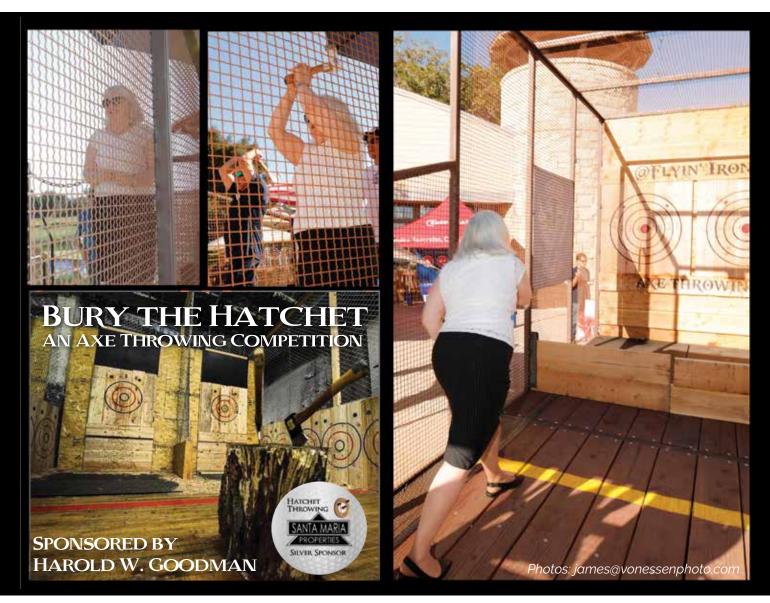


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The Rental Property News Magazine is published monthly by the Santa Barbara Rental Property Association, Inc. Editorial / advertising offices are located at 123 West Padre Street, Suite D, Santa Barbara, CA 93105. Phone (805) 687-7007, Fax (805) 687-9708. Subscription is included in the annual membership dues.

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SBRPA BOD Vote & New Year, New Laws! Monday, 12/09/2019 8:30AM to 10:30 AM

Casa Las Palmas (at Chase Palm Park)
323 E. Cabrillo Blvd., Santa Barbara 93101

There will be a light breakfast followed by voting for the 2020 SBRPA Board of Directors. We will continue with a Members only review of New Laws and new 2020 Legal Forms will be provided. (see page 17)

Property Management Essentials

Tues., 1/14/2020 South County, SB Elks Club Wed., 1/15/2020 North County, SM Radisson NOTE - the class has been rescheduled. Class runs from 10:00 AM to 4:00 PM, lunch included. (see page 18)

	DECEMBER 2019						
	Sun	Mon	Tue	Wed	Thu	Fri	San
	1	Santa Maria Xmas Parade	3	4	S	SB Holiday Parade	Solvang Julefest Parade
1	B Harbor Parade of Lights	BOD vote New Laws Seminar	10	11	12	13	14
W	Carpinteria /hite Xmas Singalong	16	Ofc closed 1:00PM BOD Mtg	18	19	23	Winter soltice
F	22 Hanukkah starts	23	<u>মূ</u>	25 Christmas	28	27	28
	29	30	31	New Year's	2	3	N

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



12/17/2019, Office closed 1:00PM BOD meeting 12/24/2019 to 1/2/2020, Office closed, Holidays

OTHER SANTA BARBARA COUNTY EVENTS

Santa Maria Christmas Parade, 12/2/2019 Monday, 5:30PM. A holiday tradition continues at the 25th Annual Santa Maria Christmas Parade of Lights. Info: https://santamaria valley.com/events/santa-maria-christmasparade-of-lights-2019/

"A Tropical Holiday", 12/6/2019 6:30PM
67th Annual Santa Barbara Holiday Parade on
State Street, marching bands, baloons, and
community floats. Santa Photos at Paseo Neuvo
from 4:30PM-6:00PM. Info: https://www.down
townsb.org/events/downtown-holiday-parade

Solvang Julefest Parade, 12/7/2019 11:00AM Come to the celebration down the main streets of Solvang. You can participate by joining the Santa Sprint on the 3/4 mi route (dogs on leash invited too!) Info: https://www.solvangusa.com/events/julefest-parade/

SB Harbor Parade of Lights, 12/8/2019 3:00PM

Join us at the Santa Barbara Harbor for the 33rd Parade of Lights. Events start at 3:00 PM at Santa's Village on the pier with snow (!), fireworks & goody bags for the kids. Info:

https://www.santabarbaraca.gov/gov/depts/waterfront/events/light_parade.asp

White Christmas Sing-along, 12/15/2019 7:00PM. Alcahazar Theater, Carpinteria, CA

Sing with the onscreen lyrics & the remastered soundtrack. Participate in the Ugly Christmas Sweater competition before the movie. Info: https://pightout.com/events/white-christmas-sing-

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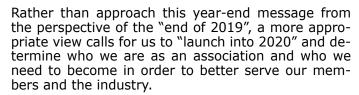
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SBRPA President's Message

James Carrillo • CPM®, SBRPA President



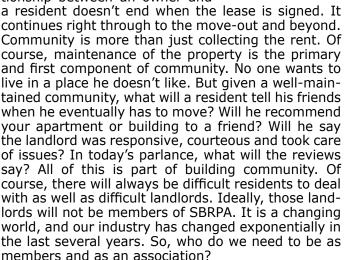
On a statewide level, 2019 will be remembered as the year that California implemented rent control. One bill, AB 1482, has set in motion new parameters and guidelines on how our members manage their properties with subsequent effect on their bottom lines and their livelihoods. The last two years in the California Legislature have been some of the most active years for the apartment industry. There is a housing shortage in California, and that topic should rightfully be discussed. In addition, the shortage is exacerbated by an affordability issue the closer one is to coastal California.

So, we have a double-whammy in Santa Barbara: not enough housing and what housing there is, is unaffordable. Put it all together and you have the **misconceived** perception that all landlords are only out for a profit and will sacrifice a resident's quality of life to gain that profit. To be clear, there are many owners and landlords across the state and especially, members of SBRPA, who do not operate like that. In general, SBRPA is not made up of out-of-town owners looking to purchase, improve and then flip their properties. Our members are mostly local, long-time owners of small (fewer than 12) residential units looking for steady income and a legacy to pass on to their heirs.

It has been said before that until real public/private partnerships can be established, the problem of affordable housing will continue. Recently, Governor Gavin Newson ordered an audit of state-owned property to determine if any could be used to build more housing in California. The study found that the state owns close to 45,000 parcels of land and that 1,300 could be used for additional housing. That is 2.89% of state land that could be used for housing. Is that it? Really? How about 25%? How about partnering with private brokers, developers and managers and selling some of that land and purchasing parcels in cities that have the most acute shortage of affordable housing? Proper incentives could be given on both the public and private side so that these properties make financial sense for both sides. The developer/ owner earns a fair return and the state will have had a positive impact on the lack of affordable housing.

If we were to begin to do that, that would only be the beginning. The state and the developer/owners would

need to make a commitment to building community. The relationship between an owner and



- We need to be technically competent. We cannot escape the fact that Information Technology drives our business. From collecting rent, to sending invoices, to e-mail blasting residents and responding to reviews, we have to constantly invest in keeping our systems current. There are studies that show that before a prospect visits or calls your property for the first time, he will have already "touched" it 17 times via web sites, reviews, ILS listings, Craigslist etc.
- We need to build community. This is nothing more than saying we need to be more courteous to each other. We live in a world of speed and volume. We expect answers sooner than now. There is nothing more frustrating than having to wait for an app to download. As if one patty in your burger wasn't enough, some fast food restaurants will now give you four! We have created a world where impatience is king and courtesy is a lost art. Contrary to IT technology, building community means we may have to truly listen to each other and empathize. And we may find we were not that far apart to begin with.

If we can do these two things we will be on the right side of any challenges, legislative or otherwise, that come our way. SBRPA has gone through many changes in the last two years, and we will continue to go through changes. Under the leadership of Laura Bode, we will continue to fight the fight for our members as we navigate the next set of challenges that come with living in one of the most beautiful places in the world.



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November 2019 Legislative Update

CalRHA continues to work with the Legislature and Governor's office over the interim on several issues. In this month's newsletter, we provide: clarification on the implementation on AB 1482, key actions by the Governor, and an update on 2020 legislative planning by the CalRHA Legislative Committee.

Implementation of AB 1482

In the aftermath of the passage of AB 1482, a number of property owners have been unsure regarding several provisions in the bill and how they will be expected to comply. First, there has been a question with respect to which CPI should be used in order to clearly define the amount of rent control that should be imposed in any given region. After conversations with the Assembly Housing Committee, CalRHA has clarified that the rate should be based off of the regional CPI posted on the Department of Industrial Relation's website (https://www.dir.ca.gov/OPRL/CAPriceIndex.htm).

Data on CPI is posted on this website, as well as a CPI calculator which can be used to determine CPI in regions across the state. When making this calculation, property owners should use the percentage change from April 1 of the prior year to April 1 of the current year in the designated region where the property is located. In some cases, this information is not available for every region in the month of April, or a property isn't located in one of the designated regions. If either of these happen to be the case, the property owner would use the percentage change of statewide CPI from April 1 of the prior year to April 1 of the current year. For purposes of 2020, that number is 3.25-3.34%, meaning that the maximum rent increase of CPI plus 5 would be 8.34%.

Additional questions have been raised about Section 8 tenants and whether or not they are exempt from the provisions of AB 1482. While Section 8 is referenced under the exemptions in the bill for both the just cause evictions and the rent control provisions, it has become clear that exempting Section 8 tenants was not the intent of the author. Conversations with Assemblyman Chiu have revealed that this was an oversight in the bill and that he plans to include a fix to this in a "clean up" bill to AB 1482 next year.



Assemblyman David Chiu

Governor Newsom Actions



California Governor Gavin Newsom

The Governor has continued the conversation regarding and actions to combat the housing crisis. He has engaged in stakeholder meetings and has made budgetary allocations to address this problem. On November 13th, Governor Newsom convened a roundtable discussion with top executives from a number of California's major employers to discuss the role that the private sector will play in addressing the state's housing crisis. Over a dozen top executives in the state attended, and the Governor highlighted commitments that were recently made by Apple, Facebook, and Google to build more affordable housing. The Governor encouraged more business leaders to join state and philanthropic efforts to combat this crisis.

In addition, the Governor has announced nearly \$900 million in funding for affordable housing and sustainable community development. Of that, \$610 million will be provided from the state's cap-and-trade fund to help communities build more housing and increase transit options that are close to job centers. The Governor claims that this investment will help combat the state's housing crisis through the addition of new housing, and will simultaneously fight climate change by reducing the length of commutes and the number of drivers on the road.

CalRHA Legislative Update continued



Executive Order N-06-19 Affordable Housing Development

The Governor's office has also worked this year to solicit bids from developers to build homes on at least three state-owned properties. In January, Newsom issued an Executive Order to inventory all state property in order to determine what properties could be developed to address the housing crisis. Pursuant to the Executive Order, a survey was conducted earlier this year on state lands that could be used to construct housing. The report revealed that there were nearly 45,000 state-owned parcels and that 1,300 of them could be used to construct new homes. This launched a partnership with 6 cities in the state—Chico, Fresno, Oakland, Sacramento, San Diego, and San Francisco—to develop additional affordable housing on those lands. In October, the Governor announced that the first Request for Proposal (RFP) on state-owned land will be issued in Stockton.

Finally, we had the CalRHA President attend a meeting with Governor Newsom during which he was able to provide an overview of our industry and reiterate the threat of the Weinstein initiative to it.

2020 Legislative Planning

On November 8th, CalRHA held a legislative program planning meeting at Capitol Advocacy to discuss potential legislation the association would like to pursue in 2020. Over 16 different proposals were discussed and working groups were assigned to begin laying the ground work for sponsoring legislation. The next meeting of the CalRHA Legislative Committee to discuss the results from research on these proposals was to be held on November 26th.



Sid Lakireddy CalRHA President



Danielle Holyer

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North County:

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Betty Jeppesen Attorney at Law



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covering legal notices and a review of new legislation including AB 1482 and SB 329 with Attorney Cristi Michelon Vasquez.

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of the State Bar of California, the Santa Barbara County Bar Association, Santa Barbara Women Lawyers and California Women Lawyers.

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We look foward to having you join the SBRPA community!

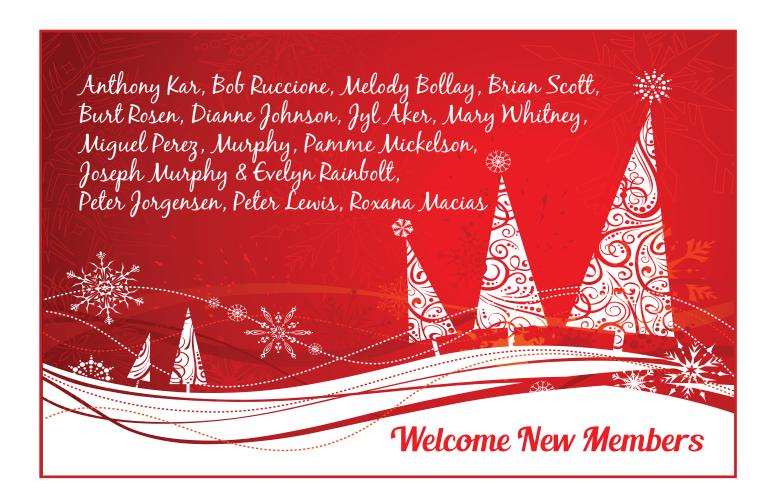
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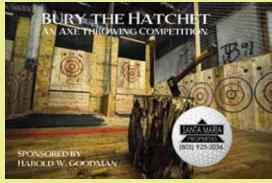
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SBRPA 2019 Annual Golf Tournament

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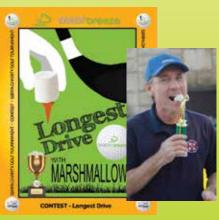
















































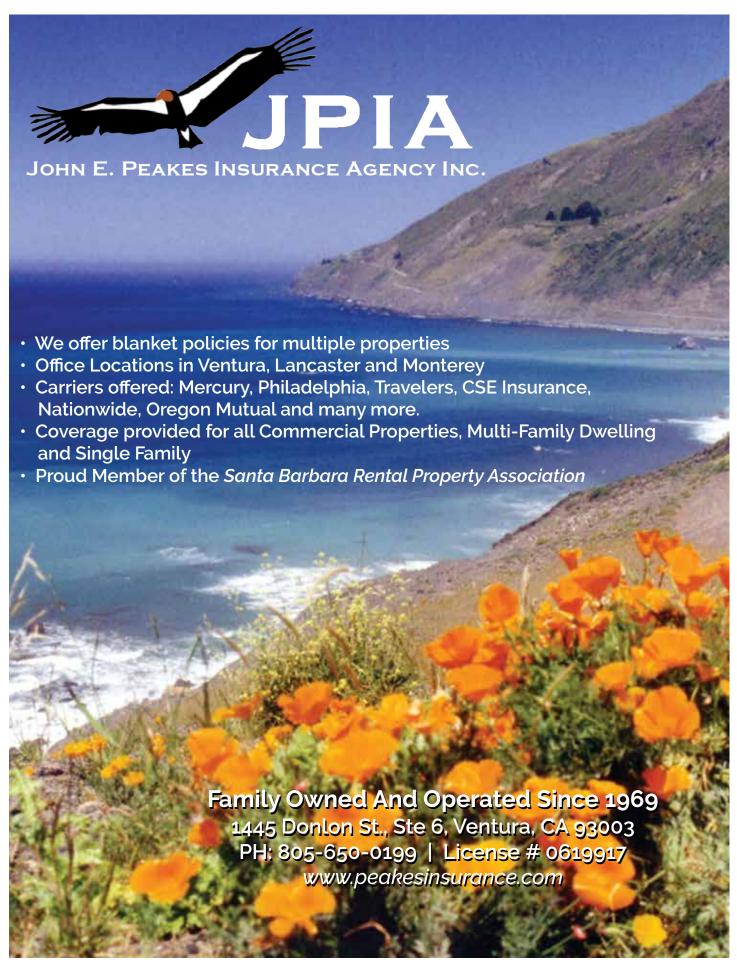












The Attorney's Corner

David M. Grokenberger, Esq. • Rogers, Sheffield & Campbell, LLP

Managing Tenants' Personal Property after They Vacate the Premises

When a tenant vacates and leaves behind personal property or even pets in the rental unit, a landlord has certain obligations to provide the tenant notice and give him an opportunity to reclaim the property. As is the case with security deposits, dealing with a tenant's personal property occurs at the end of a tenancy, and landlords must be wary to avoid taking out frustration on tenants by cutting corners in the process. Like with security deposit return, landlords can be liable for damages and attorney fees if the personal property process is not properly followed. It can obviously be frustrating for a landlord to finally recover possession of the property, only to find it full of the tenant's belongings. It is important to nevertheless follow proper procedure and act reasonably in the process.

There are various situations involving leftover personal property, and the first step after retaking possession and discovering property left at the Premises is to determine which of the following scenarios applies: (1) the tenant will reclaim the property; (2) it is deemed abandoned; or (3) it is deemed lost. Regardless of which scenario applies, the landlord should store the property in a safe place where it will not be damaged or stolen until it can be turned over to the proper party.

Tenant Request to Reclaim Property

A tenant has 18 days after vacating the Premises to request the return of personal property in writing with a description of the property to be returned (Civ. Code § 1965(a)). The tenant can arrange for someone else to pick up the property, and thus it is important for the landlord to make sure the tenant identifies who will be picking up the property if it is not stated in the request. Within 5 days of receipt of the tenant's request, the landlord may request in writing that the tenant pay the reasonable cost of moving and storing the personal property before retrieving the property. What constitutes the "reasonable" cost of storage depends on the situation. If a tenant leaves a 3-bedroom house full of furniture and belongings that take up essentially the entire space, it would be costly to hire movers and try to find another location to store the items,

and thus it would arguably be reasonable to charge the rental value of the house as the storage cost. If the tenant leaves some clothes, dishes and bicycle, the reasonable storage cost would be closer to the rental value of a small storage unit. After payment of the storage cost (or if none are demanded, then after the landlord receives the tenant's request to retrieve personal property), the landlord and tenant must arrange for the retrieval of property within a reasonable time, but not later than 72 hours. If another tenant thereafter claims that the landlord improperly released his property to the tenant that requested return of personal property, Civil Code section 1965 protects landlords that have followed the procedure. However, if the landlord does not comply with section 1965, the tenant may sue for actual damages up to the value of the property retained, and up to \$250 as damages for each violation, as well as the tenant's attorney fees and court costs.

The Tenant's Personal Property is Apparently Abandoned

After a tenant vacates, and does not request return of any personal property before or during vacating, the property is likely abandoned or lost. The procedure for handling apparently abandoned property differs slightly depending on whether the tenancy



was terminated pursuant to an unlawful detainer. Where the tenancy ended without an unlawful detainer, the landlord must send a notice to the former tenants and to any other person the landlord believes may be the

owner of some or all of the abandoned property. This notice must provide information sufficient to identify the property (unless it is locked in a trunk, box or other secured container); the location where it may be claimed; a deadline (not fewer than 15 days after personal service of the notice, or 18 days of mailing the notice) after which the property

Continued on page 27



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cannot be claimed; an indication of what the land-lord intends to do with any of the property which is not claimed by the deadline (if the property is believed to be worth more than \$700, it must be sold at public auction, and if worth less than \$700, may be disposed of without further notice); and a statement as to whether the reasonable costs of storage will be charged before the property is returned. This notice must be personally served or mailed, and if mailed, to any address the landlord reasonably believes would provide service to the tenant, along with the address of the Premises. However, this notice can actually be emailed if the tenant provided the landlord with an email address (see Civ. Code § 1983).

Where the Premises were returned after an eviction, the above notice is not required because the writ of possession served at the eviction contains such a notice. That notice provides for a 15-day deadline to retrieve property upon payment of storage costs.

If the former tenant (or other person the landlord believes to be the owner of the property and to whom a notice is sent) contacts the landlord to claim property and pays the amount of properly demanded storage costs, the landlord must return the property. If the former tenant responds within the deadline but does not actually pick up the property, the tenant may still do so before the public auction, if one is to occur. If the deadline passes without any response to the notice, the landlord must arrange to have the property sold at public auction, and publish notice of the auction. The landlord may recover the cost of storage, along with the costs of advertising and conducting the sale, from the proceeds of the sale but must return the rest of the proceeds to the county. Within one year thereafter, the landlord may apply to the county to receive the balance of the proceeds (see Civ. Code 1988).

Property Left at the Premises is Deemed Lost (Legal Owner is Unknown)

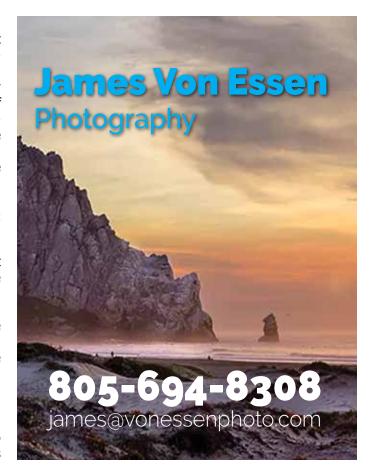
If personal property left at the Premises cannot be connected with any potential owner, it may be disposed of as lost property. If the property is believed to be worth more than \$100 (again based upon a "reasonable person" standard), it must be turned over to the police department, or if found in an unincorporated area, to the county sheriff. The law enforcement office will have paperwork, including an affidavit, to prepare and sign regarding the property. The law enforcement agency will then hold the property and attempt to find the owner. After 90 days unclaimed, the property belongs to the landlord if it is worth less than \$250. If it is

worth more than \$250, the law enforcement agency will publish a notice and if the property is still unclaimed after 7 days, it belongs to the landlord.

Animals Left at the Premises

Animal lovers will take solace in the knowledge that abandoning an animal is a misdemeanor under California law (Penal Code § 597.1). Moreover, while animals are personal property, they may be handled differently than other property as described above. In particular, if a landlord comes upon an animal abandoned after an eviction, he can immediately contact Animal Control, who will response to secure the animal. After contacting Animal Control, the landlord is no longer responsible for the animal (see Civ. Code § 1816). Nonetheless, it is a good idea to inform the tenant that the authorities have taken control of the animal.

The information contained in this article is not intended as legal advice for any specific situations or individuals, and, as always, it is important to seek independent legal counsel as to your own specific objectives and circumstances. 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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Santa Barbara Happenings





Santa Barbara City Council to Have Two New Members

In November, the City of Santa Barbara held elections for four of the six City Council districts.

Three of four districts available for election had current City Council members who were running for re-election. Surprisingly, only one of the three current City Council members, Jason Dominguez of District 1, was challenged. The other two City Council members, Oscar Gutierrez (of District 3) and Meagan Harmon of District 6 (who was appointed to the council in February 2019 to replace Greg Hart after he left the Council for the Santa Barbara County Board of Supervisors) were unchallenged.

As we have discussed in previous articles, the lack of challengers in these other races is unfortunate for property owners. Both Mr. Gutierrez and Ms. Harmon were in support of the landlord-tenant reform passed by the Council earlier this year and appear to be in support of significant additional landlord-tenant reform in the future.



In District 1, Jason Dominguez was challenged by Alejandra Gutierrez and Cruzito Cruz. Many predicted this race to be one-sided, much like it was the first time Mr. Dominguez ran and won the election in 2015. This was not the case. In an unexpected turn of events,

Ms. Gutierrez edged out Mr. Dominguez by eight votes. With her victory, she will join the Council in January. It is expected that Ms. Gutierrez will side with Mayor Murillo and the majority of the Council when it comes to imposing additional tenant protection ordinances.

In District 2, there were five candidates running to replace current council member Randy Rouse who is leaving due to term limits. Planning Commissioner Michael Jordan won convincingly by securing 1,509 votes and prevailing over runner-up Brian Campbell.

With the new makeup of the City Council it is important that you find out which district you live in, and/or own property in, and that you make your voice heard to your City Council member when the topic of landlord-tenant reform comes back before the Council. A map of the districts can be found at: https://www.santabarbaraca.gov/civicax/filebank/blobdload.aspx?BlobID=221523.

Santa Barbara County Board of Supervisors Proposes New Changes to County's Cannabis Business License Ordinance

After recreational marijuana was de-criminalized in California, Santa Barbara implemented the business license ordinance in June 2018 to control the growing cannabis industry. The ordinance has been changed twice since then to accommodate concerns from residents and farmers.

Major changes to the ordinance include requiring cultivators to demonstrate effective odor-control systems in the permitting process, placing a 1,575-acre cap on cultivation, and placing a cap on the number of dispensaries allowed in the county. The cap was set at eight dispensaries, with no more than one allowed in each of the six community plan areas of Orcutt, Los Alamos, Santa Ynez, the eastern Goleta Valley, Isla Vista/Goleta, and Summerland/Toro Canyon. The other two were set to be placed in "wild card" locations decided through a lottery system.

The Santa Barbara supervisors are considering cutting the marijuana dispensary cap from eight to six. While still allowing one in each area, they would eliminate the "wild card" locations outside community plan areas. In addition, proposed changes include a merit-based system to rank dispensary operators who apply for the limited spots, rather than a lottery-based system. These proposed revisions gained support from residents and supervisors who agreed that dispensaries need to compatible with neighboring communities.

Of the 212 cannabis cultivation permits filed by November 4, 2019, 22 have been issued by staff and 8 of those have been appealed to the Planning

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Commission for final public hearings. The Planning Commission's decisions are appealable to the Board of Supervisors, who will continue to discuss the issue of dispensary applications in January 2020.

The Santa Barbara City Council Set to Consider Stricter Regulations for the Homeless

In another attempt to address homelessness in the City of Santa Barbara, the City's three-member ordinance committee voted to move forward with an ordinance regulating the storage of private property in public places. The proposed ordinance would prohibit the storage of unattended personal property along public streets, sidewalks, plazas, parking lots, parks, beaches, and public buildings.

The proposed ordinance defines storage as placing, putting, leaving, etc. something in the same location for more than four hours. The proposed ordinance is meant to prohibit the storage of excess amounts of personal property, i.e. anything that couldn't fit in a four-foot container regardless of whether it is attended or not. Operational personal transportation or mobility devices are excluded from the proposed ordinance.

This ordinance was proposed due to the health and safety concerns of residents and visitors. According to the City of Santa Barbara, unattended or stored personal property in certain public spaces interferes with the safe passage of pedestrians and attracts vermin. Both of these can negatively impact the City's economic vitality as people choose to meet, shop, and dine elsewhere.

If passed, the City would only dispose of personal property that is perishable or a health/safety threat. Other belongings would be impounded and available for the owner to retrieve with no storage fee.

Although some opposed this ordinance and argued that the city needs to implement some form of storage facility center, the Committee voted 2-1 in support of the ordinance. The matter now will go before the full City Council.

Santa Barbara City Council Unanimously Approves New Funk Zone Renovation

Recently, the City Council voted 7-0 in favor of a renovation at 11 Anacapa Street led by property owner and Goleta native Ray Mahboob. The proposal includes remodeling a 12,000 square foot industrial warehouse into a restaurant and retail space.



While most were in support of this new development, Anna Marie Gott appealed it to the Planning Commission, arguing that the city's building codes require the project provide 46

parking spaces, but Mahboob is only proposing 32. She claimed that this would exacerbate the already high demand for parking in the area. Councilmembers rejected the appeal, stating that a parking modification is not an adequate justification for stopping a project. In addition, Mahboob supporters and city planners presented recent traffic surveys revealing that 35% of people going to the Funk Zone got there by Uber, Lyft, bike, or bus.

While state street is continuing to see vacancies, the Funk Zone has been a source of economic vitality for the downtown community. This project is a reflection of what the Council is looking for in future developments.

The Optimistic Reality of Wealth Inequality

In November, the Cato Institute published a paper examining the reality of the wealth inequality crisis. A main finding of Cato Institute's paper is surprising. While wealth inequality has grown, it is growing much slower than people think and often occurs because of economic growth that is broadly beneficial. For example, many of the wealthiest people in our society have created new products, generated competition in markets, and driven down consumer prices.

Authors Chris Edwards and Ryan Bourne also address the idea that many people have: namely that the more wealth the top 1% has the less there is for the rest of us. The authors argue that this is not true due to the fact that market economies are positive sum and are "bottom up processes of value creation." In other words, the top 1% is making the pool of wealth larger for all of us because market transactions are beneficial to both buyers and sellers.

The paper suggests that key reforms such as reducing cronyism, which generally refers to gaining government benefits through lobbying or connections, and removing barriers to middle class wealth-building will help address concerns about wealth inequality without undermining economic growth.

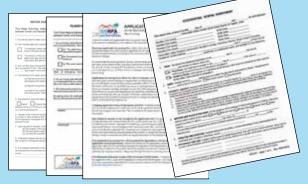


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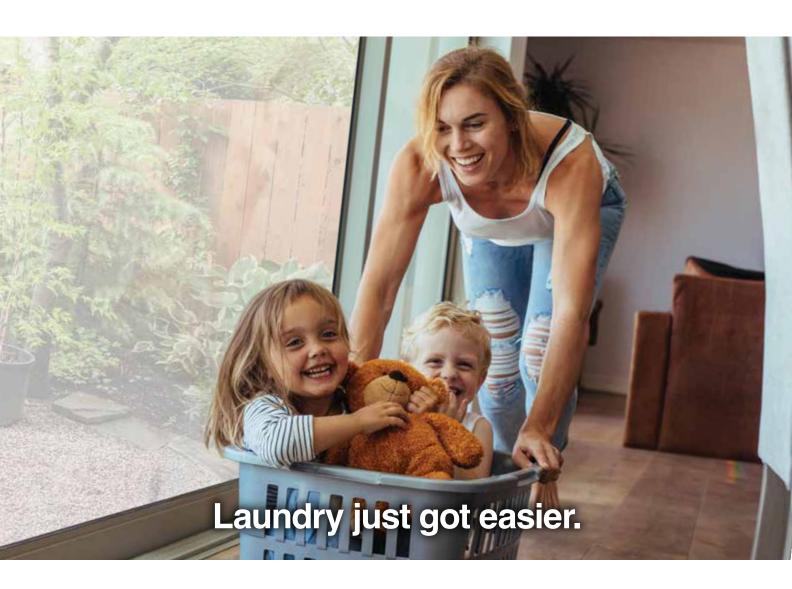
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