego)

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

ANDREW POTTER
Clerk of the Board of Supervisors



Signed
by Andrew Potter