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New Year, New Laws



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Prepare Your Business.....	page 25



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November 2019

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CALENDAR

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The Assembly of Delegates (AOD) is NAA's largest business meeting of the year, where all NAA and NAAEI Boards, Committees and Task Forces meet, and the new incoming volunteer leadership is installed.

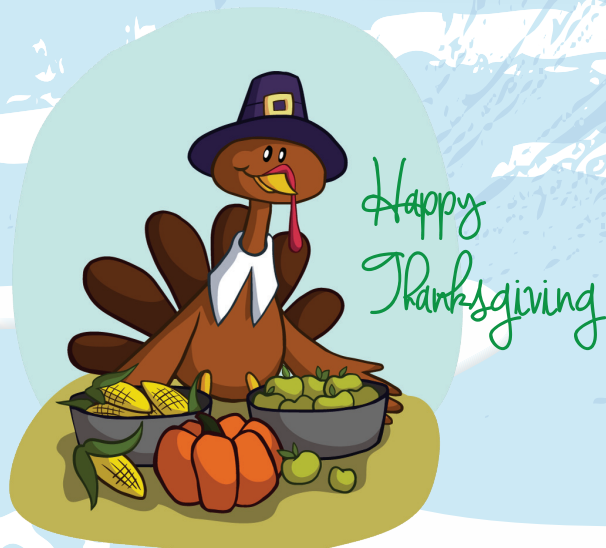
<https://www.naa.org/assembly-delegates/registration>

New Year, New Laws! 2 sessions
 Tue., 11/12/2019 South County, SB Elks Club
 Thu., 11/14/2019 North County, SM Radisson
 Members only review of New Laws. New 2020 Legal Forms will be provided. Class precedes Property Management Seminar. (see page 10)

Property Management Essentials 2 locations
 Tue., 11/12/2019 South County, SB Elks Club
 Thu., 11/14/2019 North County, SM Radisson



Come to our 2019 Certificate class and get up to speed on the latest in Property Management rules and regulations. (see page 11)



NOVEMBER 2019						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
27	28	29	30	31	1 Dia de Los Muertos	2
3 Daylight Savings Ends	4	5 Election Day	6	7	8	9
← NAA Assembly of Delegates →						
10	11 Veteran's Day	12 New Laws Prop Mgmt Elks Club	13	14 New Laws Prop Mgmt SM Radisson	15	16
17	18	19 Ofc closed 1PM BOD Mtg	20	21	22	23
24	25	26	27	28 Thanksgiving	29 Black Friday	30

Office Hours: M-F, 8:00AM-5:00PM

11/19/2019, Office closed 1:00PM BOD meeting
 11/28/2019, Office closed Thanksgiving

Other Santa Barbara County Events

Dia de Los Muertos, 10/31 - 11/2/2019

Santa Barbara History Museum: Come for activities and exhibits to learn about the cultural significance of Dia de los Muertos.

Info: <https://www.sbnature.org/visit/calendar/5474/dia-de-los-muertos-community-celebration>

Dia de Los Muertos, 11/1/2019

Four Seasons/Biltmore Event Santa Barbara: Join them at the Ty Lounge for an afternoon & evening of dancing, cocktails and a Costume Competition — winner gets Sunday Brunch for 2. Info: <https://santabarbaraca.com/events/dia-de-los-muertos/>

Miramar Tree Lighting, 11/27/2019 6:00PM

Rosewood Miramar Beach: A tree lighting ceremony to kick off the Holiday season. Live music and activities. Ceremony starts at 7:30PM. Info: <https://www.rosewoodhotels.com/en/miramar-beachmontecito/overview/holidays>

Pumpkin Smashing, 11/28/2019 10:30AM

Santa Barbara Zoo: Watch the animals play with their pumpkins. Zoo closes at 3:30PM. Info: <https://santabarbaraca.com/events/thanksgiving-day-pumpkin-smash/>

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SBRPA President's Message

James Carrillo • CPM®, SBRPA President



It goes without saying that this has been an extremely busy time for our members and the SBRPA staff. As you are aware, Governor Newsom signed AB 1482 into law in October. This law will impose rent caps and "just cause" evictions throughout California, in areas not already under some type of rent control. While the full impact of the law can be found elsewhere in this magazine, following are the salient points now affecting property owners and managers in California. The law goes into effect January 1, 2020.

- Rent Caps – Rents may only be raised by 5% plus CPI or 10%, whichever is lower. Although rents can be raised up to twice in one 12-month period, the total of the increases may not exceed the maximum allowable increase stated above.
- Rents raised by more than 5% plus the CPI prior to January 1, 2020 will be required to adjust the rent **down** to the March 15, 2019 rent, plus CPI or 10%, whichever is lower, as of January 1, 2020.
- The new law does not affect the owner's right to raise the rent to more than 5% plus CPI once a tenant vacates a unit. Any future increases are based on the initial rent for that tenant.
- Just Cause – Owners may still terminate tenancies for reasons based on the actions or activities of the renter i.e., failure to pay rent, breach of a material lease term.
- Owners may no longer terminate tenancies when the termination is not based on the actions or activities of the tenant without paying relocation assistance or providing a rent waiver to the tenant.

Clearly, the new law has many conditions and qualifiers that must be taken into consideration by the property owner before taking any action. We encourage you to read the full article contained in this magazine on AB 1482. Of course, you can always contact the SBRPA office at 805-687-7007 with any questions.

A big thank you to all of our players, sponsors, volunteers and especially to Laura Bode, Danielle Holzer and Lori Zahn for the incredible work done to stage our Annual SBRPA Golf Tournament on

October 25th. A great time was had by all. Special thanks to Harold Goodman of Santa Maria Properties for sponsoring the now famous "Hatchet Throw" made even more famous by combining it with a Happy Hour for our vendors and suppliers. Thank you, Harold!

As we approach the end of the year, we want to acknowledge and thank our team members at the California Rental Housing Association (CalRHA), and especially Sid Lakireddy for his leadership as President in 2019. Under Sid's guidance, CalRHA played an instrumental role in engaging Capitol Advocacy to lobby on our behalf in Sacramento. Without their guidance and communication, it is possible that AB 1482 could have had even more negative impacts on property owners. We appreciate their work in serving our organization.

Finally, Laura Bode and Grace Doig are hard at work on our behalf at our office at 123 W. Padre St., at De La Vina. Feel free to give them a call with any questions you may have.



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NEW YEAR — NEW LAWS



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MEMBERS ONLY. New legal forms for 2020 will be provided at the meeting.

South County:

Tuesday, November 12, 2019

*Elks Lodge Santa Barbara #613
150 N. Kellogg Ave., Santa Barbara, CA*

North County:

Thursday, November 14, 2019

*Radisson Hotel Santa Maria
3455 Skyway Dr., Santa Maria, CA*

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Seminar Time: 8:45AM to 10:15AM
(preceding Property Management Seminar)

Seminar Location:

- Santa Barbara, 11/12/2019
 Santa Maria, 11/14/2019

Seminar Cost:

- \$35, Members Only

PROPERTY MANAGEMENT ESSENTIALS



South County:

Tuesday, November 12, 2019

Elks Lodge Santa Barbara #613
150 N. Kellogg Ave., Santa Barbara, CA

North County:

Thursday, November 14, 2019

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3455 Skyway Dr., Santa Maria, CA

Member: \$150 • NonMember: \$250
10:30AM—4:00PM • Lunch Included

A SBRPA Certificate Class

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- Protected Classes
- ADA
- Occupancy Standards
- Rental Criteria

Resident Notices

- Forms of Service
- Methods of Service
- Changes in Tenancy
- Abandoned Unit & Property

The Resident Relationship

- Rent Collection
- Owner's Responsibility



Terminating the Relationship

- Unlawful Detainer
- Effect of Bankruptcy on Lease

Rental Agreements - Rules & Regulations

- Lease Content
- Security Deposits
- Move-in / Move-out
- Retention of Records



Completing the Relationship

- Disposition & Inspections
- Wear and Tear



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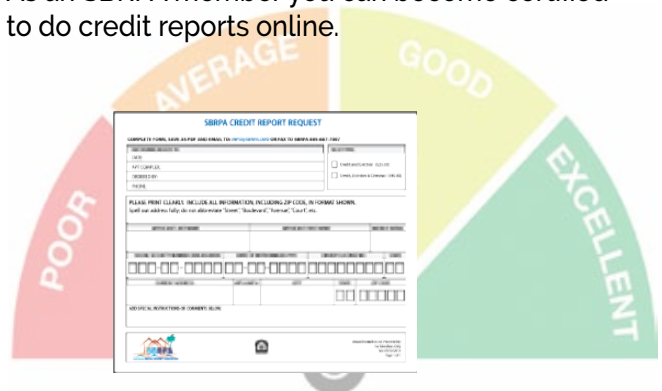
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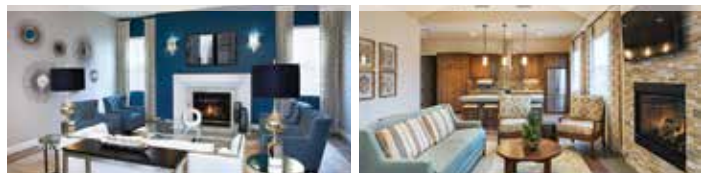
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October 2019

Legislative Update

Governor's Actions

Gavin Newsom wrapped up legislative business in his first year as Governor on Sunday, October 13, approving 870 of the 1,042 bills that made it to his desk. Newsom's final decisions were mostly as anticipated, but his veto rate was higher than many predicted, and the delivery of his signings and vetoes was noteworthy.

Most of Newsom's bill signings occurred in press releases packaged by issue areas, allowing him to demonstrate his Administration's priorities. For example, on October 12th he announced his approval of six anti-fossil fuel bills in conjunction with the appointments of two individuals to the California Department of Conservation. Consistent with this pattern, Newsom launched a statewide "rent and housing tour" on October 8th during which he visited different California cities while signing multiple bills that seek to address the state's housing crisis – including **AB 1482**, which caps rent increases across the state.



California Governor Gavin Newsom

The Governor completed his work on bills Sunday night with a press release thanking the Legislature and touting California's efforts to "defend our state from Trump's attacks." He highlighted his signature on measures that:

- Change California's police use of force laws
- End private prisons
- Allow college athletes to receive compensation for sponsorships
- Enhance wildfire mitigation
- Cap interest rates on loans between \$2,500 and \$10,000.



Sen. Jim Beall

Newsom's veto rate this year matched Governor Brown's highest veto rate at 16.5%. He emphasized that the bills he vetoed would have cost the state \$1.2 billion and referred back to his inauguration speech, in which he "spoke of the California Dream as a house – one that must be built on a strong fiscal foundation". He said that for that reason, he vetoed bills that "would significantly increase costs outside of the state's regular budget process." One of his high-profile vetoes was **SB 5** by Democrat Senator Jim Beall, which would have allowed for millions of dollars in property tax funds to be used for affordable housing. Despite the fact that Newsom has made housing a priority and has called for 3.5 million new units by 2025, he vetoed **SB 5**, stating such a significant cost should be considered through the budget process.

As with every California Governor over the last several decades, far more bills received Newsom's signature than his veto. Several lawmakers this year reintroduced bills that Brown vetoed, taking their chances with a new, more progressive Administration. Those bets paid off in many cases. Smoking at state parks and beaches will now be banned. Childcare workers will now be able to form unions, and public universities have to provide medication abortions to students.

Although voters rejected Prop 10 last year, thereby rejecting any expansion of rent control, Governor Newsom signed **AB 1482**. In his signing message, he stated "About a third of California renters pay more than half of their income to rent and are one emergency away from losing their housing. One essential tool to combating this crisis is protecting renters from price-gouging and evictions. The bills signed into law today are among the strongest in the nation to protect tenants and support working families."

AB 1482 will cap annual rent increases at 5% plus the change in cost of living, as measured by the Consumer Price Index (CPI), for all rent increases occurring on or after March 15, 2019. Beginning January 1, 2020, the law prohibits housing providers from terminating a rental agreement or residential lease, except for a few very limited reasons for tenants who have occupied a unit for at least 12 months, or up to 24 months when an adult tenant adds onto a lease (change in roommates). Despite its passage, another initiative on statewide rent control is likely in 2020, as tenant protection groups (e.g. the AIDS Foundation's Michael Weinstein) do not believe **AB 1482** goes far enough.

Outside of **AB 1482**, several other key bills were considered by the Governor over the past month in the housing space. These measures include additional tenant protections, development incentives, and tax credits. Many of the incentive bills stalled, while the bills placing new requirements on property owners passed to the Governor. Below is an overview of the notable bills:

[Bills that were Signed by the Governor.](#)

As referenced above, **AB 1482** was the most notable housing bill that passed out of the Legislature and was signed by the Governor this year. Other bills approved by the Governor include:



Sen. Nancy Skinner

SB 18 (Skinner) Keep Californians Housed Act. This bill removes the sunset on the requirement that tenants receive at least 90 days written notice that they will be evicted due to foreclosure on the property. It was a noncontroversial bill that passed out of the Legislature easily and was signed by the Governor in July.

SB 329 (Mitchell) Housing Discrimination: Source of Income. **SB 329** by Democratic Senator Holly Mitchell will require owners of rental properties to accept all federal, state, and local public assistance subsidies. This bill seeks to require landlords to accept more Section 8 vouchers, however, CalRHA argued that the process and requirements that are laid out as part of the Section 8 program are very burdensome and make it difficult for property owners to comply. Despite this argument, the bill passed and was signed by Governor Newsom.



Sen. Holly Mitchell

SB 330 (Skinner) Housing Crisis Act of 2019. **SB 330** establishes the Housing Crisis Act of 2019, which places restrictions on certain types of development standards, amends the Housing Accountability Act (HAA), and makes changes to local approval processes and the Permit Streamlining Act. The bill sunsets in 2025. The business community, including realtors and others, as well as tenant groups supported this bill. Numerous local governments were opposed. It was signed by the Governor on October 9.

AB 206 (Chiu) Lead Paint Abatement Programs. This bill will protect property owners who voluntarily participate in a lead paint abatement program by providing limited immunity from lawsuits and other claims associated with the participation in the lead abatement program. CalRHA supported the bill and it was signed by the Governor.



*Assemblymember
David Chiu*

AB 1110 (Friedman) Rent Increase Noticing. This bill requires month-to-month tenants to receive 90 days' notice for rent increases over 10%. The City of Glendale is the sponsor of this bill and proponents include the AIDS Healthcare Foundation (Michael Weinstein's group that will likely pursue a rent control initiative in 2020). Like **AB 1482**, this was one of the tenant protection bills that passed out of the Legislature this year and garnered the Governor's approval.



*Assemblymember
Jesse Gabriel*

AB 1188 (Gabriel) Lodging for At-Risk Individuals. This bill allows tenants, at a landlord's discretion, to allow a person who is at risk of homelessness to occupy a residence. According to the author, this bill "removes many of the barriers keeping tenants from supporting their loved ones in a time of desperate need. **AB 1188** is not meant to be a permanent solution for homelessness. Rather it acts as a form of rapid rehousing giving the individual the time they need to find a more permanent solution while helping them avoid falling into homelessness." It was signed by Governor Newsom on September 26th.



*Assemblymember
Laura Friedman*

[Bills Vetoed by the Governor.](#)

Governor Newsom signed most of the housing bills that made it to his desk, but many measures that put substantial fiscal pressure on the state were rejected. A number of redevelopment bills, including those that would have allowed successor agencies in specific cities to spend stranded bond assets on affordable housing, were vetoed due to General Fund costs. Below is a sample of some of the other housing related bills that didn't make it off the Governor's desk:

SB 5 (Beall) **Affordable Housing and Community Investment Program**. **SB 5** was one of the first bills introduced this year to address the housing crisis. It would have allocated up to \$2 billion in property tax revenue to fund affordable housing over the next three decades. Cities and counties could have applied for the funding and used it for transit oriented or other housing related initiatives. In his veto, Newsom said “legislation with such a fiscal impact needs to be part of budget deliberations so that it can be considered in light of other priorities.”



Sen. Scott Wiener

SB 127 (Wiener) **Transportation Funding: Active Transportation: Complete Streets**. This bill would have established a process for Caltrans to add complete streets components to certain state highway projects. The Governor, again, supports the concept of the bill but believes the bill is costly and too prescriptive. In his veto message, he referred to his executive order under which Caltrans is increasing its investments in active transportation where feasible.

AB 386 (E. Garcia) **Agricultural Working Poor Energy Efficient Housing Program**. This bill would have created the Agricultural Working Poor Energy Efficient Housing Program to improve energy efficiency for farmworker housing. Similar to **SB 5**, Newsom vetoed **AB 386** because of the fiscal pressure it would have placed on the state, believing it should be addressed through the budget process.



Assemblymember Eduardo Garcia

AB 684 (Levine) **Building standards: Electric Vehicle Charging Infrastructure**. **AB 684** sought to establish building standards for the installation of electric vehicle charging infrastructure for existing multifamily dwellings and nonresidential developments. Although he agreed with the intent of the bill, Newsom believed the issue should be addressed administratively.



Assemblymember Marc Levine

Bills That Didn't Make It Out of the Legislature

AB 1482 was not the only rent control bill introduced this year. Assemblymember Bloom authored **AB 36**, which would have amended Costa Hawkins to allow local governments to apply rent control to units in use for 20 years or more, and Senator Durazo carried **SB 529**, which would have allowed for just cause and for the formation of tenant associations (CalRHA was integral in stopping this bill). Bills outside the rent control/just cause space that did not make it to the Governor this year include:

AB 234 (Nazarian) **Seismic Retrofit Tax Credit**. This bill would have created a tax credit until 2025 equal to 30% of the costs paid by a tax payers for seismic retrofits. It died in the spring on the Assembly Appropriations Suspense File.

SB 50 (Weiner) **Development Incentives**. This bill would have required local governments to allow for the development of apartment buildings near public transit. It would have also prohibited single-family-only zoning statewide. It was held by the Senate pro Tem in May and was not resurrected this session. Although the Governor did not officially endorse **SB 50**, he expressed his disappointment with the fact that it did not move. It is a 2-year bill, so it will likely come up again next year.

SB 248 (Glazer) **Renters Tax Credit**. This bill by Senator Glazer attempts to address the housing affordability crisis by providing tenants relief through a tax credit. **SB 248** would increase the existing renters tax credit from January 1, 2020 through January 1, 2025. It was held in the Assembly Appropriations Committee in August.



Assemblymember Adrin Nazarian



Sen. A. Portantino

SB 521 (Portantino) **Section 8 Participation**. This is another bill that deals with Section 8 vouchers and attempts to increase landlord participation in the program. **SB 521** differs greatly from SB 329 because it doesn't require landlords to accept these vouchers, rather it incentivizes them to do so by providing a tax credit. Housing groups favored and supported this bill due to the fact that it does not mandate their participation and provides tax incentives. It was held in the Assembly Appropriations Committee in August.



Sen. Steve Glazer

SB 592 (Wiener) **Housing Accountability Act**. This bill is sponsored by the California Association of Realtors and amends the Housing Accountability Act to extend the Act's protections to Accessory Dwelling Units (ADUs). When it initially surfaced, opponents erroneously believed that it was a reintroduction of **SB 50**. It is much narrower. It was sent to the Rules Committee in the Assembly at the end of session and is now a 2-year bill.

It's a Wrap

Governor Newsom's first year in office was ambitious and, in many ways, very successful. He accomplished many of the goals he set out to achieve, including **AB 1482**, expanding healthcare coverage, tackling prescription drug costs, and free community college. He differentiated himself from his predecessor by signing bills Brown vetoed and criticizing the Trump Administration on a much louder scale.



*Former Governor
Gray Davis*

However, as with any new Governor, Newsom experienced a few hiccups along the way. He had limited engagement in the legislative process until late in the session, preferring to issue Executive Orders and work through the budget process to achieve his objectives. At the end of the legislation session, he asked some legislators to pull bills back from his desk after they passed both houses, sowing confusion and frustration. Recent intentional power outages across the state to prevent wildfires could cast a shadow over Newsom's Administration, as some made correlations between the current outages and the energy crisis under former Governor Gray Davis.

Upon conclusion of his bill signings and vetoes, Newsom stated that he looks forward to a continued partnership with the Legislature. Lawmakers will return to Sacramento on January 6, 2020 for the second year of the 2019-20 session, and Newsom's proposed budget will be released the same week. The budget will provide a glimpse into what his priorities will be for 2020, and we expect housing to once again be on the list.

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MISSION STATEMENT

We are the go-to organization for our members, suppliers, and the rental housing community.

Santa Barbara Rental Property Association **CODE OF ETHICS**

We, the members of the Santa Barbara Rental Property Association, recognize our duty to the public and to those individuals who choose to reside in rental housing. Being ever mindful of the increasing role of the rental housing industry in providing homes, we have united ourselves for the purpose of improving the services and conditions of the rental housing industry. Therefore, we adopt this Code of Ethics as our guide in dealing with all people.

- We conduct ourselves in an honest and ethical manner at all times to better the communities of which we are a part.
- We comply with all laws and regulations applicable to the rental housing industry.
- We respect the rights and responsibilities of our residents and diligently respond to their requests.
- We believe that every resident is entitled to the quiet enjoyment of a safe and habitable residence.
- We strive to conserve natural resources and to preserve the environment.
- We believe in the value of contracts and their enforcement.
- We believe in the importance of continuing education for rental housing owners, managers, and residents.
- We maintain an equitable and cooperative relationship among the members of this association and with all others who may become a part of this industry in order to further the interest of all members of this association.

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- FILL IN MEMBERSHIP APPLICATION, save form as PDF file.**
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If you have difficulty completing the form, call the office for assistance at 805-687-7007 or info@sbrpa.org.

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Street Address(es)	No. of Units
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<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
Total Units	<input type="text"/>

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Basic Annual Membership Dues \$150.00

Unit Fees (calculate as follows)

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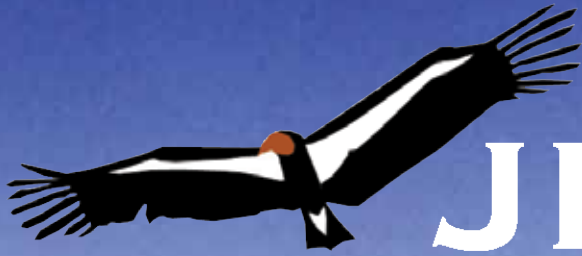
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THE TENANT PROTECTION ACT OF 2019

The Tenant Protection Act of 2019 was passed in the Legislature and signed by the Governor in October 2019. In general, the Act imposes statewide rent control and just cause eviction requirements for rental properties by adding sections 1946.2, 1947.12 and 1947.13 to the Civil Code. The Act takes effect on January 1, 2020 but will expire on January 1, 2030 unless the legislature takes further action.

Rent Control

The Act adds section 1947.12 to the Civil Code, which sets limits on the percentage by which rent may be raised. Specifically, the new section provides that "an owner of residential real property shall not, over the course of any 12-month period, increase the gross rental rate for a dwelling or a unit more than 5 percent plus the percentage change in the cost of living, or 10 percent, whichever is lower, of the lowest gross rental rate charged for that dwelling or unit at any time during the 12 months prior to the effective date of the increase." (Civ. Code, § 1947.12(a)(1)). The statute contains a definition of "percentage change in the cost of living" which references the consumer price index. Furthermore, if the same tenant occupies a unit for any 12-month period, the landlord cannot increase the rent in more than 2 increments (Id. at subd. (a)(2)). The cap on rent increases does not apply to the rent charged to a new tenant, but only to subsequent increases after the initial rate has been set (Id. at subd. (b)).

Section 1947.12 does not apply to certain rental properties, such as those covered by local rent control laws, those bound by agreement to provide low-income housing, housing built within the last 15 years, and single-family housing not owned by an entity or real estate investment trust, provided certain notice language is included in the lease (Civ. Code, § 1947.12(d)).

Just Cause Eviction

Civil Code section 1946.2 establishes a "just cause" eviction requirement, providing that "[n]otwithstanding any other law, after a tenant has continuously and lawfully occupied a residential real property for 12 months, the owner of the residential real property shall not terminate the tenancy without just cause, which shall be stated in the

written notice to terminate tenancy." (Civ. Code, § 1946.2(a)). This section also applies to additional adult tenants added to the lease before an existing tenant has continuously and lawfully occupied the property for 24 months if either (1) all of the tenants have continuously and lawfully occupied the property for 12 months or more or (2) one or more tenants have continuously and lawfully occupied the property for 24 months or more (Id.). The term "just cause" includes both "at-fault just cause" and "no-fault just cause," which are defined in the statute. "At-fault just cause" includes any of the following:

- (1) A default in the payment of rent.
- (2) A breach of a material term of the lease, as described in paragraph (3) of Section 1161 of the Code of Civil Procedure, including, but not limited to, violation of a provision of the lease after being issued a written notice to correct the violation.
- (3) Maintaining, committing, or permitting the maintenance or commission of a nuisance as described in paragraph (4) of Section 1161 of the Code of Civil Procedure.
- (4) Committing waste as described in paragraph (4) of Section 1161 of the Code of Civil Procedure.
- (5) The tenant had a written lease that terminated on or after January 1, 2020, and after a written request or demand from the owner, the tenant has refused to execute a written extension or renewal of the lease for an additional term of similar duration with similar provisions, provided that those terms do not violate this section or any other provision of law.
- (6) Criminal activity by the tenant on the residential real property, including any common areas, or any criminal activity or criminal threat, as defined in subdivision (a) of Section 422 of the Penal Code, on or off the residential real property, that is directed at any owner or agent of the owner of the residential real property.
- (7) Assigning or subletting the premises in vio-

lation of the tenant's lease, as described in paragraph (4) of Section 1161 of the Code of Civil Procedure.

- (8) The tenant's refusal to allow the owner to enter the residential real property as authorized by Sections 1101.5 and 1954 of this code, and Sections 13113.7 and 17926.1 of the Health and Safety Code.
- (9) Using the premises for an unlawful purpose as described in paragraph (4) of Section 1161 of the Code of Civil Procedure.
- (10) The employee's, agent's, or licensee's failure to vacate after their termination as an employee, agent, or a licensee as described in paragraph (1) of Section 1161 of the Code of Civil Procedure.
- (11) When the tenant fails to deliver possession of the residential real property after providing the owner written notice as provided in Section 1946 of the tenant's intention to terminate the hiring of the real property, or makes a written offer to surrender that is accepted in writing by the landlord, but fails to deliver possession at the time specified in that written notice as described in paragraph (5) of Section 1161 of the Code of Civil Procedure.

"No-fault just cause" includes any of the following:

- (i) Intent to occupy the residential real property by the owner or his/her spouse, domestic partner, children, grandchildren, parents, or grandparents.
 - (ii) For leases entered into on or after July 1, 2020, clause (i) shall apply only if the tenant agrees, in writing, to the termination, or if a provision of the lease allows the owner to terminate the lease if the owner, or his/her spouse, domestic partner, children, grandchildren, parents, or grandparents, unilaterally decides to occupy the residential real property. Addition of a provision allowing the owner to terminate the lease as described in this clause to a new or renewed rental agreement or fixed-term lease constitutes a similar provision for the purposes of subparagraph (E) of paragraph (1).
- (2) Withdrawal of the residential real property from the rental market.
 - (3) (i) The owner complying with any of the following:
 - (I) An order issued by a government agency or court relating to habitability that necessitates vacating the residential real property.

- (II) An order issued by a government agency or court to vacate the residential real property.

- (III) A local ordinance that necessitates vacating the residential real property.

- (ii) If it is determined by any government agency or court that the tenant is at fault for the condition or conditions triggering the order or need to vacate under clause (i), the tenant shall not be entitled to relocation assistance as outlined in paragraph (3) of subdivision (d).

- (4) (i) Intent to demolish or to substantially remodel the residential real property.

- (ii) For purposes of this subparagraph, "substantially remodel" means the replacement or substantial modification of any structural, electrical, plumbing, or mechanical system that requires a permit from a governmental agency, or the abatement of hazardous materials, including lead-based paint, mold, or asbestos, in accordance with applicable federal, state, and local laws, that cannot be reasonably accomplished in a safe manner with the tenant in place and that requires the tenant to vacate the residential real property for at least 30 days. Cosmetic improvements alone, including painting, decorating, and minor repairs, or other work that can be performed safely without having the residential real property vacated, do not qualify as substantial rehabilitation.

Before issuing a notice to terminate for just cause for a curable lease violation, the owner must first give the tenant notice of the violation with an opportunity to cure pursuant to Code of Civil Procedure section 1161(3). If not cured within the time period set forth in the notice, a three-day notice to quit without an opportunity to cure may be served (Civ. Code, § 1946.2(c)). In addition, when a landlord terminates a tenancy in a "no-fault just cause" situation, the landlord must do either of the following, regardless of the tenant's income: (1) Assist the tenant to relocate by providing a direct payment to the tenant equal to one-month's rent at the time of the termination notice, or (2) waive in writing the payment of rent for the final month of the tenancy, prior to the rent becoming due (Civ. Code, § 1946.2(d)).

The just cause eviction statute applies to most rental properties but contains a list of exceptions set forth in Civil Code section 1946.2, subdivision (h). Notable exceptions include housing built within the past 15 years and single-family housing that is not owned by an entity or held in a real estate investment trust, provided that certain notice language is set forth in the lease (See Civ. Code, § 1946.2).

Conclusion

In conclusion, these new laws make substantial changes to landlord-tenant relationships that will take effect in the near future. The new statutes should be reviewed in detail, as they are complicated and contain specific exemptions. As always, it is important to seek independent legal counsel as to your specific objectives and circumstances, and how these new laws might apply to your rental property. If you have questions on these topics and/or need legal advice on these subjects, please call (805) 963-9721 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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ISLA VISTA	2 UNITS	\$1,290,000	(SELLER)
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SANTA BARBARA	2 UNITS (BEACH)	\$2,000,000	(SELLER)
ISLA VISTA	9 UNITS	\$2,960,000	(BUYER/SELLER)
ISLA VISTA	4 UNITS	\$2,075,000	(SELLER)
SANTA BARBARA	3 UNITS	\$1,240,000	(BUYER/SELLER)
SANTA BARBARA	2 UNITS (3-BR EACH)	\$1,285,000	(SELLER)
SANTA BARBARA	4 UNITS (BEACH)	\$2,800,000	(BUYER/SELLER)
SANTA BARBARA	3 UNITS	\$1,142,500	(SELLER)
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Santa Barbara Happenings

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Carpinteria City Council Moves Slowly Toward Accessory Dwelling Unit Law Compliance



Recently, the Carpinteria City Council voted 5-0 to move towards matching their local regulations for Accessory Dwelling Units (ADUs) to the current state law. An ADU is a secondary dwelling unit (sometimes called a granny flat) that may have complete independent living facilities for one or more persons.

In 2016, California passed the ADU legislation (SB 1069) in hopes of boosting available affordable housing. The goal of the legislation was to limit the amount of red tape that local governments can impose on building small additional dwelling units on appropriately-zoned properties. To that end, state law requires that the ADU approval process be over-the-counter and completed within six months of application submission.

Carpinteria's restrictions, however, have not been in line with the state mandate in the following ways. State law prohibits a parking requirement for units that are within a half mile of transit, in a historically significant neighborhood, or are located within one block of a car-share area. Carpinteria, in contrast, requires one parking space for each bedroom of the dwelling unit. In addition, Carpinteria requires that all ADUs get approval from the architectural review board, while state law says that applications must be approved in 120 days if they are contained in an existing structure and have independent exterior access from the existing residence. Size is also a point of controversy because state law allows ADUs to be 1,200 square feet while Carpinteria's requirements are much smaller.

Some council members wanted to keep developing ADUs within their local regulations to protect the character of the small city, but the overall consensus by the City Council was to move towards matching state requirements, just as Santa Barbara, Goleta, and Ventura have done. If the City fails to follow through on this move, it may well find itself defending its position in court.

County Supervisor Candidates Emerge for March 2020 Election in First, Third, and Fourth Supervisorial Districts

Bruce Porter, a Santa Ynez resident, recently announced his campaign for Third District supervisor. The Third District includes the Santa Ynez valley, Isla Vista, and the north western part of Goleta. It is considered a swing district because it covers parts of North and South Santa Barbara County. Porter will be running against current Supervisor Joan Hartman.

Porter previously served in the U.S. Army Corps of Engineers, worked as a financial adviser, was president of the Santa Ynez Valley Union High School District Board, and is a member of the board of the Foodbank of Santa Barbara. He is determined to generate revenue for services that were previously cut, address the backlog of road and infrastructure projects, and make education a priority.

In the First district, Supervisor Das Williams is going up against Laura Capps for the seat.

The only candidate for the Fourth district so far is Bob Nelson, Supervisor Peter Adam's chief of staff.

Los Angeles Challenges Martin v. City of Boise Decision in Attempt to Control its Growing Homeless Population

Last year, the U.S. 9th Circuit Court of Appeals ruled in Martin v. City of Boise that it is unconstitutional for public officials to sanction homeless people for sleeping on the sidewalk when there are not sufficient alternative housing options available. Some hoped that this ruling would increase the number of supportive housing and services. Unfortunately, in many places, reality has diverged widely from this hope. The homeless population in Los Angeles County alone has grown uncontrollably to nearly 60,000. We've all seen pictures of the tent cities that look like third world barrios and slums.

In an attempt to give public officials more power to combat homelessness, the L.A. County Board of Supervisors voted to challenge the Martin v. City

Continued on page 31

Belgium to the Baltics this Summer

You're Invited to Come Along

Next July, rental property owners and friends are off on a grand adventure to one of the most beautiful parts of Europe, the Baltics. A land of crumbling castles, enchanting forests and magical medieval towns – a tour to the Baltics proves that fairy tales do come true. From Tallinn's storybook turrets to the colorful onion-shaped domes in St. Petersburg, Europe's northern region is full of history, legend and wonder.

Our 18-day tour will include touring in the gems of Northern Europe including a visit to stunning St. Petersburg and wonderful coastal cities like Tallinn, Estonia; Oslo, Norway; Helsinki, Finland; Stockholm, Sweden and beautiful Copenhagen, Denmark. We have even put in a pre-stay in one of the most beautiful towns in northern Europe, Brugge, Belgium. A 3-night stay in this medieval city includes all touring and puts you right in the heart of the town in the historic quarter.

After three nights in Belgium, we'll enjoy 2-nights in Copenhagen before we board the brand-new Sky Princess, just launched in 2019. This beautiful Royal Class ship will be our home as we explore six ports in the Baltics including a two-night stay in St. Petersburg, Russia with fabulous experiences across the city from legendary Catherine's Palace and the Hermitage to the Peterhof Palace and City Canals. We will visit a total of eight countries across 16 days.



Our July Belgium to the Baltics tour features 3 nights in Belgium, 1 night in Copenhagen and 11 nights on the beautiful Sky Princess with Princess Cruises. All land gratuities, most meals and all hotels and taxes are included in the tour, a nearly all-inclusive experience, all in Stewart Tours Style.

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of Boise decision. If overturned, the Supervisors would likely enact laws aimed at regulating camping in public places. As it stands now, some of the Supervisors expressed fear that any of their regulations regarding camping in public spaces will be invalidated unless they can prove they have sufficient housing for everyone.

Those who support this appeal explained that local governments should be able to regulate public camping in order to protect everyone's safety, referring specifically to the outbreak of disease and crime.

In April of this year, the U.S. 9th Circuit Court of Appeals refused to reconsider its ruling in *Martin v. City of Boise*. It is now up to the U.S. Supreme Court to decide whether or not they will hear the case. If they refuse to hear the case, the law created by the case will be binding on and applicable to all of the local governments throughout the 9th Circuit (which includes all of California).

Santa Barbara City Council Approves High Density Project on Olive Street

Recently, the Santa Barbara City Council voted 6-1 to allow for the transformation of a single-family home located on Olive Street into a high-density rental housing project. The approved proposal included three two-bedroom units, one studio apartment, and four covered parking spaces.

The project falls under Santa Barbara's average unit-sized density incentive program (AUD program). According to the City of Santa Barbara's website, "[t]he intent of the Program is to support the construction of smaller, more affordable residential units near transit and within easy walking and biking distance to commercial services and parks." The AUD Ordinance is currently set to expire in July 2021 or when 250 residential units have been constructed, whichever occurs first.



The AUD program allows developers, whose projects meet the requirements of the AUD program, to reap incentives such as bonus density

and fewer parking restrictions. Due to these incentives, many AUD projects have drawn the ire of their neighbors.

This was once again the case in the recently approved proposal. Opponents argued that that

the building's size does not fit the character of the neighborhood. Ultimately, the City Council disagreed. The neighborhood is unhappy.

Proposed Homeless Housing Project Sent Back to Drawing Board

The Salvation Army of Santa Barbara recently presented a plan to build "permanent supportive housing" for 14 adults to be located at 15 S. Alisos St. The proposed project would involve transforming two homes, each with two bedrooms, into a 2,700 square foot house with ten bedrooms, five bathrooms and one communal kitchen. The proposal was received with outrage from Eastside residents who worried about their community's safety, parking, and crime rates.

Opposition from Santa Barbara residents stemmed from the ongoing debate over how city officials should deal with homelessness. Eastside residents argued that there is already a problem of homeless people drinking in their neighborhood, housing



and parking congestion, and a growing amount of high-density housing that is not in line with the character of the neighborhood.

Salvation Army officials explained how this project is different than a shelter; it is permanent supportive housing for formerly homeless individuals. In other words, there would be no Salvation Army signage, and the residents would only be accepted if they have gone through recovery programs, passed background checks, and were selected through the Salvation Army's coordinated entry system.

The battle between the two sides proved to be a moot point, when the Architectural Review Board found that the project's design was insufficient. The Salvation Army was instructed that the plan needs to be revised before it would be considered again. If you have property on the Eastside of Santa Barbara, it is worth paying attention to this project.



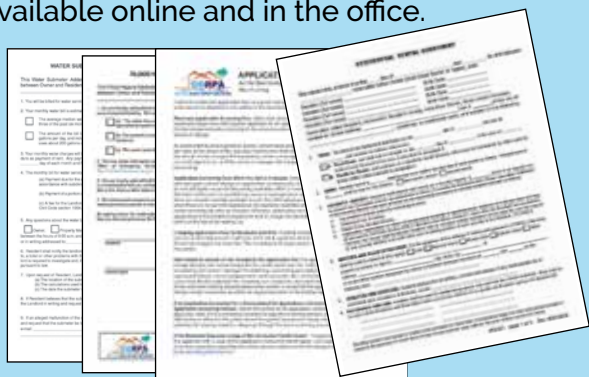
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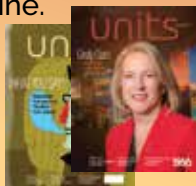
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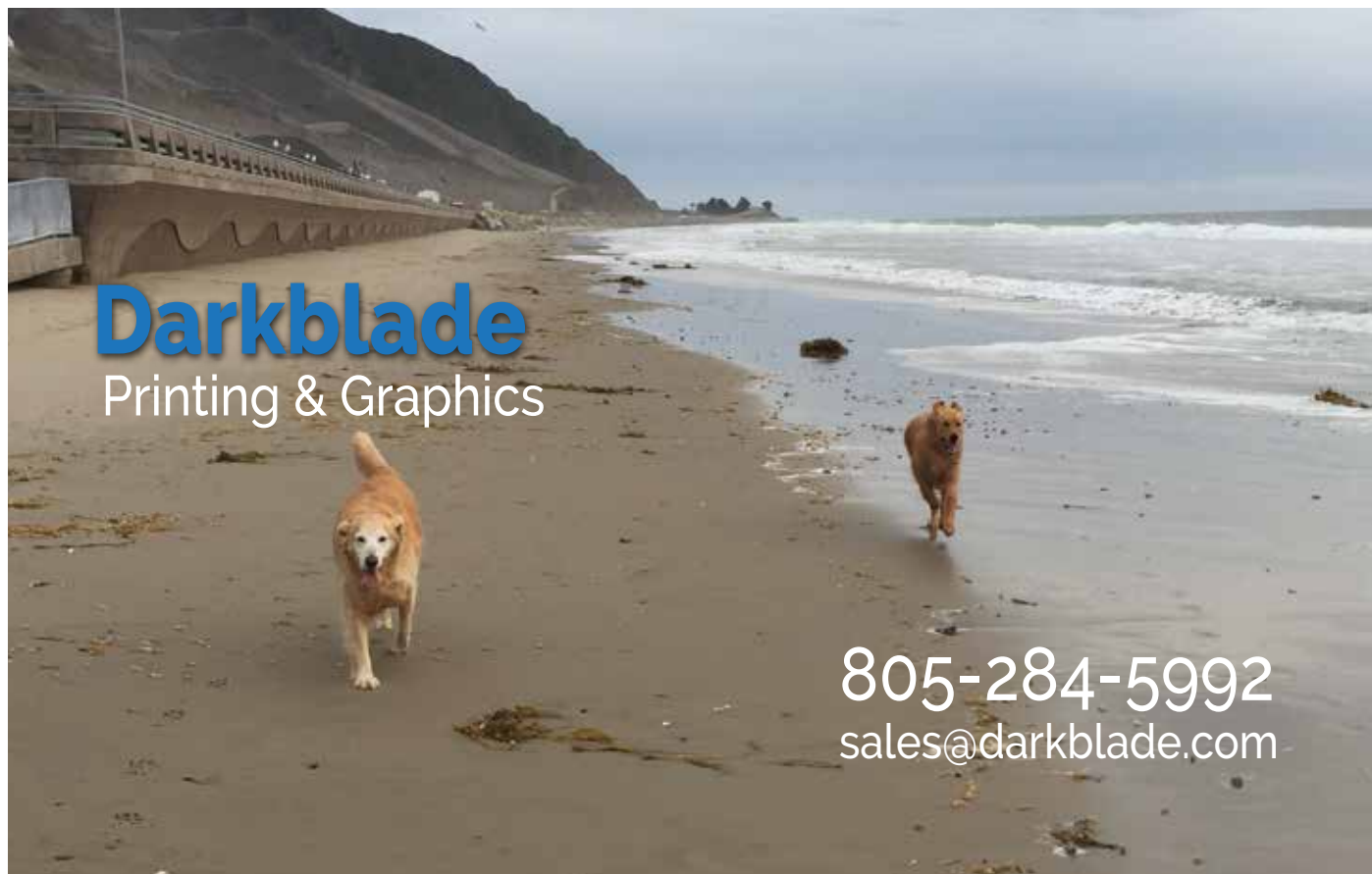
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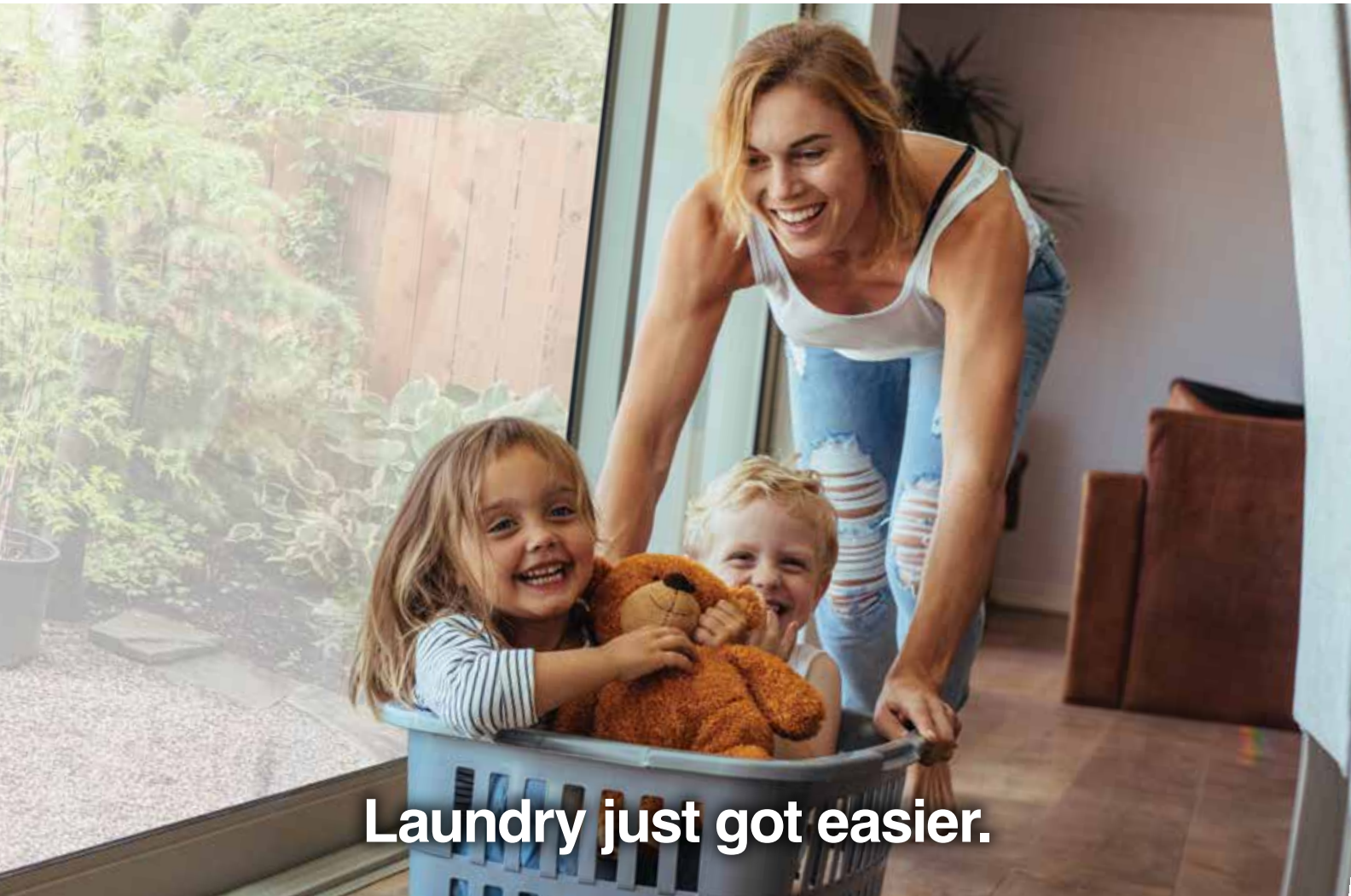
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