

## **Article 8: Housing**

### **Division 9: Notice of Tenant's Right to Operate a Daycare Home**

*(“Notice of Tenant’s Right to Operate a Daycare Home”  
added 8-8-2023 by O-21708 N.S.; effective 1-1-2024.)*

#### **§98.0901 Purpose**

The purpose of these regulations is to ensure tenants receive adequate notice of the protections available in California Health and Safety Code sections 1597.30 – 1597.622 to operate a family daycare home in a residential rental property.

*(“Purpose” added 8-8-2023 by O-21708 N.S.; effective 1-1-2024.)*

#### **§98.0902 Definitions**

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

*Dwelling unit* has the same meaning as in San Diego Municipal Code section 113.0103.

*Family daycare home* has the same meaning as in California Health and Safety Code section 1596.78(a), as may be amended, which refers to a facility that regularly provides care, protection, and supervision for 14 or fewer children in the provider’s own home for periods of less than 24 hours per day.

*Residential rental property* means a *dwelling unit* that is used for a *tenancy*.

*Tenancy* means the right or entitlement of an individual or household to use or occupy a *residential rental property* for more than 30 days.

*(“Definitions” added 8-8-2023 by O-21708 N.S.; effective 1-1-2024.)*

**§98.0903      Notice of Right to Operate a Family Daycare Home**

Every written lease or other document establishing a *tenancy* within the City of San Diego shall include the following notice in 12-point font or larger:

Use of this rental property as a family daycare home is protected by state law in California Health and Safety Code sections 1597.30 – 1597.622. A family daycare home is where the daycare provider lives and provides care, protection, and supervision for 14 or fewer children for periods of less than 24 hours per day while the parents or guardians are away. The property owner or manager may not refuse to rent, or refuse to allow you to use, the rental property as a family daycare home. You may be required to provide notice to the property owner or manager that you operate or plan to operate a family daycare home. The property owner or manager may require an increased security deposit. If you believe your rights under this state law have been denied, you may file a complaint with the California Civil Rights Department.

(“*Notice of Right to Operate a Family Daycare Home*” added 8-8-2023 by O-21708 N.S.; effective 1-1-2024.)