

Article 4: Subdivision Regulations**Division 5: Condominium Conversion Regulations****§144.0501 Purpose of Condominium Conversion Regulations**

The purpose of the Condominium Conversion Regulations is to allow the conversion of apartments to condominiums while protecting the interests of tenants by requiring that tenants receive adequate notice of proposed *condominium conversions*, are advised of their rights with respect to the conversion of their apartment to a condominium, and are afforded reasonable relocation assistance. It is also the intent of these regulations to protect the interests of the community and prospective purchasers by requiring the *applicant* to provide certain information regarding the condition of the *structure* and to require reasonable improvements for the health, safety, and general welfare of the public.

§144.0502 When Condominium Conversion Regulations Apply

This division applies to any *development* that proposes a change in the ownership of a single *structure* or group of *structures* used for residential rental units from individual ownership of the *structure* or group of *structures* to individual ownership of the units within the *structure* or group of *structures* under a condominium plan or to a cooperative or stock apartment project pursuant to State law.

§144.0503 Fees and Deposits

In addition to the fees required by Chapter 11, Article 2, Division 2, Fees and Deposits, the *applicant* shall pay fees to the San Diego Housing Commission in an amount equal to \$200 for each unit proposed to be converted, plus any additional expenses incurred by the City or the Housing Commission to secure tenant relocation benefits. The funds shall be used by the San Diego Housing Commission to monitor compliance with the obligations set forth under this division, provide technical assistance to tenants in their relocation, and recapture legal fees. Nothing contained in this division shall impose a duty upon the City or the Housing Commission to pay any relocation benefits to eligible tenants.

144.0504 Building Conditions Report

- (a) A Building Conditions Report shall be prepared in accordance with the Land Development Manual by a California registered architect or engineer licensed by the State of California to perform these services.
- (b) A *condominium conversion* shall not be approved until the *applicant* has submitted a Building Conditions Report and the City has accepted the report as complete.

- (c) A copy of the Building Conditions Report shall be provided to a prospective purchaser prior to the opening of an escrow account.

§144.0505 Tenant Benefits, Rights and Obligations

- (a) The *subdivider* of a *condominium conversion* project shall provide the benefits specified in section 144.0505(b) to any person whose tenancy in the project the *subdivider* terminates due to the *condominium conversion*.
- (b) The *applicant* shall provide a relocation assistance payment to all tenants of the project. The relocation payment shall be three months rent based on the current San Diego “fair market rent” for apartment size, as established by the U.S. Department of Housing and Urban Development. The relocation payment shall be paid no later than the day on which the *applicant* gives notice to the tenant to vacate the premises and shall be based upon the fair market rent at the time of the notice.

§144.0507 Development Regulations for Condominium Conversions

- (a) Prior to final map approval the following improvements shall be completed to the satisfaction of the City Engineer:
 - (1) Electrical – Electrical system grounding and equipment grounding shall be provided, and electrical receptacle protection shall be upgraded to include ground fault circuit interrupter (GFCI) protection. GFCI protection shall comply with the prevailing Code.
 - (2) Windows – Basements in *dwelling units* and every sleeping room below the fourth story shall have at least one operable window or door approved for emergency escape or rescue. Windows provided for emergency escape or rescue shall comply with minimum sill height and opening size requirements in the prevailing Code.
 - (3) Smoke alarms – Smoke alarms shall be installed within *dwelling units* and designed to operate in compliance with the prevailing Code. Smoke alarms shall be interconnected and shall receive their primary power from the building wiring and shall be equipped with a battery backup. Within sleeping rooms, smoke alarms shall include a visual notification device to notify hearing impaired occupants.
 - (4) Landscape – Street trees and street yard landscape shall be provided in accordance with the requirements for *condominium conversions* in Section 142.0402.

- (5) Parking – Parking shall be provided in accordance with Section 142.0525(a).
- (b) Prior to final map approval the following improvements shall be completed, or assured and completed prior to the opening of escrow for the sale of the first unit, to the satisfaction of the City Engineer:
 - (1) Building components and systems – Building components and system with a remaining life of five years or less, as identified in the Building Conditions Report shall be replaced as follows:
 - (A) Building components necessary to protect occupants and the building from weather exposure, such as roof coverings, exterior wall and floor coverings, and finishes.
 - (B) Water heating systems, cooling, and heating mechanical systems.
 - (2) Any private improvements required in the tentative map approval except improvements in Section 144.0507(a).

§144.0508 Inclusionary Housing Requirement for Condominium Conversions

Condominium conversion projects of twenty or more units shall satisfy the inclusionary housing requirements on-site in accordance with Section 142.1306.

§144.0509 Deviations from the Development Regulations for Condominium Conversions

Deviations to the requirements in Section 144.0507 may be requested in accordance with a Process Four Site Development Permit.