

THE R.H.M.P. HAS RETYPED THIS STATUTE VERBATIM FROM THE SANTA BARBARA MUNICIPAL CODE. HOWEVER, SANTA BARBARA STATUTES CHANGE ON A REGULAR BASIS AND THE R.H.M.P. DOES NOT GUARANTEE THAT THIS COPY REFLECTS THE CURRENT STATUTE OR THAT THE STATUTE HAS NOT BEEN CHANGED PRIOR TO ITS USE. YOU ARE ADVISED TO INDEPENDENTLY VERIFY THE STATUTE.

Chapter 26.20

REPORT OF NOTICE TO QUIT

Sections:

26.20.010 Findings and Purposes.

26.20.020 Definitions.

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26.20.010 Findings and Purposes.

The City Council finds and determines that, in order to effectively study the number of notices to quit which are given to tenants in the City of Santa Barbara, it is necessary that landlords who issue a notice to quit to a tenant send a report of the notice to quit to the City. The City Council finds that the requirement for such a report would not materially affect a landlord's ability to regain possession of the leased property pursuant to California law. (Ord. 4291, 1984; Ord. 4244, 1983.)

26.20.020 Definitions.

"Landlord and rental unit," when used in this Chapter, shall be construed as defined herein. Other words and phrases used herein shall have the meaning stated elsewhere in this Code.

A. **LANDLORD.** An owner, lessor, or sublessor (including any person, firm, corporation, partnership, or other entity) who receives or is entitled to receive rent for the use of any rental unit, or the agent, representative or successor of any of the foregoing.

B. **RENTAL UNIT.** A dwelling unit, as defined in Section 28.04.260 of this Code, rented or offered for rent for living or dwelling purposes, the land and buildings appurtenant thereto, and all housing services, privileges, furnishings and facilities supplied in connection with the use or occupancy thereof, including garage and parking facilities. This term shall include a dwelling unit in a condominium or similar project. The term shall not include:

1. A dwelling unit on a lot with four or fewer dwelling units, provided one such dwelling unit is occupied by a record owner of the property.

2. A single family residential structure where there is only one such structure on the lot.

3. Housing accommodations in hotels and boarding houses, provided that at such time as an accommodation has been occupied by one or more of the same tenants for sixty (60) days or more, such accommodation shall become a rental unit subject to the provisions of this chapter.

4. A dwelling unit in a nonprofit or limited equity stock cooperative while occupied by a share-holder tenant of the stock cooperative.

5. Housing accommodations in any hospital; state licensed community care facility; convent, monastery, extended medical care facility; asylum; fraternity or sorority house; or housing accommodations owned, operated or managed by an institution of higher education, a high school, or an elementary school for occupancy by its students or teachers.

6. Housing accommodations which a governmental agency, or authority owns, operates, or manages, or as to which rental or mortgage assistance is paid pursuant to 24 C.F.R. 882 ("HUD Section 8 Federal Rent Subsidy Program") or a similar federal rental assistance program.

7. Housing accommodations operated by an organization exempt from federal income tax is under section 501(c)(3) of the Internal Revenue Code provided that the gross income derived therefrom does not constitute unrelated business income as defined in Section 512 of the Internal Revenue Code, or a nonprofit public benefit corporation under California Corporations Code Section 5110 et seq., whose principal purpose is to provide low or moderate income housing. (Ord. 5459, Section 3, 2008; Ord. 4291, 1984; Ord. 4244, 1983.)

26.20.030 Notices to Quit.

Prior to or at the same time as the written notice of the landlord's intention to terminate the tenancy required by Code of Civil Procedure §1161 is served on the tenant of a rental unit, the landlord shall file with the City Clerk an executed statement in the form provided by resolution of the City Council. (Ord. 4291, 1984; Ord. 4244, 1983.)

26.20.040 Enforcement.

In any action by a landlord to recover possession of a rental unit, the tenant may raise as an affirmative defense any failure by the landlord to comply with the requirements of Section 26.20.030.

The affirmative defense provided for by this Section shall be null and void upon the execution and filing with the City Clerk of a Rental Housing Data Collection Form regarding the unit which is the subject of the action. (Ord. 4291, 1984; Ord. 4244, 1983.)

RENTAL HOUSING DATA COLLECTION FORM

NOTICE: The law requires that a landlord file this form for each tenant living in the City of Santa Barbara whose tenancy is terminated or who is served a Notice to Quit. The City will treat the information reported on this form to be confidential.

INSTRUCTIONS: Complete Parts I and III when the tenant is served the Notice to Quit or Notice of Termination of Tenancy, or vacates the premises prior to the end of the term. Return the WHITE & YELLOW to the City Clerk's Office, 735 Anacapa St., Santa Barbara, CA 93101. Complete Part II when the matter is finally resolved, and return the PINK copy to the City Clerk's Office. Keep the GOLD copy for your files.

QUESTIONS: Contact the Rental Housing Mediation Office, 564-5420.

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PART I (Please print clearly)

Date Part I Completed: _____

Name of Tenant: _____ Phone: _____

Address of Premises: _____
(Unit No.; Street Address; City; Zip Code)

Please check the applicable boxes:

☐ Three Day Notice to Pay Rent or Quit. Date served: _____

☐ Three Day Notice to Conform to Covenants or Quit. Date served: _____

☐ Three Day Notice to Quit. Date served: _____

☐ Notice of Termination of Tenancy. Date served: _____

☐ Is landlord willing to mediate disputed issues with the Rental Housing Mediation Task Force (RHMTF)?
_____ Yes _____ No

☐ Landlord reports that tenant vacated premises prior to end of term. Did tenant give notice to landlord?
_____ Yes _____ No

PART II (Please print clearly)

Date Part II Completed: _____

Please specify result of serving Notice on Tenant:

☐ Tenant paid rent or cured defect; Notice rescinded.

☐ Tenant vacated premises.

☐ Parties mediated issues in dispute: _____ Settled _____ Not Settled.

☐ Unlawful Detainer Action was filed and:

☐ Default judgment entered against Tenant; or

☐ Case settled; terms: _____

☐ Trial held; result: _____

PART III

I declare under penalty of perjury that the foregoing is true and correct.

THIS SPACE FOR CLERK'S USE ONLY

PART I	PART II

Signature of person completing form

Name of person completing form (Print)

Business telephone of person completing form (Print)

Name of Landlord (Print)

Address of Landlord (Print)

Phone