

# President's Message



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Happy New Year. Let's hope there is some glimmer of hope for rationality to surface in upcoming tenant protection laws. In order to facilitate that potentiality, we must educate our legislators and local government about the effect their actions are having on local housing providers and the reduction of housing stock as a result thereof.

Before we dive into the new laws for 2026, I think the most important change to property management procedure came as a result of the Eshagian v. Cepeda case which was certified for publication June 26, 2025 by the Second Appellate District, Division Seven in the Court of Appeal of the State of California as case number B340941.

In that case, after delaying his eviction for 3 years, the tenant was declared the winner.

The main issue in the case was whether a Clerk's Judgment for Possession was an appealable matter but what really came out of this case were the changes to the 3-Day Notices, the 3-Day Notice to Pay Rent or Quit, the 3-Day Notice to Conform or Quit and the 3-Day Notice to Quit.

Now, not only must you have an election of forfeiture clearly stated which means you must state that if the tenant does not comply, you are seeking return of possession of the premises, but you must state in the notice what date the Notice was SERVED AND what day the time frame in the notice EXPIRES. Further, the Notice must state that holidays and weekends do not count for the computation of time. The case also discussed that the place for payment must be stated.

SBRPA has changed its forms to comply with these new requirements; so, please be sure to check our forms list for any updates before you use our forms. You will see a "revised" with a date next to the forms that needed to be and were revised.

In addition to these changes, the following laws were enacted and became effective January 1, 2026:

AB 628 Starting January 1, 2026, all rental units

must have a working stove and refrigerator unless the tenant agrees in writing to provide their own. And, be careful because the tenant can revoke this agreement and then you would be required to provide that appliance at that time.

**AB 414: Security Deposits.** This Assembly Bill requires that if the housing provider received the security electronically, then any remainder of the security deposit after evaluation must be returned electronically unless the parties agree to a different method in writing. If you have no special agreement in place then you must notify the tenants of their right to receive their refund electronically if that is how they paid you.

**AB 1414: Internet fees.** This new law allows tenants to opt out of internet or cable fees that are bundled with rent. In other words, housing providers cannot mandate that a tenant use a certain internet or cable service. If the housing provider violates this, the tenant can deduct the cost of that service from the rent.

**AB 246: Eviction Protections:** This Assembly Bill is also known as the Social Security Tenant Protection Act of 2025 and allows a tenant to assert as an affirmative defense to an Unlawful Detainer Action financial hardship due to a gap or delay in social security benefits. The tenant must do so by filing a Declaration.

Finally, sellers must now disclose known smoking residue in residential properties starting January 1, 2026. California has once again taken the



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lead in public health innovation with the passage of Assembly Bill 455, authored by Assemblymember Ortega. Signed into law in October 2025, AB 455 is the first-in-the-nation legislation to require disclosure of thirdhand smoke contamination in residential real estate transactions.

Thirdhand smoke is the toxic residue that lingers long after cigarettes or vaping devices are extinguished. It settles into carpets, walls, and furniture, where it can persist for years. Research has found it contains more than two dozen chemicals identified as causing cancer, birth defects, or reproductive harm.

Under AB 455, sellers of single-family homes with actual knowledge of past smoking or vaping inside the property must disclose this information to buyers in writing.

Please continue to monitor the SBRPA website for notifications about important City Council meetings where we need your help to tell your experiences.

We appreciate your membership and participation.

Betty L. Jeppesen, President

**2026 Advertising Rates**

The magazine is published 11 times per year. Monthly except for our Fall issue (Aug-Sep). Ads are generally due around the 15th of the month for the following month's magazine. 2026 rates are listed below. Questions e-mail [magazine@sbrpa.org](mailto:magazine@sbrpa.org).

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