

## Article 8: Housing

### Division 12: Residential Tenant Utility Fees

(“Residential Tenant Utility Fees” added 7-18-2025 by O-21987 N.S.; effective 8-17-2025.)

#### §98.1201 Purpose and Intent

The purpose and intent of this Division is to promote fairness, equity, and transparency regarding how *landlords* charge *utility fees* to residential *tenants*. This Division protects *tenant* rights by limiting how much *landlords* can charge *tenants* for *utility fees* the *landlord* pays for *utility services*. This Division provides transparency by requiring *landlords*, upon a *tenant*’s written request, to provide copies of utility bills or *tax roll billing reports* that show actual *utility fees* the *landlord* paid for *utility services*, and calculations for the amount charged to the *tenant*. The rights conferred by this Division are in addition to any existing rights provided to *tenants* by state or federal law.

(“Purpose and Intent” added 7-18-2025 by O-21987 N.S.; effective 8-17-2025.)

#### §98.1202 Definitions

All defined terms in this Division appear in italics. For the purposes of this Division, the following definitions apply:

*City* has the same meaning as in San Diego Municipal Code section 11.0210, as may be amended.

*Landlord* has the same meaning as in San Diego Municipal Code section 98.0702, as may be amended.

*Lease* has the same meaning as in San Diego Municipal Code section 98.0702, as may be amended.

*Identified parcel* means a parcel of real property that the *City* has identified as having a special benefit conferred upon it and upon which a property-related fee has been imposed.

*Sensitive personal information* includes confidential financial data, bank account numbers, credit card or debit card numbers, account log-in information, intellectual property, and identification numbers such as social security number, passport number, driver’s license number, and individual or business taxpayer identification numbers.

*Residential rental property* has the same meaning as in San Diego Municipal Code section 98.0702, as may be amended.

*Tax roll billing report* means a report published pursuant to California Health and Safety Code section 5473 that contains a description of *identified parcels* of real property receiving services billed on the tax roll and the amount of the charge for each *identified parcel* for the year.

*Tenant* has the same meaning as in San Diego Municipal Code section 98.0702, as may be amended.

*Utility fee* means the amount the *City* charges for *utility services*.

*Utility services* means *City*-provided water, sewer, stormwater, or solid waste management services.

(“Definitions” added 7-18-2025 by O-21987 N.S.; effective 8-17-2025.)

#### **§98.1203 Tenant Utility Fees**

- (a) A *landlord* may charge a *tenant* the cost of a *utility fee* the *landlord* pays for *utility services* the *tenant* consumes. The *utility fee* the *landlord* charges the *tenant* shall be no greater than the amount the *landlord* pays for the *tenant’s utility services*. Nothing in this Ordinance shall be interpreted to prohibit the *landlord* from charging the *tenant* an otherwise lawful late fee for unpaid *utility fees*.
- (b) Notwithstanding any other provision of this Division, a *landlord* that utilizes submeters pursuant to Chapter 2.5 of Title 5 of Part 4 of Division 3 of the California Civil Code is not subject to this Division with respect to *utility fees* for *utility services* covered under that Chapter. Nothing in this section should be interpreted to exempt *landlords* from any other provision of the Division, including charges for any other *utility services* regulated by this Division.

(“Tenant Utility Fees” added 7-18-2025 by O-21987 N.S.; effective 8-17-2025.)

#### **§98.1204 Written Notice**

- (a) To charge *utility fees* to a *tenant* as authorized by section 98.1203, the *landlord* shall either:
  - (1) Provide the *tenant* written notice in the *lease* that the *tenant* will be charged a *utility fee* for *utility services* the *tenant* consumes; or

- (2) Provide written notice, by delivering a copy to the *tenant* personally or by serving a copy by mail under the procedures prescribed in section 1162(a) of the Code of Civil Procedure, to all *tenants* residing at the *residential rental property* that will be charged a *utility fee* for *utility services* the *tenant* consumes. *Landlords* providing written notice under subsection 98.1204(a)(2) shall do so at least 30 calendar days in advance of charging the *tenant* a *utility fee*.
- (b) If a *landlord* began charging *tenants* for *utility fees* prior to the effective date of this Division, written notice required under section 98.1204(c) shall be provided no later than 90 calendar days after this Division is in effect.
- (c) All written notices provided under section 98.1204 shall inform *tenants* of the *landlord's* obligations under sections 98.1204 and 98.1205. The notice shall include the following language:

Equitable Fees and Right to Notice: The City of San Diego allows landlords to charge you a utility fee for water, sewer, stormwater, and trash and recycling services if (i) the utility fee is not greater than the amount the landlord pays for your utility services, (ii) you are provided written notice that a utility fee for utility services will be charged, and (iii) upon request, the landlord provides you with a copy of the utility or tax bill and the calculations used to determine the amount of the utility fee you are charged, if that applies.

(“Written Notice” added 7-18-2025 by O-21987 N.S.; effective 8-17-2025.)

#### **§98.1205 Documentation and Computations**

- (a) Within 10 calendar days of a *tenant's* written request, a *landlord* that charges a *tenant* a *utility fee* under this Division shall provide the *tenant* with a copy of the *landlord's* utility or tax bill that sets forth the *utility fee* the *landlord* paid or shall provide a copy or link to the *tax roll billing report* if the *utility fees* are collected on the County tax rolls. A *landlord* may redact confidential or *sensitive personal information* from the utility or tax bill provided to the *tenant*.
- (b) If a *tenant* provides a written request under section 98.1205(a), and the *landlord* receives a single utility bill from the *City* for *utility services* provided to multiple *tenants*, the *landlord* shall provide the utility or tax bill and the calculations used to determine allocation of the *utility fees* to the individual *tenants* within 10 calendar days of the request.

(“Documentation and Computations” added 7-18-2025 by O-21987 N.S.; effective 8-17-2025.)

**§98.1206 Third-Party Billing Service**

If a third-party service provider manages, bills, or collects *utility fees* from the *tenant* on behalf of the *landlord*, and the costs for the third-party service provider to provide this service are passed through to the *tenant*, the specific amount for this service that is charged to the *tenant* shall be separately identified and included in the calculations provided to the *tenant* under section 98.1205. The *tenant* shall be provided invoices, receipts, or other verifiable documentation to support the third-party service provider's billing fees charged to the *landlord* and passed through to the *tenant*.

*(“Third-Party Billing Service” added 7-18-2025 by O–21987 N.S.; effective 8-17-2025.)*

**§98.1207 Enforcement and Remedies**

- (a) A *tenant* claiming a violation of this Division may file an action against a *landlord* in a court of competent jurisdiction.
- (b) A *tenant* may seek injunctive relief, equitable relief, and monetary damages, including punitive damages, in a civil action against a *landlord* for a violation of this Division.
- (c) The provisions of Chapter 1, Article 2 of the San Diego Municipal Code, including the enforcement of judicial and administrative remedies, shall apply to this Ordinance.
- (d) The remedies under this section are cumulative and may be used in addition to any other remedies in this Division or at law, statute, or ordinance.

*(“Enforcement and Remedies” added 7-18-2025 by O–21987 N.S.; effective 8-17-2025.)*