

City of San Bernardino Residency Policy

Subject: Residency Policy for Elected Officials and Candidates for Elected Office

Purpose: The following policy is enacted to establish what forms of supporting documentation maybe provided by City Council and Mayoral candidates and current City Councilmembers and the Mayor to demonstrate that the candidate or elected official resides in their respective Ward or within City limits.

Authority: Resolution No. 2023-140

SECTION I: PURPOSE OF POLICY

The following policy is enacted to establish what forms of supporting documentation can be provided by City Council and Mayoral candidates and sitting City Councilmembers and the Mayor to demonstrate that the candidate or elected official resides in their respective Ward or within the City they will or do represent.

Objectives:

- A. To establish what forms of documentation are sufficient to establish residency pursuant to Charter section 301.
- B. To establish what forms of documentation are sufficient to verify continued residency in the Ward or in the City for current elected officials.
- C. To protect the interests of all San Bernardino citizens and maintain proper representation by developing policies that will help ensure that the Councilmembers truly reside in the Ward they represent and the Mayor truly resides in the City of San Bernardino
- D. To adopt enabling legislation via a municipal resolution to establish necessary policies to accomplish the aforementioned objectives.

Accomplishing the above stated objectives will help ensure that both the letter and spirit of Charter Section 301 will be implemented as San Bernardino voters intended.

SECTION II: RESIDENCY REQUIREMENTS FOR MAYOR AND COUNCIL CANDIDATES

In addition to providing proof of voter registration at a residential address in the respective Ward when running for a City Council seat or within the City for the Mayoral seat, candidates must provide no less than two of the following additional documentation to the City Clerk to verify that candidates meet the 30 consecutive day residency requirement. This additional documentation must be current and valid, in the candidate's name, and for an address at which the candidate has resided for a period of at least thirty (30) consecutive days immediately preceding the date of filing their nomination papers for the office:

A. PROOF OF HOME OWNERSHIP/RENTAL PROPERTY. Proof of home ownership as evidenced by 1) a copy of a title deed or grant deed, a mortgage payment billing statement verifying the candidate's address, or any other document that can verify home ownership and residency of the property; or 2) evidence of a homeowner's property tax exemption filed with the County of San Bernardino Assessor for proof that the home is the primary residence; or

If candidates do not have a tax exemption on file, they must submit an affidavit signed by the candidate under penalty of perjury verifying that the home is the candidate's primary residence; or

If the home ownership is in the name of a person other than the candidate, or in the name of a legal entity, such as a trust, partnership, or corporation, the candidate must submit a signed and notarized affidavit, under penalty of perjury, by the homeowner or authorized legal representative of the entity verifying that candidate is living in the home as their primary residence; or

If the residence is rented or leased by the candidate, the candidate must provide proof of residency by submitting a signed copy of a current and legally enforceable lease or rental agreement demonstrating that the candidate has been a resident of their respective ward (or the City for Mayor) for a period of at least thirty (30) consecutive days immediately preceding the date of filing their nomination papers for the office; or

If a candidate is living at a residence without a lease or rental agreement and whose name otherwise does not appear in the proof of home ownership, the candidate must submit a notarized affidavit signed by the residence's landlord or property owner, under penalty of perjury, that the candidate resides at the landlord or owner's property.

B. PROOF OF CALIFORNIA MOTOR VEHICLE REGISTRATION WITH INSURANCE. Proof of California motor vehicle registration and current vehicle insurance, if any motor vehicles are registered to the candidate at the residence claimed, or proof of a valid and unexpired California driver's license or identification

card showing their name and address is consistent with the address shown on the nomination paper. If the residence address on either the driver's license or auto registration is in the process of being changed to the candidate's current address in the respective Ward (or City for the Mayor) , the candidate must provide a document from the California Department of Motor Vehicles (Form DMV 14, Notice of Change of Address) verifying the change was in process no less than at least thirty (30) consecutive days immediately preceding the date of filing their nomination papers for the office. If a candidate does not own an automobile or does not have a California driver's license or identification card, the candidate may submit any other State of California issued identification showing the residence address on the identifying document is consistent with the residence address shown on the nomination paper filed.

C. UTILITY BILL. An electric, gas, water, sewer, refuse, internet, cable TV, or landline phone bill in the candidate's name showing that the service address is consistent with the residence address in the candidate's nomination paper. In the event a utility bill has not yet been generated, a letter from an authorized representative of the utility provider stating that an account has been opened in the candidate's name at the residence address in the candidate's nomination paper that is dated no less than a period of at least thirty (30) days immediately preceding the date of filing their nomination papers for the office will suffice. If there is an agreement with a landlord or other legal entity that the tenant is not responsible for the utility bills, the candidate must submit a notarized affidavit signed by the landlord or the other legal entity's authorized legal representative verifying, under penalty of perjury, that the landlord or other legal entity is responsible for paying the utility bill.

D. OTHER DOCUMENTS WITH CURRENT ADDRESS DATED NOT OLDER THAN 90 DAYS AND AT LEAST THIRTY (30) CONSECUTIVE DAYS IMMEDIATELY PRECEDING THE DATE OF FILING THEIR NOMINATION PAPERS FOR THE OFFICE.

1. School records or any official document issued by an accredited educational institution which lists the candidate's current address.
2. Current paycheck stub or personnel record issued by the candidate's employer showing the candidate's current residence address.
3. Current homeowner or renter's insurance policy.
4. Current documents issued by any California court or federal court that which list the candidate's current address.
5. Original record issued by any state or national bank, state or federal savings association, trust company, industrial loan company, state or federal credit union, or any institution or entity that has issued a credit card which lists the candidate's current address.

In addition to items A-D above, the candidate must sign an affidavit, in a form approved by the City Clerk and City Attorney verifying residency under penalty of perjury.

If the candidate fails to provide any two (2) of the above-required documents (Items A-D) and the required affidavit, the candidate will not be permitted to file their nomination papers, for failure to meet the Charter Section 301 Ward residency requirement.

SECTION III: PROVIDING PROOF OF RESIDENCY FOR COUNCIL CANDIDATES

Candidates are required to file all of the documents specified in Section II above with the San Bernardino City Clerk's Office for verification to demonstrate that they have been qualified electors and residents of their respective wards for a period of at least thirty (30) consecutive days immediately preceding the date of filing their nomination papers for the office. The City Clerk will review and verify that all required information is correct and meets the requirements of this Policy. No later than five (5) calendar days from receipt of the candidate's documents, the City Clerk shall complete the review and verification of the documents. The City Clerk will then do one of the following:

- A. If all City residency requirements are satisfied pursuant to the Policy, the City Clerk's Office will correspond by email or certified mail to the candidate confirming that the candidate has met the City's residency requirements; or
- B. If any deficiencies are discovered in the documents provided or certain documents are missing, the City Clerk's Office will correspond by email or certified mail to the candidate identifying the specific deficiency(ies) or missing document(s). The candidate will have until the closing date of the nomination period to correct the deficiencies and re-submit the required documents for verification to the City Clerk; or
- C. If the candidate either fails to complete verification of all the submitted residency documents required by this Policy within the prescribed time limits, or the resubmitted documents do not meet the requirements of the Policy, the City Clerk will correspond by email or certified mail to the candidate advising them of the failure to meet the requirements of the Policy; or
- D. If the documents resubmitted by the candidate meet all requirements of this Policy, the City Clerk Office will correspond by email or certified mail to the candidate confirming that the Policy's residency requirements have been met.

SECTION IV: PROVIDING PROOF OF RESIDENCY FOR COUNCILMEMBERS AND MAYOR

Councilmembers are required to live in the Ward they represent and the Mayor is required to live in the City of San Bernardino during their entire term in office. To

ensure that the Councilmembers and Mayor continue to live in the area they represent, each elected official must submit one (1) of the following documents to the City Clerk during the last 31 calendar days of the year (December 1st to 31st), with the exception of the first year in office:

A. Proof of home ownership as evidenced by 1) a copy of a title deed or grant deed, a mortgage payment billing statement verifying the address or any other document that can verify home ownership and residency of the property, or 2) evidence of a homeowner's property tax exemption filed with the County of San Bernardino Assessor for proof that the home is their primary residence. If the elected official does not have a tax exemption on file, they must submit an affidavit, signed by the elected official under penalty of perjury, verifying that the home is their primary residence; or

If the home ownership is in the name of a person other than the elected official, or in the name of a legal entity, such as a trust, partnership or corporation, the elected official must submit an affidavit signed by the homeowner or authorized legal representative of the entity verifying, under penalty of perjury, that the elected official is living in the home as their primary residence; or

If the residence is rented or leased by the elected official, the elected official will provide proof of residency by submitting a signed copy of a current and legally enforceable lease or rental agreement demonstrating that the elected official resides at the specified address; or

If an elected official is living at a residence without a lease/rental agreement the elected official must have the landlord or property owner sign an affidavit verifying, under penalty of perjury, the elected official's residency in landlord or owner's property.

B. Proof of current motor vehicle registration, if any motor vehicles are registered to the elected official for the residence claimed or proof of a valid California driver's license showing their address on their license is within the ward they represent (or within the City for the Mayor). If the residence address on either the driver's license or auto registration is in process of being changed, the elected official must provide a document from the California Department of Motor Vehicles (Form DMC14) verifying the change is in process. If the elected official does not own an automobile or does not have a California driver's license, the elected official must submit any other State of California issued identification showing that their address on the identification document is consistent with the address shown on their current voter registration.

C. A current utility bill in the elected member's name showing that the service address is within the respective Ward for the Councilmember (or within the City for the Mayor) in the elected official's name. In the event a utility bill is not available, a letter from an authorized representative of the utility provider stating that an account has been opened in the elected official's name will

suffice. If there is an agreement with a landlord or other legal entity, as verified by a rental contract or lease contract, that the landlord or other legal entity will pay the utility bill, the elected official must submit an affidavit signed by the landlord or the other legal entity's authorized legal representative, verifying under penalty of perjury that the landlord or other legal entity is responsible for paying the utility bill.

D. Other documents showing current residence address in the respective Ward for the Councilmember or City for the Mayor:

1. School records or any official document issued by an accredited educational institution which lists the elected official's current address.
2. Current paycheck stub or personnel record issued by the elected official's employer.
3. Current homeowner or renter insurance policy.
4. Current documents issued by any California court or a federal court that lists the name of the elected official and their residence address.
5. Original record issued by any state or national bank, state or federal savings association, trust company, industrial loan company, state or federal credit union, or any institution or entity that has issued a credit card, which lists the elected official's current residence

Additionally, the elected official must sign an affidavit verifying, under penalty of perjury, residency.

In the event that a Councilmember moved to a new residence within the Ward after the filing of the previous affidavit, the elected official must confirm the new address within 60 days of moving by providing one of the documents listed in items A through D under Section III above, and an affidavit signed under penalty of perjury to the City Clerk.

Incumbent elected officials who have not relocated since the information required by this Section was last provided may comply with this Section by supplying a copy of a current driver's license or State of California issued identification card and an affidavit that they have not relocated and all previously supplied information remains true and correct. The City Clerk shall confirm that the residence address on the incumbent elected official's voter registration is consistent with the other items supplied to demonstrate proof of residence. Failure to provide any of the above-required documents on or before December 31st of each year shall be referred to the City Council for further action.

SECTION V: INVESTIGATION AND ENFORCEMENT

Any complaint alleging fraudulent compliance with this policy shall be submitted to the City Attorney for review and potential investigation. The City Attorney may refer such complaints to the County of San Bernardino District Attorney. The District Attorney shall have the discretion to investigate residency complaints and if sufficient evidence of fraud is found during the investigation, the District Attorney can elect to prosecute.

Nothing herein shall preclude the City Council from investigating the matter through other means, for example through a private investigator or outside counsel. In addition, nothing herein shall preclude the City Council from enforcing a violation of this policy in any manner available under applicable law.

Nothing herein shall create a private course of action not already available under applicable law.

SECTION VI: TRANSPARENCY

The City Clerk shall post the names and corresponding Council Ward, as appropriate, consistent with applicable confidentiality laws, of all candidates that have met the residency requirements of this Policy on the City's website and have a hard copy of the list available to be picked up at the City Clerk's Office during normal business hours. Any confidential information shall be redacted before the public record is made available for inspection in accordance with the California Public Records Act. After the election, the list of qualified candidates shall be removed from the City website and hard copies will no longer be available for pickup at the City Clerk's Office.

A copy of this Policy shall be available, year-round on the City's website and a hard copy shall be available by request at the City Clerk Office during normal business hours. This will enable prospective candidates to review the residency requirements pursuant to this Policy.

SECTION VII: REVIEW

The Council may request, at a regularly scheduled meeting, to review the implementation and practice of this Policy and, if necessary, amend the Policy to reflect required changes.

SECTION 8: EFFECTIVE DATE

This Policy shall take effect upon final passage. This Policy, along with any subsequent amendments, shall be the Council Residency Policy of the City of San Bernardino.

Council Residency Policy Adopted February 2, 2022, by Resolution No. 2022-24.

Amended Council Residency Policy Adopted September 6, 2023 by Resolution No. 2023-140.