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Housing Santa Barbara Day page 9



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CALENDAR

Thursday, December 6, 2018, 5-7 PM

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See page 11 for more details.



Photo www.sbyc.org

Holiday Hours: SBRPA Office will be closed Thursday and Friday, November 22-23, 2018 to celebrate the Thanksgiving Holiday.

Thanks to everyone who participated in:

- Housing Santa Barbara Day (see article, page 9)
- SBRPA's annual charity Golf Tournament at Glen Annie Golf Club (see photos pages 14-15)



FOLLOW UP TO THE SBRPA & SBAOR TOWN HALL of September 25, 2018

On Tuesday, October 23rd, the Ordinance Committee met to pass two ordinances that will affect property within City limits. Both are currently drafted in very vague terms and harsh remedies. The tenant relocation ordinance is being reconsidered to affect properties with 2-4 units and 10% displacement. We are working to have this defined per the task force recommendations (>15 units) and a large vacancy (50%+) within a quarterly period. Alternatively, we are recommending that they use the existing county ordinance.

On Tuesday, November 6th, Proposition 10 was overwhelmingly defeated!



SBRPA President's Message & CaLRHA/NAA Update

James Carrillo • CPM®, SBRPA President



As you read this, we will likely have just completed one of the most important statewide elections in decades. As this is sent to press, the fate of Proposition 10, to repeal the Costa Hawkins Act, is uncertain. If it has passed, then the chances are good that we will soon see proposals to implement various forms of rent control in Santa Barbara. If it is defeated, proponents of its passage will have to wait for another day. One thing is certain; the issue is not going to go away until tenants and landlords can come to an agreement on collaborative solutions to California's and Santa Barbara's housing challenges.

One significant measure of that collaboration was evident last year in the formation of the Landlord / Tenant Task Force which brought together representatives from tenant groups, property owners and managers, the real estate community and the city. This task force met throughout 2017 and ultimately recommended two proposed ordinances for the City as a result of that collaborative effort. Those proposed ordinances consist of the "Joint Protection and Accountability Initiative" which would require tenants to be offered one-year written leases and "Tenant Displacement and Relocation Assistance for Mass Evictions".

In late October, representatives from SBRPA met with various city officials to thank them for drafting the proposed ordinances and to offer slight changes to the language to better represent the transparency and accountability we are striving for. Central to this effort were board members Michelle Roberson and Betty Jeppesen, co-chairs of our Government Relations Committee. The City is now considering what changes to make to the proposed ordinances. We are hopeful that this type of collaboration will lead not only to an improved relationship between our different groups, but to an enhanced education initiative which will provide an avenue for both tenants and landlords to be aware of their obligations in maintaining a mutually beneficial relationship throughout a tenancy. It is further hoped that these educational offerings can be offered in both English and Spanish.

The local battle to defeat Proposition 10 would not

have been possible without the efforts of board members Steve Battaglia and Jeremy Bassan and the SBRPA PAC. Steve worked closely with our state organization, the California Rental Housing Association (CaLRHA), to garner financial support for the "NO on 10" campaign. Jeremy organized phone banks leading up to the election in an effort to bring out any possible supporter of our campaign. Contributions from individuals and generous support from our PAC were instrumental in bringing all of these efforts together. Coordinating all of this took the herculean efforts of our Executive Director, Laura Bode. We could not have done any of this without her.

As we neared the end of the campaign, it was apparent that our members were engaged and enthusiastic about showing their support for all of these efforts. We are grateful for that. But as mentioned earlier in this article, the challenge is not going to go away just because an election has been held. Already, there are undercurrents in the political spectrum proposing an initiative for the 2020 election which would end the protections of Proposition 13 on commercial property, which would not be good for our industry.

The efforts to combat legislation and initiatives that would harm our industry are contingent on the education and financial support of our members. We commit to keeping you informed of pending legislation and initiatives so that you can realize the value of your membership. To that end, we encourage you to financially support SBRPA directly or through our PAC and / or Government Relations Committee. Contributions to SBRPA beyond your membership dues are used for programs and education vital to our members. Contributions to the Government Relations Committee further the local efforts necessary to keep local government officials apprised of our stance on issues. Contributions to the PAC are used to support issues or candidates that continue to give us a voice locally and in Sacramento.

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Housing Authority's First Housing Santa Barbara Day Rocks De La Guerra Plaza

By Angel Pacheco for Housing Authority for the City of Santa Barbara

Hundreds of residents got to know more about local affordable housing options, grooved to live music and had a bite to eat at Housing Authority of the City of Santa Barbara (HACSB) and its affiliated nonprofit 2nd Story Associates' inaugural Housing Santa Barbara Day.

Held on Saturday, October 13, 2018, in De La Guerra Plaza, Housing Santa Barbara Day was timed with national Housing America Month in October, a time to celebrate local housing efforts and raise awareness for the need of additional affordable housing.

HACSB staff and representatives from more than a dozen community organizations lined the plaza with booths to share details on subsidized housing, supportive services, home purchasing programs and more.

"It's no shock that Santa Barbara is an expensive community, but we constantly meet residents who are surprised by the breadth of supportive services available to help them make it through," said Rob Fredericks, HACSB CEO/executive director.

"We took Housing America Month as an opportunity to connect these residents, whether they're homeless or middle-income, with services they didn't know they qualify for, or may not have known existed," he said.

Participants included CAUSE, Chance Housing, Habitat for Humanity, Housing Authority of the County of Santa Barbara, Housing Trust Fund of Santa Barbara County, Mental Wellness Center, PathPoint, Rental Housing Mediation Program, Santa Barbara Community Housing Corporation, Santa Barbara Neighborhood Clinics, Santa Barbara Rental Property Association, Tri-Counties Regional Center, Transition House and Northern Santa Barbara County United Way.

Local band Area 51 and local food vendors helped keep the beat during this lively event.

Second Story Associates is a nonprofit corporation created in 2007 to fund and develop affordable housing and related social services for the benefit of low-income families, seniors and disabled members of the Santa Barbara community, including clients of HACSB. More information is available at <http://www.2nd-story.org>.



HACSB Executive Director Rob Fredericks visiting the SBRPA booth, manned by Janet Eastman and Loy Beardsmore. Jovien Joy (not pictured) also helped out at the SBRPA booth.



Coco, SBRPA's Ambassador-at-large, was in attendance to meet and greet the Housing Santa Barbara Day participants.

The Housing Authority of the City of Santa Barbara is a local public agency created for the purpose of providing safe, decent, and quality affordable housing and supportive services to eligible persons with limited incomes, through a variety of federal, state, local and private resources. Visit www.hacsb.org.

https://www.noozhawk.com/article/housing_authoritys_fir_st_ever_housing_santa_barbara_day_rocks_de_la_guerra

On the Cover: Romi Ramirez and her children, Diego and Juliana Lepiz met with SBRPA Board member Janet Eastman at Housing Santa Barbara Day

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Thursday, December 6, 2018

5:00--7:00 p.m.

(Presentations at 6:00 p.m.)

*Santa Barbara Yacht Club
130 Harbor Way*

Join us for a year-end gathering of members to celebrate the conclusion of a very challenging year for the rental housing industry. Hear from the Executive Director and Government Affairs Committee on the state of things locally and statewide. Raise a glass to SBRPA -- Santa Barbara's greatest resource for rental property owners, renters, and vendors!

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HOLIDAY PARTY RSVP

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HASB Landlord Appreciation Lunch

September 26, 2018 at Grace Village

HASB Director Rob Fredericks unveiled new incentives to rental property owners to participate in the Section 8 program and offered tours of the newly completed Grace Village apartments, housing low income seniors.



Meridian Group was awarded a plaque for having the most number of landlords participating in the Section 8 Program. Meridian staff members Karla Fernandez, Jennifer DeSandre, and Jennie Amador accepted the award on Meridian's behalf.

Good bye and good luck, Angela!

It is with sadness that we announce the recent departure of SBRPA office assistant Angela Gonzalez. For 7 years, Angela provided steadfast support to the organization and its members, and she will be sorely missed! Her upbeat demeanor, enthusiasm, and unflagging energy helped keep things on track, and she most enjoyed helping members like Charlie Alva (at right). We wish Angela all the best in her new endeavor--another position in the challenging field of residential property management.



Partners in Housing Solutions Finding Homes for the Homeless

Founded in 2015, Santa Barbara non-profit Partners in Housing Solutions helps people who are experiencing homelessness in our area to secure and retain permanent housing through a network of private landlords. This simple but effective mission has yielded great success, and in the 3 years it has been in operation, it has housed 300 individuals or families that were homeless. With a focus on veterans and families, they match landlords with potential renters and provide the additional support requested by the landlords who founded this original program in Seattle. It works!

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SBRPA would like to recognize the following new and returning members.

Carolyn Wong, Daryl L. Kemp, Toyloy Serrano, Charles & Lavina Hilbrant, Anne Shaw-Hey Bob and Barbara Green, Ed and Debbie Corral, Edward Figone, K.G. Graff, Greg and Leslie White Jay Hartz, Cyndee Howard, Lise Poirier, Lori Zahn, Michael L. Smith, Nadine Nichols Thomas Schulte, Tomas Castelo, Victor and Barbara Bartolome, Mark and Peggy Herrin Bertha Burns, Arthur and Erika Floyd, Marianne Patridge-Poett, Richard Steinberg/Lisa Belluzzi Suzanne Sosothikul and David Brown



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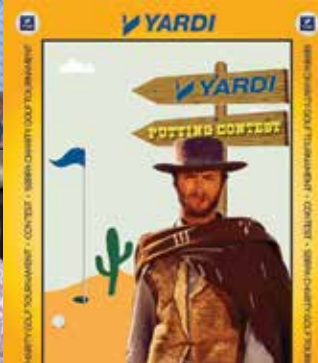
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Meet A Member



Sierra Property Management Celebrates 25th Anniversary in Business

(Santa Barbara, Calif.) Sierra Property Management, an industry leader and household name in the Santa Barbara real estate management world, is proud to mark its 25th anniversary in business this year.

Sierra Property Management was founded in 1993 by Rebecca Cohn with only a few managed properties and purchased two years ago by husband-and-wife team Kevin and Michelle Roberson. Sierra Property Management today manages 1,000 rental units, including apartments, residential and commercial properties, from Carpinteria to Goleta.

The Robersons' combination of legal, real estate, property management and construction expertise makes the couple a powerhouse management team for Sierra Property Management.



Michelle and Kevin Roberson

Michelle Roberson serves as company president and oversees residential property management as well as in-house legal and compliance issues. She is an attorney and licensed real estate broker who concurrently owns her own real estate litigation law firm in Santa Barbara, The Roberson Firm. Michelle Roberson earned a law degree from the Rutgers University School of Law and has been recognized as a "Rising Star" in Super Lawyer Magazine for 2012, 2013, 2015 and 2016. She serves on the board of the Santa Barbara County Bar Association, Santa Barbara Rental Property Association, and Santa Barbara Women's Lawyers Association.

Kevin Roberson's role at Sierra Property Management focuses on commercial property management, operations, facilities, maintenance and construction. A licensed real estate salesperson, Kevin Roberson is also a professional, licensed civil engineer and general contractor. He previously worked for the City of Santa Barbara Public Works Department as a project engineer, as well as in project management for three different companies focusing on facility management, construction, maintenance, design, water resource capital improvements and managing municipal facilities projects. Kevin Roberson has a Bachelor of Science Degree in Mechanical Engineering from Purdue University.

Working with the Robersons at Sierra Property Management are a diverse team of licensed, seasoned real estate agents and accountants who have worked in the industry for decades, as well as those who are newer to property management and bring the company cutting-edge skills in marketing and software development.

Sierra Property Management is located at 5290 Overpass Road, Building C, in Santa Barbara. Call (805) 692-1520, email spm@sierrapropsb.com or visit <http://sierrapropsb.com>.





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Sacramento Report



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The Political Outlook on Housing for California

Here in California it's hard to imagine our next Governor not being a Democrat. The share of registered voters who are Democrats continues to rise and is at 44%. The share of Republicans has been declining since 2014 and is at 25.1%. Republicans are now the 3rd most popular party in California. The share of voters who say they are independent (decline to state) is 25.5%. Hillary Clinton beat Donald Trump by over 4 million votes in California.

Both Republican John Cox and Democrat Gavin Newsom believe that California is becoming unaffordable. Cox wants the government, who he believes is driving up the cost of housing in California, to make it easier to build. Newsom has several policy solutions for helping create new housing. One is withholding transportation dollars to communities that don't build enough housing. Cox has a goal for developers to build 3 million new homes over the next 10 years. Newsom wants developers to build 3.5 million homes over the next 7 years.

How realistic are either plans? California would

need to triple the historical average, quadruple 2017's production, and build almost 7 times the housing units as it did the last decade. The next Governor will likely be working with an overwhelmingly democratic super-majority in the Assembly and a narrow democratic super-majority in the Senate.

Both Newsom and Cox oppose Proposition 10 - the repeal of Costa-Hawkins.

Regardless of who wins, we expect housing to be a priority for the Governor and Legislature in 2019. Based on previous experiences, this results in a flurry of new housing legislation. Many times, more will be hurtful than helpful to the housing provider industry. We expect any idea that was vetoed or modified by Governor Jerry Brown to be reintroduced to test the new, more than likely more liberal, Governor next year.

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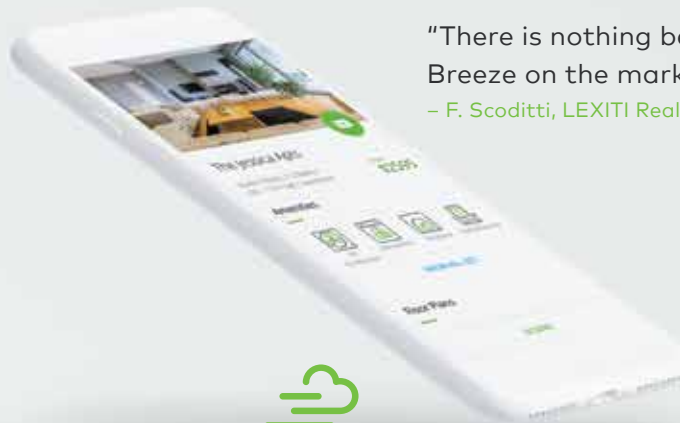
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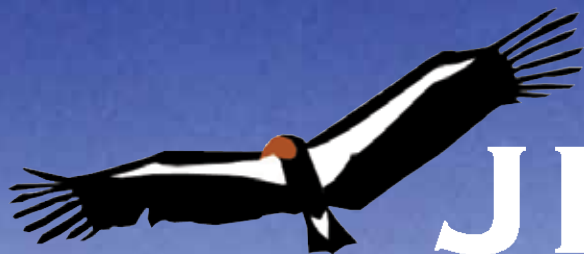
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California's Anti-Price Gouging Law and Rental Housing

Penal Code section 396 proscribes the crime of price gouging, which refers to sellers trying to take unfair advantage of consumers during an emergency or disaster by greatly increasing prices for essential consumer goods and services. One essential consumer good protected by the statute is rental housing, and thus landlords must be aware of the provisions of Penal Code section 396 lest they face fines and penalties for wrongful evictions or rent increases. Moreover, Penal Code section 396 has recently been amended, and its changes affect rental housing and terminations of tenancy. With the unpredictability of fires and earthquakes in California, the threat of a disaster triggering the anti-price gouging protections is ever present, and prudent landlords must be familiar with the limitations imposed by Penal Code section 396.

Penal code section 396 applies immediately after the President of the United States, the Governor of California, or a city or county executive officer declares a state of emergency resulting from any natural or manmade disaster, such as an earthquake, flood, fire, riot, or storm. The statute applies to individuals, business and other entities, and prevents them from selling essential consumer goods and services, including rental housing, for a price more than 10% greater than the price charged by the entity for the same goods and services immediately prior to the declaration of emergency. The protections of Penal Code section 396 last for 30 days following the declaration of emergency. Additionally, the statutory protections extend to whichever locations are impacted by evacuated or displaced individuals, regardless of where the original emergency was declared. Thus, a state of emergency declaration in Ventura County that caused individuals to flee to Santa Barbara County would mean that landlords and other business in Santa Barbara would be subject to Penal Code section 396, regardless of whether a state of emergency was ever declared in Santa Barbara.

The consequences of violating the statute are severe. Violations of the price gouging statute are subject to criminal prosecution that can result in

one-year imprisonment in county jail and/or a fine of up to \$10,000. Violations are also subject to civil enforcement actions including civil penalties of up to \$5,000 per violation, injunctive relief and mandatory restitution. The Attorney General, local district attorneys, and private individuals can bring actions for violations of the statute.

The 2018 amendments to Penal Code section 396 provide additional protection for tenants related to post-emergency situations, in particular by the addition of subdivisions (e) and (f). Subdivision (e) specifies that within 30 days after an emergency declaration, it is unlawful to increase the price advertised, offered or charged for housing to an existing or prospective tenant, by more than 10%. A landlord can exceed this percentage only if he can show that the increase is directly attributable to additional costs for repairs or additions beyond normal maintenance that were amortized over the rental term or that an increase was contractually agreed to prior to the emergency declaration (such as an automatic rent increase built in to a pre-existing lease). Landlords cannot get around the 10% limit even if the rent is being paid by a third party, such as an insurance company.

The amendments also provide a definition for "rental price" for purposes of the statute. For housing rented within one year prior to the emergency, the rental price is the actual rent paid. For housing that was vacant at the time of emergency, but offered for rent within the preceding year, the rental price is the most recent rental rate offered. For housing not rented and not offered for rent within one year prior to the proclamation or declaration of emergency, the rental price is 160% of the fair market rent established by the United States Department of Housing and Urban Development ("HUD"). This amount may be increased by 5 percent if the housing is offered for rent fully furnished. For housing rented at the time of emergency, but vacated while the emergency declaration is still in effect and subject to local rules regarding maximum rental rates, the rental price may either be the last rental rate actually paid, or the 160% of the fair market rent established by HUD.

Continued on page 27

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The amendments to Penal Code section 396 also provide a new subdivision regarding evictions. It is unlawful for a landlord to terminate the tenancy of a residential tenant within 30 days after an emergency declaration and rent or offer to rent the premises to another person at a rental price greater than the departing tenant could be charged under section 396. This basically means that a landlord cannot terminate a tenancy after an emergency so that he can charge a new tenant an increased amount. Landlords may continue with terminations of tenancy that were initiated or prosecute unlawful detainers that were filed prior to the emergency declaration.

Penal Code section 396 is unlike most statutes that landlords deal with in that it is a criminal, not civil, statute. As such, it provides for criminal penalties that are not to be taken lightly. As recent wildfires across California have indicated, a disaster can come out of nowhere to send displaced individuals across the state in search of new housing. Considering the Governor and other officials have extended the state of emergency period far beyond 30 days in many instances (the state of emergency for last year's Napa fires is in effect to December 2018), it is not always straightforward if a prospective tenant falls within the protections of section 396. In light of this evolving reality, landlords must be familiar with Penal Code section 396 and its recent amendments.

Update on AB 2343

In our July 2018 article, we discussed legislative developments, and in particular Assembly Bill 2343. To refresh, the bill would amend Code of Civil Procedure section 1161 to give tenants who receive a 3-Day Notice to Pay Rent or Quit, or a 3-day Notice to Cure or Quit, additional time to perform the act called for in the notice (i.e. either pay rent, cure a breach, or vacate). The amended Code would include a statement that the required three-day notice period would exclude Saturdays, Sundays, and other judicial holidays; whereas the code as currently written counts weekends and holidays as part of the three-day period for paying rent or vacating. The effect of this change, for example, would be that a 3-Day Notice to Pay Rent or Quit served on a Friday would now require rent payment or surrender by the end of Wednesday, while under the current statute it would be Monday.

The bill was passed in September 2018 and will take effect on September 1, 2019. The changes to Code of Civil Procedure section 1161 are substantial as they affect the timing for 3-day notices,

and landlords should become familiar with the new timing before the changes take effect on September 1, 2019.

As always, it is important to seek independent legal counsel as to your specific objectives and circumstances. If you have questions on these topics and/or need legal advice on these subjects, please call (805) 965-7746 or email David Grokenberger at David@rogerssheffield.com; Michael Brelje at Mike@rogerssheffield.com, or Scott Soulages at ssoulages@rogerssheffield.com.



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Santa Barbara Happenings

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Popup to Take Over Macy's Vacant Space during Christmas Holiday

While the debate about residential landlord-tenant reform has taken center stage, there continues to be a serious problem with commercial vacancies in Santa Barbara—especially on State Street. Perhaps the most notorious of these vacancies is the 135,000 square foot building in Paseo Nuevo, which was the former home of Macy's.

Recently, it was announced that this space will be home to the Christmas Night Market, a popup commercial market which will be themed for the holidays. The idea for the Market came from a model that has been used in Europe and seen success.

The Market will include a collection of food vendors, retailers, wineries, and other merchants. It is scheduled to open its doors on November 23, 2018 and will be open until January 6, 2019.

The Christmas Night Market will likely do very little to move the needle on State Street's vacancy issues. However, if it is successful it may provide a model that can be duplicated on a more frequent basis and possibly provide some much-needed relief to the commercial vacancy predicament.

Oversized Vehicle Ban Draws Federal Lawsuit by Homeless Rights Advocates

In October 2016, the Santa Barbara City Council voted to approve an Ordinance banning oversized vehicle street parking due to the safety hazards it poses. Any vehicle over a certain size, width, or length would be banned from parking on City streets. It was no secret that this Ordinance was created with a challenge from potentially-affected Recreational Vehicle dwellers in mind.

What perhaps was not expected was the significant criticism from landowners and commercial contractors who could no longer park their vehicles (most commonly Sprinter and similar vans) on City streets. Due to this criticism the City waited nearly a year, until September 2017, to begin enforcing the ban. In this time, a system for obtaining temporary permits was established.

About a year later, at the end of September 2018, the Ordinance was officially challenged in Federal Court by fourteen Plaintiffs who identified themselves as adversely affected by the Ordinance. The challenge is based on alleged Constitutional and Americans with Disabilities Act violations. The lawsuit seeks injunctive relief to prevent enforcement of the Ordinance. If successful, the lawsuit may invalidate and/or require significant changes to the current Ordinance.

Santa Barbara County Board of Supervisors Support Controlled Burns

In the wake of the Thomas Fire and the subsequent Montecito Debris event, fire prevention has been on the minds of everyone in Santa Barbara County. Recently the Santa Barbara County Board of Supervisors heard a list of preventive measures that firefighters propose taking.

One of the measures which has drawn criticism is the use of controlled burns. Under the proposed approach, 1,000 acres would be burned each year in order to provide a patchwork of scorched earth that could be used to help control a future fire.

This would mean that every year or so firefighters would intentionally start fires and maintain them until the appropriate areas are burnt. The main criticisms of this approach are that it (1) is not effective and (2) harms wildlife. However, these concerns fell on deaf ears at the Board of Supervisors meeting likely due to the insistence by the firefighters' head officers who made it clear that controlled burns are effective, and any harm to wildlife that a 1,000-acre controlled burn does is far less than the harm a 100,000-acre uncontrolled burn would do.

Though the meeting did not end with the Board of Supervisors making any concrete decisions, it seems clear that controlled burns and other preventive measures will be approved in the near future.

Property Taxes and Fixing the Economy (by Andy Caldwell)

Continued on page 31

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“County Auditor-Controller Theo Fallati recently published a snapshot of county finances. Two charts in particular inform the community why local government is broke and why we have a permanent urban underclass of poor people who have no reasonable hope of upward mobility.

The first thing you need to understand is that upward of 90 percent of the county’s discretionary revenues comes from property taxes. What that means is that the money used to pay for countywide services — including fire, sheriff, the operation of the jail, the district attorney’s office, flood control, public works, in addition to the required local match for programs primarily funded by the state and federal governments, which include social services, mental health services and the like — all come from local property tax revenues.

So, here is the problem. Of the top 10 largest employers in the county, only one of the 10 pays any property taxes at all. That has to do with the fact that nine out of the 10 are all either government entities or nonprofits. Now, I am not suggesting that they start paying property taxes; however, I am suggesting there is something wrong with this picture.

The best way to illustrate the same is to go to the second chart. This chart lists the top 10 property tax payers in the county. In this group, only a few of the companies could offer employment opportunities to the tens of thousands of Latinos in the North County, aka the colonies, who don’t have a high school education and who speak neither English nor Spanish.

The bottom line? Power brokers in this county have said that tourism and high tech are the industries they want to promote here, and that is what we’ve got — either low-wage tourist jobs or jobs that can only be filled by the highly educated, leaving the rest of the population with no prospects. To summarize, a huge number of employers in this community don’t help pay for government services, and neither do they offer employment opportunities that match the aspirations and capabilities of the majority of the population.

Things haven’t always been this way. I used to work in industry, in what was the oldest factory in this county, Union Sugar. Unfortunately, Union Sugar, along with dozens of other industrial plants, are gone. They couldn’t withstand the regulations and the taxes that were part and parcel of the goal of preserving the high quality of life for the elitists and environmentalists (I repeat myself) among us. The last important industrial sector that presents upward mobility opportunities is the oil industry, which, ironically, once had the distinction of being both the

top taxpayer and also paying the highest wages.

County supervisors can help secure a bright future for county’s finances and the community as a whole by approving three oil project applications before them: ERG, Aera and Exxon. All three of these are legacy projects. They present no new impacts except in helping us return to a balanced economy, which serves people who would like the opportunity to get ahead in life.”

(First published in the Santa Barbara News-Press)

Village at Los Carneros Completes Affordable Housing Project Condition to Development

Recently, the affordable rental housing at Goleta’s Casas De Los Carneros opened its doors to tenants. The units were offered on a lottery basis to residents who make no more than 60% of the area median income.

The affordable housing was a required condition for the developer to meet before it could complete construction on the rest of the houses at the Los Carneros Development. Now that this has been completed, it is likely that the rest of the homes (about half) in the Development will be finished, and the developer will be able to apply for their certificates of occupancy.

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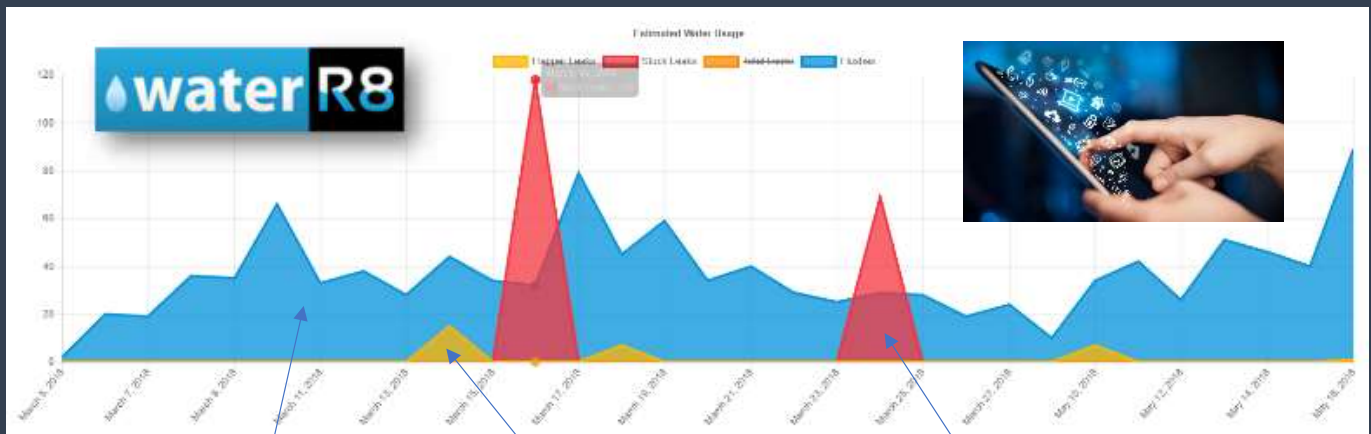
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