

CITY OF SACRAMENTO



DEPARTMENT OF LAW

812 TENTH STREET SACRAMENTO, CA 95814
SUITE 201 TELEPHONE (916) 449-5346

JAMES P. JACKSON
City Attorney
THEODORE H. KOBEY, JR.
Assistant City Attorney
LELIAND J. SAVAGE
SAMUEL L. JACKSON
WILLIAM P. CARNAZZO
DIANE B. BALTER
RICHARD F. ANTOINE
Deputy City Attorneys

July 13, 1983

APPROVED
BY THE CITY COUNCIL

JUL 20 1983

OFFICE OF THE
CITY CLERK

Honorable City Council
City of Sacramento
City Hall
Sacramento, California

In re: Repeal of Permit Requirements for Rooming Houses

Members in Session:

The Law and Legislation Committee at its meeting on July 7, 1983, recommended approval of the attached ordinance repealing provisions of the City Code relating to rooming house permits. The ordinance is further described in the attached letter from Mike Medema to the Council dated June 21, 1983.

It is recommended that the attached ordinance be passed for publication on July 19, 1983 and adopted by the City Council on July 26, 1983.

Respectfully submitted,

James P. Jackson
JAMES P. JACKSON
City Attorney

JPJ:kn

Attachments

PASSED FOR
PUBLICATION
& CONTINUED
TO 7-26-83

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CITY OF SACRAMENTO

DEPARTMENT OF FINANCE
REVENUE DIVISION

915 I STREET
ROOM 104

SACRAMENTO, CA 95811-2496
TELEPHONE (916) 445-3654

CITY MANAGER'S OFFICE
RECEIVED
JUN 21 1983

June 21, 1983

RD:831176-ADM:MLM:ld

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: REPEAL OF PERMIT REQUIREMENTS FOR ROOMING HOUSES

SUMMARY

This report recommends the City Council repeal the provisions of City Code Chapter 22, Article II.

BACKGROUND

City Code Chapter 22, Article II requires any person engaging in the business of rooming house operator to procure a special permit for operation of the establishment. For the purposes of the special permit, the definition of rooming house is:

" . . . keeping a house or place for rental of rooms for lodging or sleeping purposes, by the day, week or month, such rental not to include board, whether denominated or known as a hotel, lodging house, rooming house or apartment house . . . "

In order to obtain the permit, the applicant must, under oath, furnish the following information:

- (a) The location of the house or place and the number of all rooms contained therein.
- (b) The number of rooms rented or to be rented for lodging or sleeping purposes.
- (c) The names of all persons who are interested in any way in the operation of the rooming house.
- (d) The names of the owners of the legal title and of any leases on the property.
- (e) The names of the persons who will be employed on the premises to conduct the business carried on thereon.

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- (f) If more than one person is interested in the operation of the rooming house, each of the persons so interested shall be required to sign the application.
- (g) A statement by each of the persons interested in the conduct of the rooming house as to each conviction of each person so interested of a crime involving moral turpitude and the time and place of such conviction.
- (h) Each person so interested shall give a reference of two residents of the city who have resided therein for a period of at least five years.
- (i) Each person interested shall give the nature of his employment for a period of at least five years immediately preceding the date of the application, the names of his employers, if any, and the place of employment.
- (j) Such other relevant information as may be required by the City Manager.

City Code Section 22.6 requires an investigation of the application by the Chief of Police to determine whether the rooming house will be operated in a quiet, lawful and peaceable manner.

City Code Section 22.11 prohibits the issuance of a license to conduct a rooming house within the City until the permit is granted.

DISCUSSION

In actual practice, Chapter 22, Article II has not been enforced by the City. The provisions have become dated and may be unenforceable. The intent of the provisions is to establish ownership records for the operators and to assure the business "fits within the neighborhood". The ownership records pertaining to operators of rooming house operations is available from the business tax records and the transient occupancy tax records. The compatibility of the business to the neighborhood is a zoning matter. It appears that Chapter 22, Article II serves us no useful purpose.


RECOMMENDATION

It is recommended that the City Council adopt the attached ordinance repealing Chapter 22, Article II. This ordinance to be passed for publication on July 19, 1983 and will be considered for adoption by the City Council on July 26, 1983.

RECOMMENDATION APPROVED:


WALTER J. SLIPE, City Manager

Respectfully submitted,


MICHAEL L. MEDEMA
Revenue Officer

Attachment

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ORDINANCE NO. 83-090

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

AN ORDINANCE REPEALING ARTICLE II OF CHAPTER 22 OF THE SACRAMENTO CITY CODE RELATING TO ROOMING HOUSE PERMITS

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1

Article II of Chapter 22 of the Sacramento City Code is hereby repealed.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

APPROVED
BY THE CITY COUNCIL

JUL 26 1983

OFFICE OF THE
CITY CLERK

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○

CHAPTER 22

HOTELS, ROOMING HOUSES AND OTHER SIMILAR ESTABLISHMENTS

Article I. Register of GuestsSec. 22.1 Keeping required; contents.

Every owner, keeper or proprietor of any lodginghouse, rooming house or hotel in the city shall keep a register wherein he shall require all guests, roomers or lodgers to inscribe their names upon their procuring lodging, rooms or accommodations in such lodginghouse, rooming house or hotel. The register shall show the time when such name was inscribed, meaning the day of the month and year, and also the room or rooms occupied or to be occupied by such lodger, roomer or guest in such lodginghouse, rooming house or hotel. (Ord. No. 615, § 1)

Sec. 22.2 Where kept; inspection.

The register required by the preceding section shall be kept in a conspicuous place in the lodginghouse, rooming house or hotel, and shall, at all times, be open to inspection by the lodgers, roomers or guests of such lodginghouse, rooming house or hotel, and to the chief of police or any regular policeman or police detective of the city. (Ord. No. 615, § 1)

Article II. Permit for Rooming HousesSec. 22.3 "Rooming house" and "rooming house keeper" defined.

For the purposes of this article, every person keeping a house or place for the rental of rooms for lodging or sleeping purposes, by the day, week or month, such rental not to include board, whether denominated or known as a hotel, lodginghouse, rooming house or apartment house, is hereby declared to be a rooming house keeper and such house or place is for the purposes of this article designated as a rooming house. (Ord. No. 1210, § 8)

Sec. 22.4 Required.

It shall be unlawful for any person to engage in the business of rooming house keeper within the city without having first procured a permit so to do as provided in this article. (Ord. No. 1210, § 1)

Sec. 22.5 Application.

Every person desiring a permit to engage in the business of rooming house keeper shall apply for such a permit to the city manager upon an application form required by the city manager.

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The application form shall require a statement under oath furnishing the following information:

- (a) The location of the house or place and the number of all rooms contained therein.
- (b) The number of rooms rented or to be rented for lodging or sleeping purposes.
- (c) The names of all persons who are interested in any way in the operation of the rooming house.
- (d) The names of the owners of the legal title and of any leases on the property.
- (e) The names of the persons who will be employed on the premises to conduct the business carried on thereon.
- (f) If more than one person is interested in the operation of the rooming house, each of the persons so interested shall be required to sign the application.
- (g) A statement by each of the persons interested in the conduct of the rooming house as to each conviction of each person so interested of a crime involving moral turpitude and the time and place of such conviction.
- (h) Each person so interested shall give a reference of two residents of the city who have resided therein for a period of at least five years.
- (i) Each person interested shall give the nature of his employment for a period of at least five years immediately preceding the date of the application, the names of his employers, if any, and the place of employment.
- (j) Such other relevant information as may be required by the city manager. (Ord. 1210, §§ 2, 3)

Sec. 22.5-1 Application fee.

Every application for a permit shall be accompanied by a nonrefundable fee established by resolution of the city council. This fee shall be in addition to any fee or tax imposed by chapter 23 of this code. (Ord. 4095, §11; Ord. 4356, §1)*

Sec. 22.6 Investigation of application.

Upon receipt of an application by the city manager, he shall cause an investigation to be made by the chief of police, and the chief shall report to the city manager stating in his report such information as may be relevant in determining whether the rooming house will be operated in a quiet, lawful and peaceable manner. (Ord. 1210, §4)

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○Sec. 22.7 Issuance of denial.

If, after consideration of the information supplied in the application, the information contained in the report of the chief of police and such other reliable and relevant information as may be secured, the city manager finds that the persons interested in the operation of the rooming house are morally qualified and that the probability is that the rooming house will be operated in a quiet, lawful and peaceable manner, the city manager shall issue a permit to the person so applying, allowing those persons to operate a rooming house within the city; otherwise, he shall deny the issuance of a permit. (Ord. No. 1210, § 5)

Sec. 22.8 Appeal from decision of city manager.

Any person who is dissatisfied with the action of the city manager in either granting or refusing to grant a permit to operate a rooming house may appeal to the city council for a hearing to review the action of the city manager. Such appeal shall be made by filing a request for an appeal with the city clerk within ten days after the action of the city manager in either granting or refusing to grant the permit. The city clerk shall forward the appeal to the city council and a hearing shall be set thereon within twenty days and not less than ten days from the receipt of the appeal by the city clerk. Notice of the hearing on the appeal shall be sent to all persons interested in the operation of the rooming house and to the person so appealing by mail at least five days prior to the date of the hearing. If, after hearing relevant evidence concerning the propriety of granting or refusing to grant the permit, the city council is satisfied that the action of the city manager should be overruled, the council may then so do by a vote of at least six members thereof. (Ord. No. 1210, § 10)

Sec. 22.9 Transferability; expiration; renewal.

A permit to operate a rooming house shall not be transferable and shall be effective for a period of one year from the date of issuance. Renewal thereof may be made by filing a new application. (Ord. No. 1210, § 6)

Sec. 22.10 Revocation.

A permit to operate a rooming house shall be revoked by the city manager when the rooming house operating pursuant to such permit is operated in violation of any provision of this Code or other city ordinance, the laws of the state, or in such manner as to constitute a nuisance, or when any of the persons interested in the operation of such rooming house knowingly allow violations of the law to be committed on the premises.

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The procedure for revocation of a permit shall be as follows: Upon receipt of information that grounds exist for the revocation of a permit, the city manager shall set the same for hearing at a time within twenty days and not less than ten days. The persons interested in the operation of the rooming house shall be notified by mail of the date of hearing at least five days before the date so set. At the hearing, the persons interested in the permit shall have the right to present evidence on their behalf, examine witnesses against them and be represented by an attorney. If, after consideration of all of the evidence presented, the city manager is satisfied that the rooming house was operated in violation of any provision of this Code or other city ordinance, or a law of the state, or in such a manner as to constitute a nuisance, or any of the persons interested in the operation of the rooming house knowingly allowed violations of law to be committed on the premises, he shall revoke the permit. (Ord. No. 1210, § 11)

Sec. 22.11 Permit prerequisite to issuance of license.

The assessor-collector shall not issue a license to conduct a rooming house within the city until the permit required by this article has been granted, and any license issued without such a permit having been granted shall be invalid for any purpose. (Ord. No. 1210, § 7)