

Interactions with Voice of San Diego

“Elo-Rivera, City Attorney’s Office Tangle Over Tenant Protections”

Sept. 27, 2022

Question:

I just spoke with City Council President Sean Elo-Rivera on multiple city issues, including any plans he has to propose additional tenant protections after the current no-fault eviction moratorium ends Sept. 30.

Elo-Rivera advised that he submitted proposed draft language of a tenant protection measure to the City Attorney’s Office for legal review in the spring and is continuing to await a response. He said he had hoped to receive something back sooner and is disappointed he can’t provide a more specific timeline for future city policy discussions on this topic. Elo-Rivera declined to elaborate on the specific proposals including in the draft language he shared with your office as he says they remain under review.

How would the City Attorney’s Office respond? Can it provide an estimate on when it expects its legal review to conclude? Is there any other context that you’d like to provide?

Response:

For context, the Rules of Council (San Diego Municipal Code sections 22.0101 through 22.0102) are formal rules adopted by the Council which describe the manner in which the body conducts business. Rule 6.6.5 sets forth priorities for the work the Council asks our Office to do. It says:

6.6.5. Matters for which the Council or Councilmembers request legal analysis from the City Attorney will be prioritized by the City Attorney as follows: (1) the Council, (2) committees; (3) the Council President, (4) committee chairs, and (5) individual Councilmembers. Prioritization will be subject to the City Attorney’s duty under City Charter section 40 to provide legal services to all City departments and offices and California State Bar ethical duties. Requests for legal analysis from a committee or committee chair must pertain to a matter within the area of responsibility of the committee.

Your question relates to the Council President’s request for legal analysis; the questions were not referred to us by the Council as a whole or by a Council committee.

That said, several attorneys in our Office have worked diligently on this complex proposal since it was referred to us in April of this year. Our Office met with the Council President and his staff on August 18, 2022, to discuss overarching legal concerns we identified with his proposal. On September 2, 2022, we sent the Council President written advice that outlined our legal concerns so that he could address their policy implications and provide us with guidance. We cannot finalize our legal work without a response from the Council President to the issues we identified on September 2, 2022.
