

# Santa Barbara Happenings



Terry A. Bartlett – Reetz, Fox & Bartlett LLP

## **Carpinteria City Council Representatives to be Elected by District**

For the first time, the City of Carpinteria plans to hold district elections for the November 2022 election of City Councilmembers. The decision to switch from at-large elections was made in July of 2021 by a 4-1 vote. In 2017, a complaint was filed to the City of Carpinteria questioning whether the at-large voting was in violation of the California Voting Rights Act (the "Act") and asked that the City transition to district-based elections. The Act prohibits the use of at-large elections if it impairs the ability of a protected class to election candidates or influence the outcome of an election. The City denies that the at-large voting system violates the Act but eventually agreed to institute district elections.

The City will be divided into five Districts with the Mayor being appointed every 2 years out of the pool of Councilmembers. The boundaries of the five Districts will be decided using 2020 U.S. Census data and input from public.

## **What the End of the Eviction Moratorium Means for Property Owners**

In late August, the Supreme Court voted to end the federal eviction moratorium. However, this had little bearing on Santa Barbara since California had already extended its statewide moratorium on nonpayment evictions until September 30, 2021.

At the time of this writing, the statewide moratorium has not yet been extended and evictions will be processed for nonpayment of rent cases starting October 1, 2021, with some conditions: i) Tenants cannot be evicted for rental debt accrued in the "protected time period" (March 1, 2020 through August 31, 2020) if they have provided a declaration of hardship; ii) Tenants cannot be evicted for rental debt accrued during the "transition time period" (September 1, 2020 through September 20, 2021), if they have provided a declaration of hardship and paid at least 25% of those rents by September 30, 2021. Rental debt accrued prior to October 1, 2021 cannot be the basis for eviction but becomes a form of consumer debt collectable by the property owner

in small claims court beginning November 1, 2021.

Beginning October 1, 2021 nonpayment of current rent can be the basis for an eviction, and the requirement to issue a 15-day notice will no longer apply. However, in most cases, a landlord must provide evidence to the court that they have attempted to obtain rental assistance in order to move forward with an eviction proceeding. (See the SBRPA.org website for further information. <https://www.sbrpa.org/emergency-rental-assistance-for-landlords>)

## **Goleta Planning Commission Formalizes System of In-Lieu Fees for Affordable Housing**

The Goleta Planning Commission passed a resolution to determine the in-lieu fee when developers do not build the required number of affordable residential units in a project. Currently, the City of Goleta requires that 20% of units within a new residential development be affordable housing units. The in-lieu fees will be deposited into the City's Affordable Housing Trust Fund that goes toward developing future affordable units.

For rental projects, the Planning and Environmental Review Department proposed a one time in-lieu fee of \$11.50 per square foot for moderate-income units, \$5.40 per square foot for low-income units, \$4 per square foot for very low-income units, and \$6.50 per square foot for extremely low-income units.

The Department's recommendations for in-lieu fees are scheduled to be presented to the Goleta City Council on October 5, 2021.

## **Statewide Initiative Introduced to Stop Property Tax Reassessment on Parent to Child Transfers**

Passed in November 2020, Proposition 19 narrowed some of the property tax limitations established through Proposition 13 and Proposition 58, namely the Parent-Child Exclusion. Proposition 19 highlights the dangers of mixed legislation. Most voters would probably agree that the relief offered to homeowners 55 and older is a good thing. However, combining it with the change to

*Continued on page 33*

## Santa Barbara Happenings from page 31

the Parent-Child Exclusion has negative effects particularly on lower-and middle-income families, many of whom may be forced to sell the most valuable asset in their parents' estate due to the dramatic increase most of them will see in annual property taxes on their family homes.

Effective February 16, 2021 California residents who received real property from their parents are taxed based on the full fair market value of the property, unless it was the primary residence of the parent and it is used by the child as their primary residence after transfer. If used as the child's primary residence, up to the first \$1 million will be eligible for exclusion from reassessment. Note: If the property is transferred to more than one child, all children have to live together in the home as their primary residence to receive the \$1 million exclusion. For uses other than a primary residence (e.g. rental housing, vacation home, or commercial property), there is no longer any exclusion.

A new initiative has been introduced that would allow parents or grandparents to transfer their homes to their children or grandchildren upon death without necessarily triggering a reassessment and an increase in property taxes. The new initiative would increase the exclusion amount from \$1 million to \$2.4 million when the property was used as the primary residence of the transferor. This number would then be adjusted each year for inflation. The proposed initiative would take out the provision requiring the transferee to use their property as their principal residence.

Since the average value of a home in Santa Barbara is roughly \$1.5 million, most parent-child transfers under the new Proposition 19 rules – even those that qualify for the narrow exclusion – are subject to at least partial reassessment. This proposed initiative would grant some much needed relief to families.

The proposed initiative was received by the Attorney General's office August 26, 2021.

### **Lawsuit Filed Against City and County of Santa Barbara Over Parking Laws**

Recently, a lawsuit was filed in California Federal Court alleging that the parking regulations, specifically those placed on oversized vehicles by the City and County of Santa Barbara are illegal. Currently, overnight parking is prohibited on most streets from 2 a.m. to 6 a.m., and there is a County Ordinance banning oversized vehicles between 9 p.m. and 7 a.m. Additionally, in June 2021, the City Council approved a "sit-lie" ordinance making it

illegal to sit and lie on the sidewalks from Carpinteria to Cannon Perdido from 7 a.m. to 2 a.m.

The Complaint states that parking an oversized vehicle is involuntary and inseparable from the status of being unhoused. Further, the Complaint suggests that as long as there are more homeless individuals in the City and County than number of beds available, the City and County cannot enforce any ordinances against homeless individuals for parking, sitting, or lying in a public place. When the "sit-lie" ordinance was passed in June, residents suggested that there were a number of shelters in the area if homeless individuals choose to pursue that option.

At the time of this writing, the City Attorney's office has not been served with the Complaint and were therefore unable to comment.

### **UC Santa Barbara Returns to In Person Instruction... With Fewer Courses Offered and Fewer Housing Options Available**

Amid the excitement of returning to in-person instruction this fall, some undergraduate students will be unable to maintain status as full-time students due to the massive shortfall in available class space. This affects graduation rates and financial aid available. Put simply, UCSB is enrolling more students than they can educate on a 4-year, 3-quarter schedule. Other factors are also contributing to this shortfall in courses available: More faculty retired as a result of the pandemic, UC Campuses have required UCs to admit more California residents, and UCs are required to admit one community college transfer for every two freshman admits. UC Berkley, UCLA, and UC San Diego are also struggling with similar course shortages.

UCSB is already facing a housing shortage with hundreds of freshman and transfer students still looking for places to live. Some are considering taking a quarter off due to lack of housing.



**Sol Wave**  
**WATER**  
805-845-5443  
<https://www.solwavewater.com/>  
the best solution for your water treatment needs