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Research Guide

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

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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.

Department of Consumer Affairs Web site

The State of California Department of Consumer Affairs Web site has a discussion of “residential hotels” and “single lodger in a private residence” at:

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

under the heading “Special Situations.” This Web site is a good starting point for researching the legal rights of hotel and motel guests, residential hotel guests, single lodgers, and residents of “transitional housing.”

California statutes and laws about SROs and residential hotel occupants

California codes

For information on Residential Hotel Rehabilitation, including a definition of “residential hotel,” see California Health and Safety Code sections 50519 through 50522. “Residential hotel” is defined in California Health and Safety Code section 50519(b)(1). California Civil Code section 1940.1 refers to “residential hotel” occupants, Health and Safety Code section 50519, and possible civil penalties for requiring an occupant to check out and re-register to maintain transient occupancy status. See also Title 25 of the California Code of Regulations, sections 7301(q) and (r), and Title 4, Cal. Code Regs. section 10325 (g)(3) regarding SROs.

“Hotel,” “innkeeper,” and “guest” are defined in Civil Code section 1865. This code section addresses an innkeeper’s eviction of guests. Section 1865 (a) states the term hotel “shall not include any residential hotel as defined in section 50519 of the Health and Safety Code.”

These and other California codes can be searched online at the Official California Legislative Information website at: <http://www.leginfo.ca.gov/calaw.html>

San Diego City Municipal Code

In the city of San Diego, SRO Hotel Regulations can be found in the San Diego Municipal Code. See San Diego Mun. Code, sections 143.0510 through 143.0590. The expressed purpose is “to provide assistance to tenants of the SRO hotel rooms that will be displaced by the demolition, conversion, or rehabilitation of existing SRO hotel rooms.” San Diego Mun. Code section 143.0510.

For information about long-term tenants (those who have resided in the SRO hotel for at least 90 consecutive days), see San Diego Municipal Code section 143.0570 (a). Section 140.0570 (c) discusses Technical Assistance to tenants who have resided in the SRO hotel for at least 30 consecutive days. Evictions, notices, and long-term tenant remedies are also addressed. See San Diego Mun. Code sections 143.0570 through 143.0590.

The San Diego Municipal Code is available online at the City of San Diego Web site at <http://clerkdoc.sannet.gov/Website/mc/mc.html>. Residents of other cities within California should check their local codes and regulations.

Legal treatises

The following legal treatises might prove helpful in researching the laws regarding residential hotel occupants, lodgers, and SROs:

The difference between a “tenant” and “proprietor-guest” (or lodger) is discussed in the *California Practice Guide: Landlord-Tenant*. Friedman et al., *Cal. Practice Guide: Landlord-Tenant* (The Rutter Group 2005 update) ¶¶2:36 through 2:40.1, (KFC 145.F75). “Residential hotels” are addressed in section 2:40.1; “roommates” are discussed starting at 2:41.

Another helpful resource is the overview of Civil Code section 1940, proprietor-lodgers, residential hotels, and landlord-tenant relationships in the CEB *California Landlord-Tenant Practice Guide*. *California Landlord-Tenant Practice Guide* (Cont. Ed. Bar. 2d ed. 2005 update) §§1.3 to 1.3 D, (KFC 145.C34).

The definitions of “apartment hotel,” “residential hotel,” “boarding” or “lodging house,” and “rooming house” are discussed in West’s *California Jurisprudence 3d*, volume 37. 37 Cal. Jur. 3d (2001, supp. 2005) Hotels and Motels, §§4 through 6; 10 through 12, (KFC 80.C29).

For information on “evicting a lodger,” that is, someone who rents a room in a house, see *California Landlord’s Law Book: Evictions* (Nolo Press, 12th ed.) p. 6, (KFC 145.Z9 L32 2007).

There is information about “self-help” evictions of tenants in residential hotels, lodgers, occupants of transitional housing, and hotel guests in the *California Eviction Defense Manual* by Myron Moskowitz (CEB, 2nd ed.) §§3.8 to 3.11, (KFC 1028.E9 M68 2003). These sections discuss whether self-help eviction is a remedy, depending on the tenant’s, lodger’s or guest’s status. A section on lodgers who hold over in owner-occupied dwellings is at section 7.10.

Please consult the Law Librarian for further information.