

CALIFORNIA'S CENTRAL COAST RESOURCE FOR RENTAL PROPERTY OWNERS, MANAGERS & SUPPLIERS

## New Laws



**AB 1188**



**Senate Bill 222**



**Senate Bill 644**



**Senate Bill 329**

New Year, New Laws (2 more sessions) .....	page 17
Property Management Essentials .....	page 18



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# SANTA BARBARA RENTAL PROPERTY news



SANTA BARBARA AREA'S RESOURCE FOR RENTAL PROPERTY OWNERS, MANAGERS & SUPPLIERS

## January 2020

### SBRPA OFFICE

Mon-Fri • 9am-5pm  
Closed for lunch 12-1pm  
123 West Padre Street, Suite D  
Santa Barbara, CA 93105

[www.sbrpa.org](http://www.sbrpa.org)

Phone: (805) 687-7007  
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# CALENDAR

## New Year, New Laws Seminar

Tues., 1/14/2020, 8:30 AM

Wed., 1/15/2020, 8:30AM

By popular demand, we will have two additional Members Only reviews of the 2020 New industry laws prior to the Property Management classes. New 2020 Legal Forms will be provided. For more info, call (805-687-7007) or email [programs@sbrpa.org](mailto:programs@sbrpa.org) (see page 17).

## Property Management Essentials

Tues., 1/14/2020 South County, SB Elks Club

Wed., 1/15/2020 North County, SM Radisson

Class runs from 10:00 AM to 4:00 PM, lunch included. Attendees should make sure to send in lunch choice (see page 18).

## Landlord & Property Manager Luncheon with U.S. Congressman Carbajal

Tues., 1/21/2020 11:30AM - 1:00 PM

Tydes Restaurant, Coral Casino  
1260 Channel Drive, Santa Barbara, CA

Hosted by New Beginnings Counseling Center, learn how landlords can benefit working with the Supportive Services for Veteran Families and the Safe Parking Program. RSVP to [mberton@sbnbcc.org](mailto:mberton@sbnbcc.org). (see page 30).

## HASB Legal Information Session

Wed., 1/22/2020 10:00AM - 12:00 PM

Presidio Springs Community Room,  
721 Laguna St., Santa Barbara, CA

Session covering a review of new legal notices and legislation including AB 1482 and SB 329. RSVP to [jeremy@hacsb.org](mailto:jeremy@hacsb.org) (see page 22).

## NAA Campus Connex

Tues.-Wed., 2/18-2/19/2020

New Orleans, Louisiana

The National Apartment Association will be holding their annual Campus Connex event exploring What's New in Student Housing. Info: <https://www.naahq.org/campusconnex>



JANUARY 2020						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			Happy New Year!			
		Indct Ofc's NYNL class Prop Mgmt SBarb	NYNL class Prop Mgmt SMaria			
		New Bgnings Lndrld & Prop Mgr Lunch	HASB Legal Info session			
				CalRHA Exec Director Conf		

Office Hours: M-F, 9:00AM-5:00PM

Closed for lunch, 12:00 -1:00PM

1/1/2020, Office closed New Year's Day

1/14-1/15/2020, Closed for Prop Mgmt Seminars

1/30-31/2020, Closed CalRHA Conference

## OTHER SANTA BARBARA COUNTY EVENTS

### Santa Barbara International Film Festival

Wed., Jan. 15 through Sat., Jan. 25, 2020

SBIFF is a renowned festival paying homage to SB's rich history of film production. The film screenings are held at several local beautiful and historic venues including the Fox Arlington, Lobero, and Riveria Theaters. Info:

<https://santabarbaraca.com/businesses/santa-barbara-international-film-festival/>



### Scholar Talk - Mud that Made the City, Adobe Construction in Santa Barbara

Wednesday, January 22, 2020

Learn about earthen architecture and the history of adobe constructions in Santa Barbara in this informative talk by Michael Imwalle from the Santa Barbara Trust for Historic Preservation. Info: [https://www.santabarbaraca.com/calendar/show\\_event.asp?event\\_key=2715](https://www.santabarbaraca.com/calendar/show_event.asp?event_key=2715)



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SBRPA Members can call with questions regarding areas of practice, and are billed at a "Preferred Client" rate if they decide to retain the firm for Landlord-Tenant matters.

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# SBRPA President's Message

Betty L. Jeppesen Esq. • Attorney at Law and Real Estate Broker  
*SBRPA President*



Looking back, 2019 was an extremely busy year for SBRPA's Board, staff and members.

Locally, the City of Santa Barbara, after much debate and many meetings of the City Council and the year-long work of the Task Force, enacted the Mandatory One-Year Lease Ordinance. A Town Hall was held in June to assist our members to understand the definitions and duties under that Ordinance, which is now a part of the Santa Barbara Municipal Code as Chapter 26.40 REQUIRED ONE-YEAR LEASE OFFERS TO RESIDENTIAL TENANTS.

State-wide, Governor Newsom's Executive Order limiting rent increases for 5 counties in California affected by natural disasters, including Santa Barbara, to 10%, was extended from its sunset in May to December. Since then, the Governor signed A.B. 1482 in October, which is added to the Civil Code as California Civil Codes Sections 1946.2, 1947.12 and 1947.13, mandating rent caps and implementing "Just Cause" eviction procedures. A special meeting was held on December 9<sup>th</sup> to help members understand the intricacies of these new laws. Attendance at that program reached maximum capacity; herefore the program will be repeated in conjunction with the New Year, New Laws! Programs on January 14, 2020 in South County and January 15, 2020 in North County.

As we begin a new decade of service to our members and the rental housing industry, we face the challenge of ever-increasing regulations, mandates and rules. Navigating the waters of the new laws is complex and sometimes alarming and intimidating.

Your SBRPA Board and Executive Director Laura Bode are committed to assisting you to the best of our abilities. I look forward to serving as your new President in 2020 although I am not new to the Board nor to most of you since I have served on the Board of Directors for over 25 years. For those of you who don't know me, I have been an attorney for 38 years specializing in landlord-tenant law. For 32 years, I served as In-House Counsel for a local company that owned and managed some 1,500 apartment units in Santa Barbara, two shopping centers here and in Northern California, two office buildings, 7 self-service storage complexes and 4 aircraft. For 30 years from 1982 to 2012, I served as an elected member and most often Chair of the Santa Barbara Delegation to the California Conference of Bar Associations which suggests changes, additions or deletions to California Code Sections. In 2003, while I was President of the Santa Barbara County Bar Association, I successfully lobbied a change to California Civil Code Section 1950.7 at that Conference which passed and was then sponsored by Congressman Kevin McCarthy and enacted into law. It concerns Commercial Property Security Deposits and remains unchanged to this day. For 3 years, I was a part of the State Bar of California Resolutions Committee which was also concerned with changes, additions or deletion of laws on a State Bar level. I hope to use this knowledge and experience to support you. If I can assist you in any way, please call or e-mail me.

I hope that this new year 2020 will bring good tidings, good will and prosperity to you all.

Thank you to **Jim Carrillo** for serving as President for the past 2 years and for all the board members who gave of their time and expertise to the association over the past 12 months.



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# CalRHA Legislative Update



Chris Zraggen, *Capitol Advocacy*

December 2019



Senator Scott Wiener

December continues to be a slow month in the Legislature as Members are in their districts for the interim recess. Legislative staff and advocacy groups generally use this slow period to plan for next year and consider legislation that they would like to run. It is clear that Assemblyman David Chiu will propose a clean-up bill to his rent control bill passed this year. This clean-up bill will attempt to rectify implementational problems and unintended consequences of **AB 1482**. Discussions about what will be included in this bill will continue into January.

After discussions with Senator Scott Wiener's office, we know that he intends to move forward with his housing bill **SB 50**, which would permit larger and denser housing near transit hubs. The Senator intends to incorporate amendments to allow local governments the first attempt at rezoning if they choose to do so. They do not plan to increase or decrease any fees under the bill.

With the 2020 election only 11 months away, interest groups have been active in their efforts to collect signatures to qualify a number of different initiatives for the ballot. Of specific interest is the proposed rent control initiative led by the AIDS Healthcare Foundation which is currently only polling at around 40% in favor. The proponents recently submitted signatures to qualify the measure for the ballot. The next step is ensuring that there are enough valid signatures to qualify it. The measure needs over 600,000 valid signatures to qualify. Other efforts of interest are those that intend to raise taxes, or change Proposition 13 to create a split roll structure in order to raise money for education. This month, the initiative that was led by the California School Boards Association was dropped. This initiative would have raised personal and corporate taxes to raise money for schools. A split roll initiative, which would remove commercial properties from the protections of Proposition 13 will appear on the ballot in 2020.



AIDS Healthcare Foundation  
Rent Control Proponents

As we approach the holidays and the end of 2019, focus has shifted towards 2020. Below are a number of key legislative deadlines in the early portion of 2020:

- January 1: Statutes from 2019 take effect.
- January 6: Legislature reconvenes.
- January 10: Governor Newsom must submit his budget.
- January 31: Last day for each house to pass bills introduced in the odd-numbered year.
- February 21: Last day for bills to be introduced.



Proposition 13 Reform Activists

Just as it was in 2019, housing will continue to be a dominant topic in the Legislature in 2020. Addressing the housing supply shortage is a key issue for the Governor as well as the Legislature. With 2020 being the second year of a two-year session, the Legislature will have to make decisions on all of the two-year bills that were introduced in 2019, and will conclude all business on August 31st as it is Constitutionally required.



## MEET SBRPA'S NEW PRESIDENT

### BETTY L. JEPPESEN

#### HIGHLIGHTS OF QUALIFICATIONS

- 38 years' experience in real estate, contract, aircraft leasing law and civil litigation. California State Bar License 100947. California Department of Real Estate License 01247995 since 1998. Over 20 years' experience in direct commercial leasing management and contract law.
- 2003 President of the Santa Barbara County Bar Association
- 2006 Santa Barbara Women Lawyers' Attorney of the Year
- 2012 Santa Barbara County Bar 30 Year Recognition for California Conference of Bar Associations concerning legislation of new, revised, deleted laws
- 2017 Santa Barbara County Bar Foundation Legal Community Appreciation Award

#### PROFESSIONAL EXPERIENCE

- General Counsel for Islay Investments from 1982 to 2014. In charge of litigation and legal management of 1,500 apartments in Santa Barbara, over 150,000 sf of commercial space in Santa Barbara and Northern California, 7 self-service storage facilities in both Northern and Southern California and 4 commuter passenger aircraft including all negotiations, leasing, and maintenance. Attorney of record for all litigation including two major cases involving a \$1,056,000.00 verdict and a \$1,225,000.00 settlement as well as a 22-year class action suit with over 1,000 plaintiffs.
- Attorney with a local Santa Barbara law firm and real estate firm from 2014 to June, 2018.
- June 25, 2018 to present founded the Law Offices of Betty L. Jeppesen and affiliated as a broker with Sun Coast Real Estate.

#### PROFESSIONAL/COMMUNITY ORGANIZATIONS

- Trustee on the Santa Barbara and Ventura Colleges of Law Board of Trustees
- Co-Chair, Santa Barbara and Ventura Colleges of Law 2018-present.
- Member, Santa Barbara Women Lawyers 1998-present. President 2015.
- Member, Santa Barbara Women Lawyers Foundation, 1998-present. President 2014.
- President, Santa Barbara Rental Property Association 2020, Director, 1999-present.
- Chair, In-House Counsel and Corporate Law Section of the Santa Barbara County Bar Association 1997-present.
- Director, Casitas Village HOA 2017-present.
- 2006-2008 President, Santa Barbara County Bar Foundation Board. Director 2003-2005.
- Santa Barbara County Bar Association Director 1998-2004. Editor of the Santa Barbara Lawyer Magazine 1999. Officer from 2000-2004. 1982-2012. Chair of the Santa Barbara Delegation 1997, 2001-2002, 2009-2012.
- Elected Member of the California State Bar Resolutions Committee 2000-2002.
- Member, SBCBA MCLE Committee 1995-2002.

#### EDUCATION

- J.D. Santa Barbara and Ventura Colleges of Law
- B.A. University of California, Santa Barbara (French and German)

# 2019 Golf Tournament Champions

Apologies for the late posting of the standings, but we finally got the official scorecard records from the 2019 Golf Tournament and would like to congratulate our winners.



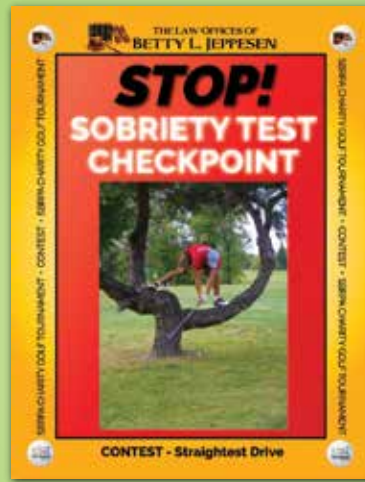
**1st Place - Team 7:** Beau Brunner, Chris Robinson, Gabe Speier, Clayte Robinson

**2nd Place - Team 15:** Pat Geier, Rick Torres, Tyler Westover, Ray French

**3rd Place - Team 4:** Robb Kirschke, Bud Sanders, Joey Crawford, Jorgen Staal



**Closest to Horse**  
*Evie Zelazney*



**Straightest Drive**  
*Spencer Stewart*



**Longest Drive**  
*Women, Hillary Packard*  
*Men, Crosby Slaughter*



**Closest to Hat**  
*Bill Krauch*



**Closest to Boot**  
*Dave Stellar*



**Closest to Barn Door**  
*Bud Sanders*

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SANTA BARBARA	7 UNIT COMPOUND	\$2,800,000
GOLETA	4 UNITS	\$1,650,000
SANTA BARBARA (NEW)	3 UNITS	\$1,450,000
LOMPOC	COMMERCIAL	\$695,000

### SOLD

ISLA VISTA	2 UNITS	\$826,500 (SELLER)
SANTA BARBARA	2 UNITS	\$1,485,000 (BUYER)
SANTA BARBARA	5 UNITS	\$1,550,000 (BUYER)
SANTA BARBARA	4 UNITS	\$1,840,000 (BUYER)
ISLA VISTA	RENTAL / DEVELOPMENT	\$1,450,000 (BUYER/SELLER)
SANTA BARBARA	12 UNITS	\$4,650,000 (SELLER)
SANTA BARBARA	5-UNIT COMPOUND	\$1,825,000 (BUYER/SELLER)
MONTECITO	4 UNITS	\$2,500,000 (BUYER)
ISLA VISTA	2 UNITS	\$1,290,000 (SELLER)
SANTA BARBARA	11 UNITS	\$2,170,000 (BUYER)
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)
ISLA VISTA	2 UNITS	\$1,052,500 (BUYER)

KSUITZER@BHHSCAL.COM

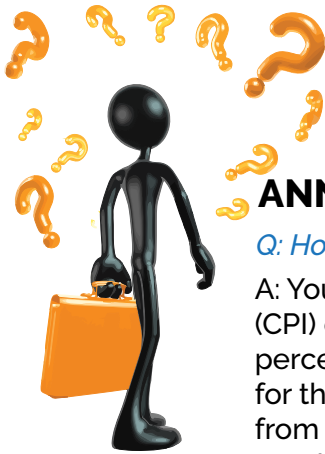
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# Frequently Asked Questions on 1482 RENT CAP

## ANNUAL RENT INCREASE LIMITATIONS (“RENT CAP”)

**Q: How much can I raise the rent each year?**

A: You may raise the rent up to 5% plus the applicable Consumer Price Index (CPI) or 10%, whichever is lower. Percentage change in the CPI would mean the percentage change from April 1 of the prior year, to March 31 of the current year for the region in which the rental property is located. Your calculation must be from the lowest gross rental rate charged for the unit at any time during the 12 months prior to the effective date of increase.

Currently, owners in Santa Barbara County should use the “All California” CPI of 3.34%. The CPI will be recalculated in April every year.

### CONSUMER PRICE INDEX – ALL URBAN CONSUMERS<sup>(1)</sup>

	All California	Los Angeles Long Beach Anaheim	San Francisco Oakland Haywood	San Diego Carlsbad <sup>(2)</sup>	Riverside San Bernadino Ontario <sup>(3)</sup>
<b>April 2018</b>	271.210	265.095	283.422	—	—
<b>May 2019</b>	—	—	—	289.243	102.929
<b>April 2019</b>	280.275	273.945	294.801	—	—
<b>May 2019</b>	—	—	—	300.303	105.959
	3.34%	3.34%	4.01%	3.82%	2.94%

<sup>(1)</sup> Source, U.S. Department of Labor, Bureau of Labor Statistics.

<sup>(2)</sup> Beginning with November 2017 data, indexes for San Diego-Carlsbad are published bi-monthly on odd-numbered months only (January, March, etc.) and, therefore, the month of May is used.

<sup>(3)</sup> Indexes for San Bernardino-Riverside are published bi-monthly on odd-numbered months only (January, March, etc.) and therefore, the month of May is used.

**Q: How many times may I increase the rent each year?**

A: For renters who have lived in the unit for more than 12 months, you may raise the rent up to two times within that period, as long as the total increases do not exceed the state's rent cap.

**Q: What happens if I raised the rent above the allowable amount before January 1, 2020?**

A: If you raised the rent more than 5% plus CPI prior to March 15, 2019, the rent remains in effect without any change needed. If you raised the rent more than 5% plus CPI after March 15, 2019, you will need to adjust the rent down to the March 15, 2019 rent, plus 5% plus CPI or 10% (whichever is lower AS OF January 1, 2020.) No refund will be due to the tenant for rent collected from March 15, 2019 to January 1, 2020. This is because the bill was written with a retroactive rent date included.

**Q: If the renter moves out, can I raise the rent to more than 5% plus CPI?**

A: Yes, the new law does not affect your right to raise the rent to market once a tenant vacates the unit. However, once a new renter is placed in the unit, any future rent increases on that tenant will be subject to the rent cap.

**Q: What if my unit is currently vacant?**

A: You may choose the initial rent for the new tenant. But once the new renter is in the unit, any future rent increases will be subject to the rent cap.



# JUST CAUSE EVICTIONS



*Q: How do evictions work under AB 1482?*

A: All applicable evictions must be based on “just cause” meaning the owner must have a just cause for the eviction. “Just cause” is divided into two categories – at-fault evictions and no-fault evictions. The law requires that you provide a reason for the eviction (in the notice to quit) and it must fall within the permissible reasons, as set forth by the law. You may no longer just issue a 30 or 60-day notice of termination of tenancy.

*Q: Which renters do the eviction protections apply to?*

A: As of January 1, 2020, it applies to renters who have resided in the unit for 12 months or more. If an additional renter(s) is added to the lease (prior to an existing renter continuously residing in the unit for 24 months) then the just cause provisions do not apply until all renters have continuously resided in the unit for 12 months or more, or at least one of the renters has continuously resided in the unit for 24 months or more.

*Q: What is an “at-fault” just cause eviction?*

A: At fault eviction causes are based on the actions or activities of the renter that fall within the scope of the permissible reasons under the law (see below for a full list of reasons).

*Q: What is a “no-fault” just cause eviction?*

A: No fault eviction causes are when the eviction is not based on the actions of the renter, but rather due to the owner’s actions or the owner’s compliance with a government entity.

*Q: What am I required to do if I have a just cause for eviction?*

A: If the eviction is based on a curable violation (e.g. non-payment of rent), you must provide the renter with notice of the violation, setting forth the time period in which to cure the violation. If the violation is not cured within the time period provided in the notice, a 3-day notice to quit without the opportunity to cure may be served to terminate the tenancy. If the tenant does not vacate the unit by the date of the notice to quit, the owner may move toward an Unlawful Detainer in a court of law.

*Q: May I pay part in relocation assistance and part in a rent waiver?*

A: No

*Q: How do you calculate “one month’s rent” if different rent amounts have been paid?*

A: It is the rent rate in effect as of the date that the notice of termination of tenancy was issued.

*Q: What happens if I fail to pay relocation assistance or provide a rent waiver?*

A: The notice of termination of tenancy is void.

*Q: What are the notice requirements?*

A: You are required to issue a notice of termination based on the no fault just cause and include the renter’s right to relocation assistance or a rent waiver. If you decide to issue a rent waiver, the notice should provide the amount of the rent waiver and state that no rent is due for the last month the tenancy.

## JUST CAUSE EVICTIONS (continued)



*Q: Are there circumstance in which I would not be required to provide relocation assistance or a rent waiver?*

A: Yes, if it is determined by any government agency or court that the renter is at fault for the condition or conditions triggering an order to need to vacate as set forth in the law. Under those limited circumstances, the renter would not be entitled to relocation assistance.

*Q: If I do a no-fault eviction on a Section 8 tenant, do you I have to pay them the one month relocation fee?*

A: Yes, as they are subject to the Just Cause portion of AB 1482.

*Q: Do I pay the Section 8 tenant one month of their portion of the rent or one month of the total rent? Am I required to pay the Housing Authority their portion of one month's rent as a relocation fee?*

A: While we don't have a legal opinion on the matter, we recommend paying the tenant a fee equivalent to one month of the total rent received by the owner and that there is no payment due to the Housing Authority or subsidy program.

*Q: Is there a difference between a Rent "CAP" and Rent "CONTROL"?*

A: Yes, with a rent CAP you have vacancy decontrol. This means that if the renter moves out, you can raise the rent to more than 5% plus CPI. You can raise the rent to market rate.

*Q: What is a "Substantial Remodel"?*

A: "The replacement or substantial modification of any structural, electrical, plumbing or mechanical system that requires a permit from a government agency, or the abatement of hazardous materials, including lead-based paint, mold, or asbestos, in accordance with applicable federal, state and local laws, they 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."

*Q: Is selling the property a "no-fault" cause for terminating a tenancy?*

A: No

*Q: Is moving a resident manager into a unit a "no-fault" cause for terminating a tenancy?*

A: No

*Q: Is preparing to sell the property a "no-fault" cause for terminating a tenancy?*

A: No



## A special message from the Grinch who stole Christmas....






In December we received some coal in our stocking.

### Rent CONTROL on the 2020 Ballot!

Tenants needed to submit 623,212 signatures before April to put rent control on the ballot. In December, they submitted over a million signatures to put Rent CONTROL on the ballot in 2020.

*How does this new ballot initiative differ from the Rent CAP going into effect on January 1, 2020?* Under the rent CAP, you can still reset your rent to market when the unit is vacant. Rent CONTROL does not allow resetting rent rates to market rate when the units are vacant. ("Vacancy Decontrol".)

We encourage you to attend one of the SBRPA's programs on NEW LAWS in 2020. In addition to the 1482 Rent Cap, we'll cover other new laws such as:

-  **Senate Bill 329:** Discrimination on the basis of source of income
-  **Senate Bill 222:** Discrimination on the basis of military status
-  **Senate Bill 644:** Reduced security deposit for service members
-  **Senate Bill 1188:** Tenant allowing occupancy of property to person at risk of homelessness
-  **Senate Bill 652:** Religious items may be displayed on entry doors

### 8:30-9:45 a.m. Breakfast, plus review of new laws and legal forms.

Tuesday, January 14, 2020  
Santa Barbara Elks Lodge #613  
105 N. Kellogg, Goleta, CA

Wednesday, January 15, 2020  
Santa Maria Radisson Hotel  
3455 Skyway Dr, Santa Maria, CA

The **NEW YEAR/NEW LAWS** program in December filled up quickly. **We encourage you to register ASAP to ensure a seat.**



**REGISTRATION** Mail to: SBRPA, 123 W. Padre St., Ste D, SB, CA 93105.  
Call 805-687-7007 or email [programs@sbrpa.org](mailto:programs@sbrpa.org).

Name \_\_\_\_\_

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Seminar Cost: \$35.00 (members only)

#### Method of Payment

- Check enclosed (payable to SBRPA)
- Credit Card: Visa \_\_\_\_\_ Mastercard \_\_\_\_\_ AMX \_\_\_\_\_

- Tues., 01/14/2020 Santa Barbara
- Wed., 01/15/2020 Santa Maria

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# 2020



## NEW YEAR **NEW LAWS**

**If there is only 1 program you are going to attend this year–this is it!**

Breakfast, review of new laws and legal forms prior to the Property Management Seminar. For SBRPA Members only!

**South County:** Santa Barbara Elks Lodge#613, 150 N. Kellogg Ave., Goleta, CA

Tue., 01/14/2020 8:30 AM Welcome & induct newly elected SBRPA board members  
8:45 AM New Year, New Laws review

**North County:** Santa Maria Radisson Hotel, 3455 Skyway Dr., Santa Maria, CA

Wed., 01/15/2020 8:30-9:45 AM New Year, New Laws review

- We will help you figure out when your property is impacted and which new forms you must use.
- Receive the new lease agreement, addendum forms and notice requirements. (If you don't provide the proper notice form–your notice is void.)
- Question & Answer period to follow.



**REGISTRATION** Mail to: SBRPA, 123 W. Padre St., Ste D, Santa Barbara, CA 93105. Questions? Call 805-687-7007, or email [programs@sbrpa.org](mailto:programs@sbrpa.org).

Name \_\_\_\_\_

Email \_\_\_\_\_

**Seminar Cost: \$35.00 (members only)**

Tues., 01/14/2020 Santa Barbara

Wed., 01/15/2020 Santa Maria

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# PROPERTY MANAGEMENT ESSENTIALS

A SBRPA Certificate Class\*



**New Dates!**

**South County:**

Tuesday, January 14, 2020

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

**North County:**

Wednesday, January 15, 2020

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

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

*\*Upon completion of the program, attendees receive a Graduation Certificate at a wine & cheese reception with regional property managers.*

**Guest Speakers include:**



*Jim Cole*  
Attorney at Law



*Betty Jeppesen*  
Attorney at Law



*Janet Eastman*  
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*Laura Bode*  
SBRPA  
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**REGISTRATION**

Mail to: SBRPA, 123 W. Padre St., Ste. D, SB, CA 93105. Questions? Call Grace at 805-687-7007, or email [grace@sbrpa.org](mailto:grace@sbrpa.org).

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**Santa Barbara, 1/14/2020**

Lunch selection, choose one:

- Chicken Alfredo
- Salmon

**Santa Maria, 1/15/2020**

Lunch selection, choose one:

- Tri-tip Sandwich
- Chicken Caesar Salad

**Seminar Cost:**

- \$150, Member
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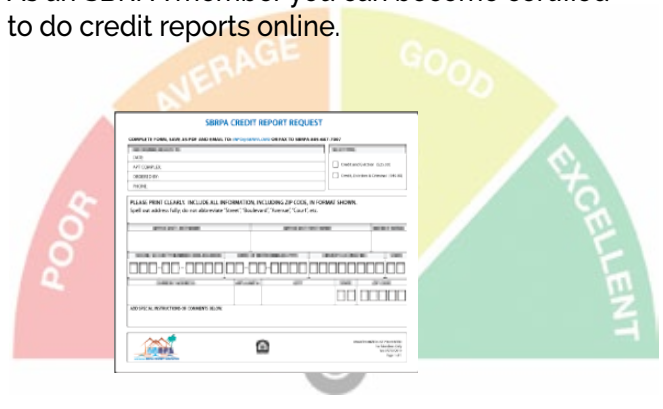
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# LEGAL INFORMATION SESSION

## JOIN US FOR OUR LEGAL INFORMATION SESSION

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



**WEDNESDAY, JANUARY 22<sup>ND</sup>**

**10:00 AM - 12:00 PM**

**PRESIDIO SPRINGS COMMUNITY ROOM  
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**CRISTI MICHELON VASQUEZ** focuses her practices in the areas of business, real estate, landlord/tenant, trust litigation, conservatorships and general civil litigation. Known for her strong client service skills, the clarity of her advice and straightforward legal approach. Cristi received her law degree from Santa Barbara College of Law in 2001 and was then admitted to practice law in the State of California. She was also admitted to practice before the United States District Court, United States Court of Appeal, and the Supreme Court of the United States. Cristi is a member

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

## FOR MORE INFORMATION OR TO RSVP

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7	Los Olivos	\$1,749,000
16	Santa Maria	1,595,000
11	Santa Barbara	2,250,000
26	Arroyo Grande	2,550,000
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# SBRPA MEMBERSHIP APPLICATION



1. **FILL IN MEMBERSHIP APPLICATION, save form as PDF file.**
2. Mail with check to SBRPA, 123 West Padre St., Suite D, Santa Barbara, CA. 93105, or if paying by credit card or you wish to be invoiced, please email application to [info@sbrpa.org](mailto:info@sbrpa.org).

If you have difficulty completing the form, call the office for assistance at 805-687-7007 or [info@sbrpa.org](mailto:info@sbrpa.org).

**We look forward to having you join the SBRPA community!**

**I hereby make application for Membership:**

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Mailing Address

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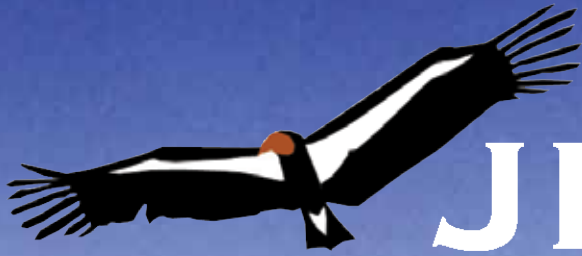
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# The Attorney's Corner

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## Landlord's Duty of Care

Common sense and good management practices are the best protection against a claim that a landlord has failed to properly protect a tenant either from defects on the premises or from third persons. When common sense fails, the common law doctrine of negligence steps in: "Was a landlord negligent in meeting the duty of care owed a tenant?" That answer often comes at the end of a very expensive jury trial. Regular inspection and maintenance will go a long way toward keeping you from getting a first hand and personal experience in our courts. This article provides an overview of the applicable standards that will apply to a claim that a property owner was negligent in the conduct of business.

As a general guiding principle, a landlord must exercise due care and must act reasonably toward a tenant as well as to unknown third persons. (*Mora v. Baker Commodities* (1989) 210 Cal.App.3d 771, 781.) This is a broad standard and is based on the California Civil Code section 1714 requirement that owners of property owe a duty to exercise care in the management of their property to prevent injury to other persons. A breach of this duty is actionable in negligence.

Case law provides some guidance as to the standard of due care that a landlord must exercise towards a tenant. In the first instance, at the time the lease is executed and upon renewal a landlord has a right to reenter the property, has control of the property, and must inspect the premises to make them reasonably safe from any dangerous conditions that might exist. Such an inspection of the premises does not require huge expenditures of time and money, such as destructive inspection, to find every possible danger that exists on the premises. The duty to inspect charges the landlord only with those matters which would have been disclosed by a reasonable inspection.

The burden of reducing or avoiding the risk and the likelihood of injury will affect the determination of what constitutes a reasonable inspection. In other words, a scale is used to determine whether a landlord performed a reasonable inspection of the premises: burden of reducing or avoiding the risk,

such as time, expense and complexity of inspection and repair, vs. the likelihood that a tenant or other person will suffer injury on the premises in its present condition. In sum, a landlord's obligation is only to do what is reasonable under the circumstances. The landlord need not take extraordinary measures or make unreasonable expenditures of time and money in trying to discover hazards unless the circumstances warrant such extraordinary measures. (See *Lopez v. Superior Ct.* (1996) 45 Cal.App.4th 705, 715; *Resolution Trust Corp. v. Rossmoor Corp.* (1995) 34 Cal.App.4th 93, 102-103; *Mora v. Baker Commodities, supra*, at 781-782.)

Included in a landlord's general duty of care to a tenant is a landlord's potential duty to protect the tenant from crimes committed by third persons. Case law provides that in recent years, the landlord-tenant relationship, at least in the urban, residential context, has given rise to liability under circumstances where landlords have failed to take reasonable steps to protect tenants from criminal activity. It has been held that since only the landlord is in the position to secure common areas, he has a duty to protect against types of crimes (1) of which he has notice, and (2) which are likely to recur if the common areas are not secure. A landlord's duty to protect a tenant against criminal acts does not make the landlord an insurer of the tenant's safety; rather the duty is merely to exercise reasonable care. Generally the criminal act of a third person negates the liability of a landlord unless the landlord realized or should have realized the likelihood that his conduct created an opportunity for the commission of crimes and that a third person might avail himself of the opportunity. (See *Ann M. v. Pacific Plaza Shopping Ctr.* (1993) 6 Cal.4th 666, 674; *Frances T. v. Village Green Owners Assoc.* (1986) 42 Cal.3d 490, 501; *Penner v. Falk* (1984) 153 Cal.App.3d 858, 865; *Kwaitkowski v. Superior Trading Co.* (1981) 123 Cal.App.3d 324, 326-327; *O'Hara v. Western Seven Trees Corp.* (1977) 75 Cal. App.3d 798, 803.)



In addition to case

*Continued on page 31*

# PROPERTY MANAGEMENT ESSENTIALS PROGRAM ATTENDEES



## Menu

**Be sure to email us your lunch choice!**

Send to: [admin@sbrpa.org](mailto:admin@sbrpa.org)

LUNCH, SELECT ONE:

**Santa Barbara, 1/14/2020**

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**Santa Maria, 1/15/2020**

- Tri-tip Sandwich
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law standards of protection of a tenant, California Civil Code section 1941.3 provides certain statutory security requirements imposed on landlords. In sum, a landlord is required to install and maintain locks on doors to the units and common areas and security or locking devices on windows. The code provides specifics as to exactly what type of locking devices are required, so I recommend that you read or review that section in order to ensure compliance with its requirements. Once a landlord complies with the code's security lock requirements, it then becomes the tenant's responsibility to notify the landlord when the tenant becomes aware of any inoperable locking mechanisms. Under the code, a landlord is not liable for any violation unless he fails to correct the violation within a reasonable time after he either has actual notice of a deficiency or receives notice of a deficiency.

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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Hosted by the New Beginnings Counseling Center

**When:** Tuesday, January 21, 2020  
12:00 P.M. to 1:30 P.M.

**Where:** Tydes Restaurant - Coral Casino  
1260 Channel Drive., Santa Barbara, CA



Photo: Noozhawk.com

U.S. Congressman Salud Carbajal

Come and enjoy a delicious lunch and learn how you can benefit from working with the Supportive Services for Veteran Families (SSVF) Program and the Safe Parking Program to fill your rental vacancies. Seating is limited. For more information or to RSVP, please contact Michael Berton at [mberton@sbnbcc.org](mailto:mberton@sbnbcc.org) or at (805) 963-7777 x112.

Networking and complimentary Lunch Program and Q&A, with representative speakers from **New Beginnings Counseling Center** and participating local landlords and tenants.



# California Civil Code section 1941.3

## CIVIL CODE - CIV

**DIVISION 3. OBLIGATIONS [1427 - 3273]** (*Heading of Division 3 amended by Stats. 1988, Ch. 160, Sec. 14.*)

**PART 4. OBLIGATIONS ARISING FROM PARTICULAR TRANSACTIONS [1738 - 3273]** (*Part 4 enacted 1872.*)

**TITLE 5. HIRING [1925 - 1997.270]** (*Title 5 enacted 1872.*)

**CHAPTER 2. Hiring of Real Property [1940 - 1954.05]** (*Chapter 2 enacted 1872.*)

**1941.3.** (a) On and after July 1, 1998, the landlord, or his or her agent, of a building intended for human habitation shall do all of the following:

(1) Install and maintain an operable dead bolt lock on each main swinging entry door of a dwelling unit. The dead bolt lock shall be installed in conformance with the manufacturer's specifications and shall comply with applicable state and local codes including, but not limited to, those provisions relating to fire and life safety and accessibility for the disabled. When in the locked position, the bolt shall extend a minimum of  $13/16$  of an inch in length beyond the strike edge of the door and protrude into the doorjamb.

This section shall not apply to horizontal sliding doors. Existing dead bolts of at least one-half inch in length shall satisfy the requirements of this section. Existing locks with a thumb-turn deadlock that have a strike plate attached to the doorjamb and a latch bolt that is held in a vertical position by a guard bolt, a plunger, or an auxiliary mechanism shall also satisfy the requirements of this section. These locks, however, shall be replaced with a dead bolt at least  $13/16$  of an inch in length the first time after July 1, 1998, that the lock requires repair or replacement.

Existing doors which cannot be equipped with dead bolt locks shall satisfy the requirements of this section if the door is equipped with a metal strap affixed horizontally across the midsection of the door with a dead bolt which extends  $13/16$  of an inch in length beyond the strike edge of the door and protrudes into the doorjamb. Locks and security devices other than those described herein which are inspected and approved by an appropriate state or local government agency as providing adequate security shall satisfy the requirements of this section.

(2) Install and maintain operable window security or locking devices for windows that are designed to be opened. Louvered windows, casement windows, and all windows more than 12 feet vertically or six feet horizontally from the ground, a roof, or any other platform are excluded from this subdivision.

(3) Install locking mechanisms that comply with applicable fire and safety codes on the exterior doors that provide ingress or egress to common areas with access to dwelling units in multifamily developments. This paragraph does not require the installation of a door or gate where none exists on January 1, 1998.

(b) The tenant shall be responsible for notifying the owner or his or her authorized agent when the tenant becomes aware of an inoperable dead bolt lock or window security or locking device in the dwelling unit. The landlord, or his or her authorized agent, shall not be liable for a violation of subdivision (a) unless he or she fails to correct the violation within a reasonable time after he or she either has actual notice of a deficiency or receives notice of a deficiency.

(c) On and after July 1, 1998, the rights and remedies of tenant for a violation of this section by the landlord shall include those available pursuant to Sections 1942, 1942.4, and 1942.5, an action for breach of contract, and an action for injunctive relief pursuant to Section 526 of the Code of Civil Procedure. Additionally, in an unlawful detainer action, after a default in the payment of rent, a tenant may raise the violation of this section as an affirmative defense and shall have a right to the remedies provided by Section 1174.2 of the Code of Civil Procedure.

(d) A violation of this section shall not broaden, limit, or otherwise affect the duty of care owed by a landlord pursuant to existing law, including any duty that may exist pursuant to Section 1714. The delayed applicability of the requirements of subdivision (a) shall not affect a landlord's duty to maintain the premises in safe condition.

(e) Nothing in this section shall be construed to affect any authority of any public entity that may otherwise exist to impose any additional security requirements upon a landlord.

(f) This section shall not apply to any building which has been designated as historically significant by an appropriate local, state, or federal governmental jurisdiction.

(g) Subdivisions (a) and (b) shall not apply to any building intended for human habitation which is managed, directly or indirectly, and controlled by the Department of Transportation. This exemption shall not be construed to affect the duty of the Department of Transportation to maintain the premises of these buildings in a safe condition or abrogate any express or implied statement or promise of the Department of Transportation to provide secure premises. Additionally, this exemption shall not apply to residential dwellings acquired prior to July 1, 1997, by the Department of Transportation to complete construction of state highway routes 710 and 238 and related interchanges.

(*Added by Stats. 1997, Ch. 537, Sec. 1. Effective January 1, 1998.*)

[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=CIV&sectionNum=1941.3](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CIV&sectionNum=1941.3)



# Santa Barbara Happenings

Terry A. Bartlett • Reetz, Fox & Bartlett LLP



## Santa Barbara City Looks to Overhaul AUD Program to Add Units Downtown

Santa Barbara City Council is in the process of revising the Average Unit-Size Density (AUD) program. The AUD program was set to expire on January 1, 2021, or when 250 units were built (over 220 units have been built so far). Initially approved in 2013, the AUD program was designed to encourage developers to build more rental apartments in certain parts of the City, including the Eastside and the Milpas Street area. The City Council is now moving the AUD program away from the Eastside/Milpas Street area and into the downtown corridor. The City Council's hope is that this will attract young professionals into the area, giving struggling merchants new customers. Parking needs are not addressed. *(Editor's note: Welcome to Santa Monica North).*

The City Council also agreed to increase maximum building heights from 45 to 48 feet. Some Councilmembers raised concerns over maintaining the historical character of the City, which prompted the City Council to vote to exclude the Brinkerhoff, Castillo, and De la Vina historic districts from the high-density housing zones.

In a move that fails to recognize that low income people really do have cars, proposed changes to the program include allowing developers to pay an in-lieu fee of \$10,000 instead of providing an off-street parking space in the central business district and allowing developers to separate parking fees from rent so that people without cars can pay less. Some Councilmembers suggested allowing renters to park in downtown lots and compete with downtown business customers for parking spaces. Others correctly worry that the high-density housing will increase the traffic and congestion around State Street. Placing limits on the sizes of units instead of the total number was also suggested (because people with smaller units absolutely do not have cars). This would allow developers to build more smaller units.

The proposed changes were conceptual, and the council must return to cast official votes to change the ordinance. The City Council is set to decide in the middle of December (after this article goes to print) whether or not to amend the AUD Program or let it expire.

## Goleta to Increase Inclusionary Housing Requirements

The Goleta City Council voted 4-1 in support of increasing the amount of required affordable housing from 10% to 15-20% for projects with 5 or more units. If developers

in Goleta want to build a housing project with 5 units, they need to set aside 1 unit as affordable.

In Goleta, the median income is \$79,600, and the inclusionary housing ordinance is targeted at people ranging from 50% of area's median income to 120% of the area's median income.

Opponents of this ordinance raised concerns that small developers would be less likely to build because they do not have the sufficient capital to incur all the costs associated with development and then have to rent one unit at less than the market rate. With the small builders priced out, only large companies will be left to provide new housing.

Inclusionary housing is just one part of the possible adoption of Goleta's New Zoning Ordinance. Other components include Environmentally Sensitive Habitat Area regulations, residential care facilities in single family and planned residential zones, and other projects. More information can be found at <http://www.goletazoning.com/>

## Lompoc City Council Approves Residential Expansion West

Rather than increase downtown densities beyond good, livable levels for the community, Lompoc City Council recently adopted a new plan expanding the existing city limits west to allow for new developments that would help with the housing needs and city's financial problems. *(Editor's note: Kudos to Lompoc).*

The current proposal includes the addition of 140 acres on the west side of the City along Bailey avenue for the construction of 469 residential units. Lompoc Councilmembers had faced opposition in previous attempts to add the land, due to the ongoing debate between preserving agricultural land and the city's desire to expand.

The next hurdle for the City of Lompoc will be obtaining required approval from the Santa Barbara Local Agency Formation Commission (LAFC).

## Statewide Rent Control and "Just" Cause for Eviction Now in Effect

In October 2019, Governor Newsom signed Assembly Bill 1482 (Bill), implementing statewide rent control starting January 1, 2020. The Bill prevents property owners from raising rent more than 5%, plus inflation (typically 2.5%+/-) in one year with a cap of 10%.

*Continued on page 35*

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The requirements of the new laws are notice intense, meaning landlords bear the burden of providing tenants with the required information.

California also now requires that a landlord have and state a "just" cause, as specified, in order to evict tenants who have occupied the premises for a year.

Generally, no-fault just cause occurs when the property is going to be occupied by a family member, is being withdrawn from the rental market, or is ordered vacated by a government agency. In these instances, the owner must pay relocation expenses or waive payment of rent for the final month of the tenancy.

At-fault just cause eviction is based on a tenant's failure to sign a landlord requested extension of the lease; a tenant's violation of the lease, such as failure to pay rent; maintaining a nuisance; committing waste; criminal activity; or unauthorized assignment and subletting. These evictions are allowed without payment of relocation expenses or waiving payment of the last month's rent.

Both the rent cap and the just cause provisions are subject to limited exemptions including, among others, single family homes and a related accessory dwelling unit, a duplex in which one unit is occupied by the owner, and housing built in the past 15 years. There are also exemptions for condominiums and similar units not owned by a real estate investment trust, a corporation, or an LLC in which one member is a corporation. The full text of the bill can be found at: [https://leginfo.ca.gov/faces/billTextClient.xhtml?bill\\_id=201920200AB1482](https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB1482)

Despite the passage of the AB 1482, the rent control debate is not over. The L.A. based AIDS Healthcare Foundation is collecting signatures to put another, even more concerning, rent control measure on the November 2020 ballot. This measure will call for the repeal of the Costa-Hawkins Rental Housing Act. If repealed, governments will have the power to regulate rent even after a tenant leaves voluntarily and existing vacancy decontrol (allowing the landlord and tenant to set rates at the start of a new tenancy) will be lost.

### Goleta Makes Changes to Conform to Statewide Accessory Dwelling Unit Legislation

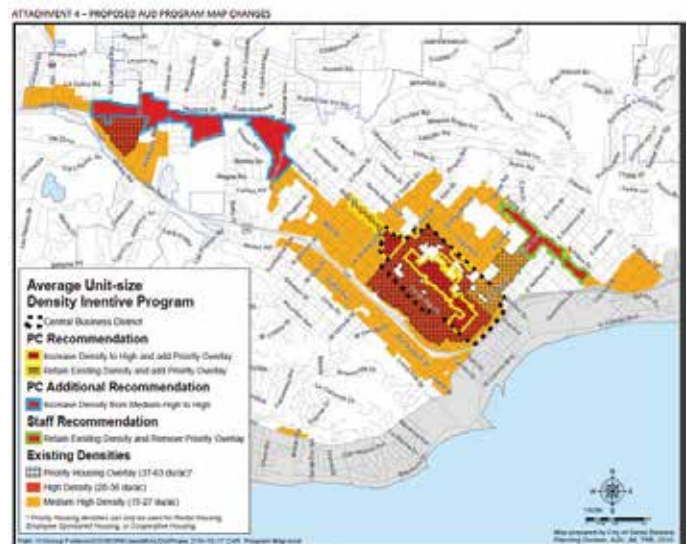
Beginning January 1, 2020, new statewide rules go into effect regarding Accessory Dwelling Units (ADUs) and cities must approve any ADUs or Junior ADUs that conform to state rules. To account for this change, Goleta has been shifting its ADU regulations to be in line with statewide legislation. An ADU 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 ADU legislation (SB 1069) essentially allowing multiple residential units on all land now zoned for single family homes, in hopes of boosting available 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

residentially-zoned properties. New rules increase the maximum allowable size of a one-bedroom ADU to 850 feet and 1,000 feet for a two bedroom. ADUs are still limited to 10% of the lot size, but now must look the same as the primary residence. New laws also allow for ADUs in multifamily buildings where building standards are met.

In accordance with state rules, Goleta can no longer require a zoning permit for ADUs that comply with the vast number of new size and construction rules. The only reason ADUs can now be denied by the City are for inadequate sewer or water availability, or adverse impacts to traffic flow and public safety. Building permits are still required.

*Note: Terry Bartlett was fully committed to client projects this month so Randy Fox did the drafting. Angry comments should be addressed to him at 805-965-0523.*



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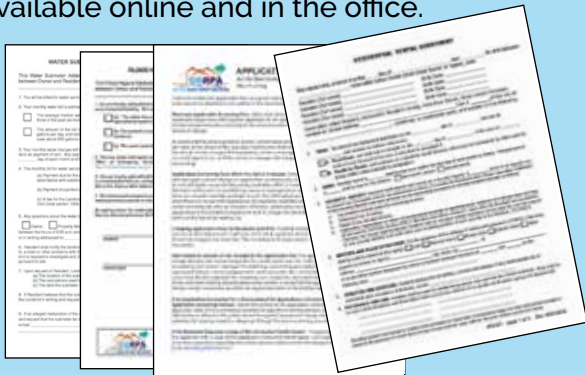
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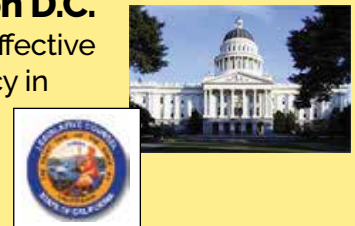
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