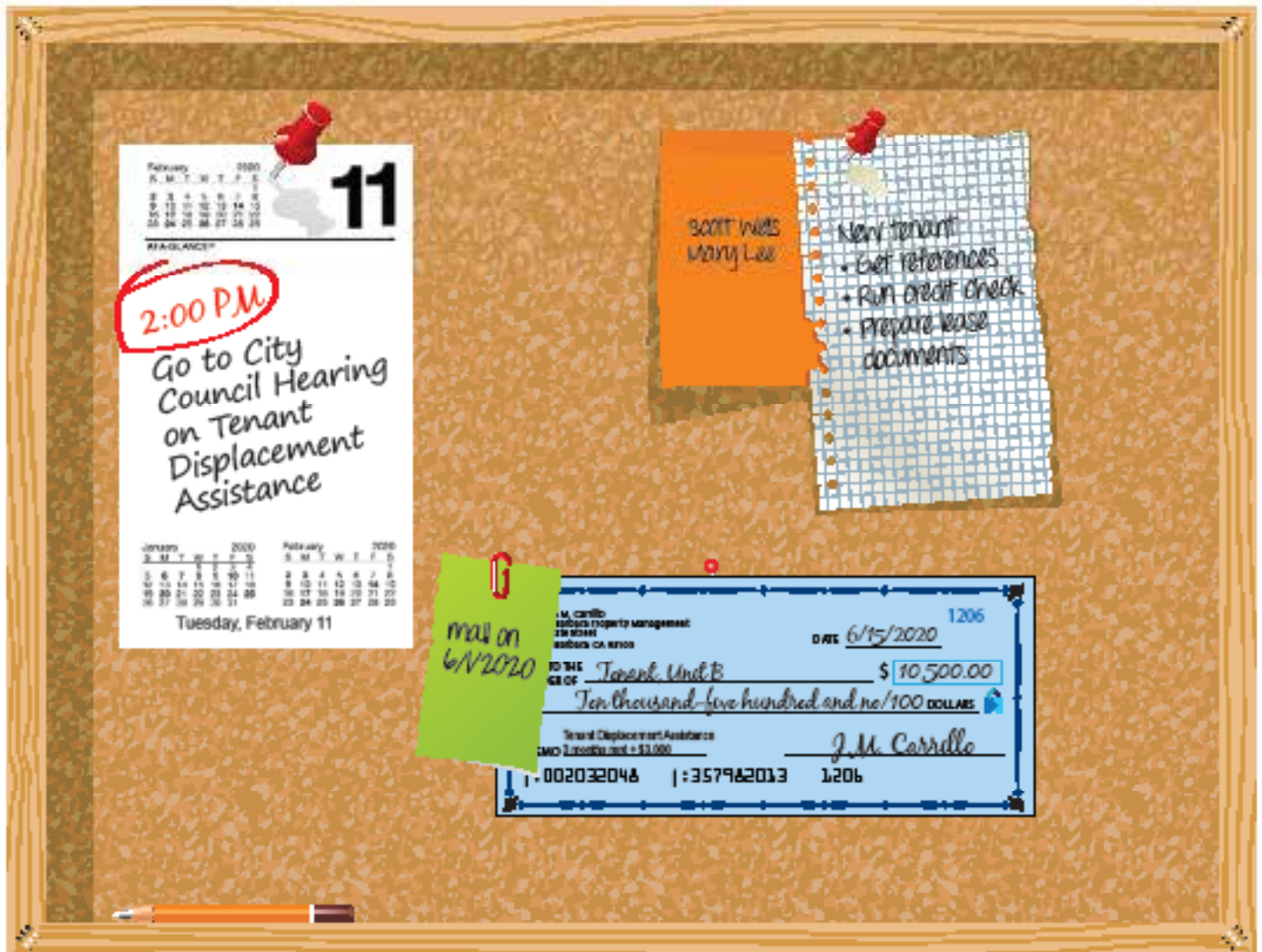


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Meet the SBRPA Family Members, 1st VP, Harold Goodman	page 9
Learn About the NAA	page 13
Santa Barbara City Council Hearing, Tenant Displacement Assistance	page 14
New Year, New Laws 2020 (at the Madonna Inn, San Luis Obispo)	page 32



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February 2020

Calendar	5
Current & Upcoming Events of interest to SBRPA members	
SBRPA President's Message	7
Betty L. Jeppesen Esq., <i>SBRPA President</i>	
Meet the Officers & BOD	9
Harold Goodman, <i>1st Vice-President</i>	
CalRHA Legislative Update	11
Chris Zraggen, <i>Capitol Advocacy</i>	
About NAA	13
The National Apartment Association, our parent organization	
Santa Barbara City Council Meeting	15
2/11/2020, Tenant Displacement Assistance	
Attorney's Corner	29
David M. Grokenberger, Esq., <i>Rogers, Sheffield & Campbell, LLP</i>	
Santa Barbara Happenings	33
Terry A. Bartlett, <i>Reetz, Fox & Bartlett LLP</i>	
Directory of Products & Services	38
Index of Advertisers	

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CALENDAR

Santa Barbara City Council Meeting
 Tues, 2/11/2020, 7:00 PM
 Council Chambers (top floor, City Hall)
 734 Annapa Street, Santa Barbara, CA, 93101

Please plan to attend this meeting where the Santa Barbara City Council will be discussing Tenant Displacement Assistance asking landlords to pay upwards of 3 months rent to tenants. (see page 14-15)



SB City Council

NAA Campus Connex
 Tues.-Wed., Feb. 18-19/2020
 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.naa.org/campusconnex>



SBRPA New Year, New Laws 2020
 Wed., Feb. 19, 2020, 8:15am (Breakfast Bar)
 Madonna Inn, 100 Madonna Rd., SLO, CA
 Come and learn about the new laws for 2020 and how they effect you as property managers/owners. Sponsored by DMH Properties & Battaglia Commercial Real Estate, this class will fill up fast. (see page 32)

NAA Advocate
 Tues.-Wed., March 10-11, 2020
 Grand Hyatt, Capital Hill, Washington, D.C.



NAA needs you in Washington, D.C.! Join fellow members as we gather together at Advocate, the industry's largest annual advocacy conference. We'll learn the issues, strategies and best practices for heading to Capitol Hill on Lobby Day. Info: <https://www.naa.org/advocate>

SBRPA February 2020

SUN	MON	TUE	WED	THU	FRI	SAT
						1
2	3	4	5	6	7	8
9	10	11 SBCC Mtg 2:00PM	12	13	14 ❤️	15
16	17	18 NAA Campus Connex	19 SBRPA NYNL 2020	20	21	22
23	24	25	26	27	28	29

Office Hours: M-F, 9:00AM-5:00PM
 Closed for lunch, 12:00 -1:00PM

2/11/2020, Office closed 2:00PM, City Council meeting
 2/18/2020, Office closed 1:00PM, BOD meeting
 2/19/2020, Office closed 12:00 noon, NYNL SLO

SBRPA Property Management Essentials
 Wed., March 18, 2020, 10:00am-4:00PM
 Elks Lodge #613, 150 N Kellogg Ave., SB

Join us for our popular Property Management certificate class, featuring several industry speakers. (see page 36)

OTHER SANTA BARBARA COMMUNITY EVENTS

Keepers of the Light: History of the Point Conception Lighthouse (reading & discussion with local author Willard Thompson)

Sat, Feb. 1, 2020, 1:00 - 3:00 p.m.
 Santa Barbara Maritime Museum

The Santa Barbara Maritime Museum, current home of the giant First Order Fresnel Lens from the Point Conception Lighthouse, will celebrate the 164th anniversary of the lighthouse's first lighting on February 1, 1856. Info: <https://sbmm.org/santa-barbara-event/keepers-of-the-light/>



If you know of events or items of interest to our members, please send information to: magazine@sbrpa.org

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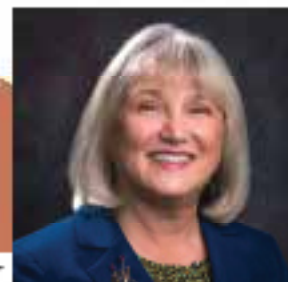
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santa barbara rental property association President's Message



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

Dear members,

2020 is here with all of the new laws in effect as of day one. Fortunately, with respect to some of the requirements of the new laws such as 1482, we have a little time to implement the rules and regulations.

SBRPA was ahead of the game by providing a program on December 9, 2019 called New Year, New Laws. This was so successful that it sold out and two additional program sessions were held on January 14 and 15, 2020, the first in Santa Barbara and the second in Santa Maria. The Santa Barbara class sold out at over 200 attendees. The Santa Maria class had a record attendance of over 100 members! Both classes were taught by Steve Battaglia, Laura Bode and myself with the much appreciated assistance of Danielle Holzer and Selina Goodman.

SBRPA has changed its forms to comply with the new laws and local city ordinances. Our intrepid Executive Director, Laura Bode, has been providing invaluable advice to members and I stand ready as well to try to give you guidance as we face this new landlord-tenant climate together.

On February 11, 2020, the Santa Barbara City Council will once again consider the topic of a local "Just Cause Ordinance" or whether the state-wide Just Cause Ordinance will be sufficient. The state-wide legislation provides for a, one-month's rent relocation assistance. The local ordinance, if passed, is slated to provide for 3 months' rent relocation cost in addition to \$3,000.00 for certain individuals such as those over 65, ADA, low or median-income persons, or emancipated minors. This is a tremendous cost which would be a terrible blow to many of "Mom and Pop" landlords for whom their rental is their only supplement to their retirement income. I encourage you to attend this extremely important City Council meeting to give your views before it is too late. We are informed that City Attorney, Ariel Calonne, has provided to the City Council a confidential memorandum on the topic. It is anticipated that the City Council may waive confidentiality of that memo so that they may be given additional guidance in advance of that meeting. If that happens, we will inform you of what we learn.

It is critical that we have our voices heard on February 11th or it will be assumed that: 1) it doesn't matter; 2) we don't care; 3) landlords don't mind paying exorbitant relocation costs because we can easily afford them; 4) landlords have unlimited funds; 5) everyone bought their rentals so long ago that they are mortgage-free and all rents collected are simply "gravy" or 6) _____ you fill in the blank. We have heard all of these bandied about.

Let the new City Council members meet you. If possible, contact them BEFORE February 11th by letter, e-mail or phone call. Let them know that what they are going to be considering is VERY IMPORTANT to you and that you CARE what is decided. Let them know what it would mean to you to have to pay 3 months' rent plus \$3,000.00 in order to have someone move. As an example, if the monthly rent is \$2,000.00, you would pay the tenant \$6,000.00 plus the \$3,000.00 or \$9,000.00! Would this be easy for you? Is it "just one grab in the wallet" or would this be a hardship?

SBRPA representatives will be contacting City Council members and will be at the City Council meeting on February 11th, but we need YOU. Please take time out of your busy schedules to address this vitally important issue. This may be your only chance to give your opinion before the Council votes. So, please contact them as soon as you possibly can. And, we will look forward to seeing you at City Hall on February 11, 2020 at 2:00 p.m. Please fill out a speaker slip and be ready with your opinion. What you think matters. See you there!.



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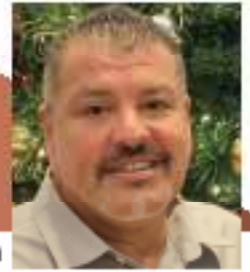
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santa barbara rental property association
Meet the Officers & BOD



1st Vice-President, Harold Goodman



His family is part owner of both the historic Santa Maria Inn and the Radisson Hotel in Santa Maria.

Harold is a property investor and has owned Santa Maria Properties Inc. for over the past 11 years.



Santa Maria Inn



Santa Maria Radisson



Harold & Salina

Harold joined SBRPA in 2019 as a board member and was recently voted in as the SBRPA's First Vice President.

Currently, Harold is a board member and past president of the Santa Maria Police Council. In addition, he is a member of the Santa Maria Chamber of Commerce and the San Luis Obispo Sheriff Advisory Council.



Most recently, Harold's Santa Maria Properties, Inc. was the sponsor for the popular Hatchet Throwing Contest at SBRPA's 2019 Annual Charity Golf Tournament.

Harold enjoys spending time with his family and new wife Salina. When he has time to get away, traveling is one of his passions. He has traveled to over 30 countries around the world. "Working hard is part of life, playing hard is the reward!"





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Chris Zraggen, Capitol Advocacy



Public Policy Update January 13, 2020

On December 6th, the California Legislature returned from its interim recess to begin the 2020 session. Members have begun introducing bills and will continue to do so up until the bill introduction deadline on February 21st. Members have also begun to make decisions on bills that were introduced in 2019 because of a deadline requiring all bills introduced last year be passed out of the House in which they originated. Several bills pertaining to housing are subject to this deadline, most notably is SB 50 authored by San Francisco Senator, Scott Wiener. This bill would permit larger and denser housing near transit hubs, and stalled last year due to significant opposition by local governments. It was amended on the 6th to allow local governments the first attempt at rezoning if they wish to do so. On Tuesday, January 7th, Senator Wiener held a press conference to announce the amendments to SB 50, however, it was interrupted and shut down by protesters. The protesters were led by Moms 4 Housing, which is a housing justice group, and they have voiced concerns that SB 50 will be used to build luxury housing rather than affordable housing.

Another bill that has carried over from 2019 is AB 22 authored by Assemblymember Autumn Burke. This bill would declare that it is the policy of the state that every child and family has a right to housing which would entail that the state provide public assistance to children and families in danger of homelessness, help with rent evictions, and in some cases find the emergency and permanent housing. Given the logistical difficulty that such an idea possesses, it is unclear how it will fair throughout the legislative process. The Governor has declined to endorse this idea.

AB 53, authored by Assemblymember Reginald Jones-Sawyer, is another bill that has carried over from 2019. This bill would have made it unlawful for rental property owners to inquire about or require an applicant for housing to disclose a criminal record during the initial application assessment. Fortunately, this bill was pulled from committee and therefore has been rendered dead for this session.

On Friday, January 10th, the Governor presented his \$222.2 billion budget for the 2020-2021 fiscal year. During the press conference, Governor Newsom stated that while last year's Budget Act included \$1.75 billion in resources to accelerate housing productions, none of those dollars were actually spent in the 2019 calendar year. In light of this fact, the Governor decided that no additional funding would be provided in this year's budget proposal. In total, the budget includes \$6.8 billion across multiple departments to address housing throughout the state.

While no additional funding will be provided this year to accelerate housing production, significant funding was added to the budget to address the homeless crisis plaguing the state, which Governor Newsom has made a top priority this year. He noted that homelessness is no longer a problem restricted to urban corridors, but is moving to rural communities as well. To address this the governor has created the new California Access to Housing and Services Fund through an executive order and will fund it with more than \$1 billion to fight homelessness.

As we move through January and into February, the legislature will see a number of proposals introduced. We can expect close to 2,800 bills to be introduced between now and February 21st, the bill introduction deadline. Along with legislative bills, the Senate and Assembly Budget committees and their respective subcommittees, will begin to meet to discuss proposals included in the governor's budget. Without a doubt, housing will continue to be a dominant topic in Sacramento and it is not unlikely that the Governor's proposed budget will be amended to address the housing crisis.

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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)

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One of the benefits of membership in SBPRA is automatic membership in our national affiliate, NAA (National Apartment Association). Going forward we plan to highlight a different program in each month's issue. You can also find more about the NAA on our website under "About Us", along with links to several of their programs.

The **National Apartment Association** is a leading voice in the U.S. and around the globe for the apartment housing industry.



As a trusted partner, a valued connector and a powerful advocate, the NAA is committed to serving all 170 affiliates and 72,000 members. "We lead the way home."

NAA MEMBER BENEFITS

Following is a listing that details all of the offerings NAA provides to its members.

ADVOCACY NAA's Government Affairs and Legislation division is dedicated solely to the apartment industry. The federated structure of NAA enables the industry to represent its members and advocate on federal, state and local policy issues.

NAA's *Advocacy365 Grassroots Resource Center* is a member's only benefit that includes the tools you need to have an effective relationship with your elected officials like how-to guides on scheduling meetings and speaking confidently about key issues.

NAAPAC The National Apartment Association Political Action Committee (NAAPAC) is NAA's political action committee and an essential arm of the NAA's advocacy on behalf of the apartment housing industry. NAAPAC is a bi-partisan PAC that supports Congressional candidates who represent good government and understand the needs and concerns of the multi-family housing industry.

EDUCATION & CAREER

DEVELOPMENT Learn, lead and succeed with the broad-based education and training available only to members.



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POWERFUL LEASING SOLUTIONS

NAA's Click & Lease Program expedites prep and printing of legal documents saving time and money.

NAA CONFERENCES & EXPOSITIONS Participate in the industry's premier networking and education events. Connect with the top apartment home developers, suppliers and management professionals in the industry. We will include NAA events on our Calendar page.

Units MAGAZINE & OTHER PUBLICATIONS

From general topics to more specialized information, NAA members have access to articles, videos, newsletters and NAA's award-winning blog providing the latest news and most successful trends in the industry.

LEGAL ASSISTANCE PROGRAM NAA has significantly expanded its legal services, which includes the formation of a Legal Assistance Program, aimed at protecting the apartment housing industry by addressing critical industry issues in courtrooms across the nation.

SUPPLIER OPPORTUNITIES

NAA offers a variety of resources and benefits to our supplier members such as joining the National Suppliers Council (NSC) to elevate brand awareness as well as access to sponsor and advertising opportunities, supplier education credentials, and more!

Remember the "Just Cause" Ordinance that was discussed by the City Council last year?

RELOCATION ASSISTANCE

This is the Ordinance that proposes to amend Title 26 of the Santa Barbara Municipal Code by adding Chapter 26.50 to require relocation assistance for no-cause terminations of residential tenancies.

This Ordinance recommendation is relocation assistance of **4 times** the advertised rental rate for the unit or \$5,000.00 whichever is greater plus an additional \$3,000.00 for low and moderate income households, the elderly, disabled and minor tenants. So, for a unit renting for \$2,000.00 per month that would equal 4 x \$2,000.00 or \$8000.00 plus the additional \$3,000.00 for low and moderate income households, the elderly, disabled and minor tenants. That would equal \$11,000.00. If your monthly rent is more than \$2,000.00, the amount would increase accordingly.

Would this impact you as landlords?

Would it be easy to pay \$11,000.00 if you want the tenant to move?

The recommendation initially was that this Ordinance apply to properties containing 15 or more rental units; however, by the end of the City Council meeting, the majority wanted to see it apply to 3 or 4 units so we do not know what the City Council will entertain in the way of modification.

So, what is "just cause"? In the staff revised draft from 02/26/2019, the proposed language of Section 26.50.080 A. is as follows: "'No-Cause Eviction.' An action by a landlord to recover possession of a rental unit for any reason other than the following:

1. The tenant has failed to pay rent to which the landlord is legally entitled.
2. The tenant has violated a lawful obligation or covenant of the tenancy.
3. The tenant has refused the landlord reasonable access to the unit for the purposes of making repairs or improvements, for any reasonable purpose as permitted by law, or for the purpose of showing the rental unit to any prospective purchaser or tenant.
4. The tenant is permitting a nuisance to exist in, or is causing damage to, the rental unit.
5. The tenant is using, or permitting a rental unit to be used for any illegal purpose.
6. The landlord seeks in good faith to recover possession of the rental unit in order to comply with regulations relating to the qualifications of tenancy established by a governmental entity, where the tenant is no longer qualified.
7. The tenant has given written notice as provided in Section 1946 of the California Civil Code of his/her intention to terminate the hiring of the real property, or makes a written offer to surrender which is accepted in writing by the landlord, but fails to deliver possession at the time specified in that written notice.
8. The tenant has failed to vacate at the expiration of a fixed term lease."

"No-cause evictions" are defined as follows in that same report: "No-cause evictions shall include, without limitation, actions in which the landlord seeks in good faith to recover possession of the rental unit in order:"

1. "To demolish or otherwise permanently withdraw the rental unit from offer for rent or lease pursuant to California Government Code sections 7060-7060.7:"
2. "To perform work on the building or buildings housing the rental unit that will render the rentable unit uninhabitable;"
3. "For use and occupancy by the landlord or the landlord's spouse, grandparents, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, children, or parents provided the landlord is a natural person."
4. "For no specified cause."

Now is the time for you to speak with the City Council members. They need to know how this proposed Ordinance will impact your business; how this will impact you personally; and, indeed, whether this may cause rental units to come off the market or be sold to larger companies such as REITs. If so, this will cause real property reassessments which in turn will cause the rental rates to increase. Will this in fact help the housing shortage or will it negatively impact it? Are there unintended consequences? It is critical that the City Council hears from you BEFORE the meeting as well as you showing up AT the meeting. This will give them time to consider you views prior to the actual meeting.

The City Council Agenda is, according to the Santa Barbara City website available 72 hours prior to the scheduled meeting. That meeting will be February 11, 2020. SBRPA will attempt to keep you updated with the latest information. But, please access the City website yourself as well for any new information.

Santa Barbara City Council Hearing

TENANT DISPLACEMENT ASSISTANCE

February 2020							11
S	M	T	W	T	F	S	
2	3	4	5	6	7	8	
9	10	11	12	13	14	15	
16	17	18	19	20	21	22	
23	24	25	26	27	28	29	

At a Glance*

5:00 PM

Go to City Council Hearing on Tenant Displacement Assistance

January 2020							February 2020						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
5	6	7	8	9	10	11	2	3	4	5	6	7	8
12	13	14	15	16	17	18	9	10	11	12	13	14	15
19	20	21	22	23	24	25	16	17	18	19	20	21	22
26	27	28	29	30	31		23	24	25	26	27	28	29

Tuesday, February 11

2:00 pm* Tuesday,
February 11, 2020

* Meeting begins at 2:00 PM;
Tenant Displacement Assistance
topic scheduled for 5:00 PM

Joseph M. Carrillo Santa Barbara Property Management 500 State Street Santa Barbara, CA 93105		1206
		DATE <u>6/15/2020</u>
PAY TO THE ORDER OF <u>Tenant, Unit B</u>		\$ <u>10,500.00</u>
<u>Ten thousand five hundred and no/100 DOLLARS</u>		
Tenant Displacement Assistance MEMO 3 months rent + \$3,000		<u>J.M. Carrillo</u>
: 002032048 : 357982013		1206

SBRPA representatives will be contacting City Council members and will be at the City Council meeting on February 11th, but we need YOU. Please take time out of your busy schedules to address this vitally important issue. This may be your only chance to give your opinion before the Council votes. So, please contact them as soon as you possibly can.



Mayor
Cathy Murillo
(805) 564-5322
cmurillo@santabarbaraca.gov



District 1
Alejandra Gutierrez
(805) 564-5324
agutierrez@santabarbaraca.gov



District 2
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District 5
Eric Friedman,
(805) 564-5320
efriedman@santabarbaraca.gov



District 6
Meagan Harmon
(805) 564-5319
mharmon@santabarbaraca.gov

We will look forward to seeing you at City Hall on
February 11, 2020 at 2:00 p.m.

Please fill out a speaker slip and be ready with your opinion.

WHAT YOU THINK MATTERS. SEE YOU THERE!

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As rental property and business owners, you most likely contract for janitorial services. If you hire janitors or engage janitorial service providers at your rental properties or offices, then you should be aware of a recently enacted law requiring such providers to register and conform with new state statutory requirements. Anyone who contracts with them also falls under these statutes and can face fines for working with non-compliant firms.

Two years ago, the California Property Service Workers Protection Act ("Act") went into effect, requiring janitorial companies to register with the Labor Commissioner's Office beginning July 1, 2018 and to provide their employees with sexual harassment prevention training every two years beginning January 1, 2019. If you hire janitorial employees or contract with janitorial service providers, you must be aware of these new requirements.



Any person or entity who meets the statutory definition of employer must register with the Labor Commissioner. The Act defines a janitorial "employer" to mean anyone that employs at least one covered worker or otherwise engages by contracts, subcontracts, or franchise arrangements for the provision of janitorial services by one or more covered workers.

- A covered worker includes any employee, independent contractor or franchisee predominantly working as a janitor.
- The statutory definition of "employer" in Labor Code section 1420(e)(1) does not contain exceptions for certain types of janitorial services providers.

To register, employers must complete a registration application online or by mail and pay a \$500 non-refundable application fee. The registration is

valid for one year and must be renewed annually by the month and day of the original registration's issuance. The renewal fee is \$500.

Every employer must keep detailed records for three years that includes the following information:

- Names and addresses of all employees engaged in rendering actual services for any business of the employer.
- The hours worked daily by each employee, including the times the employee begins and ends each work period.
- The wage and wage rate paid each payroll period.
- The age of all minor employees.
- Any other conditions of employment.
- The names, addresses, periods of work, and compensation paid to all other covered workers.

More information about the requirements can be found at: https://www.dir.ca.gov/dlse/Janitorial_Providers_Contractors.html

Under Labor Code section 1432:

(a) An employer who fails to register pursuant to Section 1423 is subject to a civil fine of \$100 for each calendar day that the employer is unregistered, not to exceed \$10,000

(b) Any person or entity that contracts with an employer who lacks a current and valid registration, as displayed on the online registration database at the time the contract is executed, extended, renewed, or modified, under this part on the date the person or entity enters into or renews a contract or subcontract for janitorial services with the employer is subject to a civil fine of not less than \$2,000 nor more than \$10,000, in the case of a first violation, and a civil fine of not less than \$10,000 nor more than \$25,000 for a subsequent violation.

Danielle Holzer

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How the California Property Service Workers Protection Act Applies to You

(c) Notwithstanding any other provision of law, the authority to enforce this section is vested exclusively with the commissioner. The procedures for issuing, contesting, and enforcing judgments for citations or civil penalties issued by the commissioner shall be the same as those set forth in Section 11971.

The entire Labor Code can be found here:

https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=LAB&division=2&title=&part=4.2&chapter=&article=

Any business, including a small business owner, individual rental property owner, a property management company, and home owners association, which contracts with a janitorial services could be subject to fines for contracting with a non-registered provider. Therefore, it is important when contracting for janitorial services that you verify that the company you are hiring is registered with the DIR public database prior to entering into a contract with them. And it is important to make the company's compliance part of any service contract.

You may also want to consider incorporating an indemnification clause shifting liability onto the janitorial services provider for any violations of the Act.

Make sure that you are aware of and in conformance with this law, which was designed to bring the janitorial industry toward greater transparency and protection of some of its more vulnerable workers. As with all such laws, the end result is most likely an increased cost to you that will ultimately be passed onto your customers, clients, and renters. And so it goes.

Compiled from the State of California Department of Industrial Relations and the California Civil Code by Michelle E. Roberson, Attorney at Law, and Janet M. Eastman, CPM®

Do you have information that you feel might be beneficial to the SBRPA members? Please send submittals to

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Thank You

Rob Kooyman and Janet Eastman



We'd like to take this opportunity to express our gratitude and thanks to Meridian Group's Rob Kooyman and Janet Eastman for their years of support and assistance to SBRPA.

From leading Town Hall meetings, to teaching seminar classes, to providing assistance at industry events, Rob and Janet have gone above and beyond during their time as SBRPA Officers and Directors.



We wish them luck in their future endeavors and hope to see them again soon at one of our events.



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7	Los Olivos	\$1,749,000
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11	Santa Barbara	2,250,000
26	Arroyo Grande	2,550,000
16	Grover Beach	\$1,665,000

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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.

If you have difficulty completing the form, call the office for assistance at 805-887-7007 or info@sbrpa.org.

We look forward to having you join the SBRPA community!

I hereby make application for Membership:

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How did you hear about us?

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<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
Total Units	<input type="text"/>

ASSOCIATION FEES: How to calculate membership fees

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MEDIATION AND ARBITRATION (Why and How)

Alternate Dispute Resolution is a phrase that you hear more and more. If you read the pre-printed contracts presented to you, you will often see inclusion of mediation and arbitration clauses as an "alternative" to litigation; at least as we generally understand it. Litigation in our courts has become very expensive and time-consuming. Unfortunately, mediation and arbitration are also becoming more costly. However, and depending on your own particular circumstances (a way of saying you need legal counsel to evaluate any recommendation regarding use of the provisions we are covering in this article), alternate dispute resolution may be a good choice for you.

It is hard to dispute the position that early mediation before litigation (arbitration or court) is a good idea. What you need to know is that getting a qualified mediator and timely scheduling a mediation session can be a challenge. Fees for mediators run between \$300 and \$500 per hour. Mediation will typically run three hours to a whole day depending on the number and complexity of issues. In complex mediations involving construction defect or disclosure issues, mediations can cover several days. Going to mediation does not require counsel to attend, but if it is going to be productive and cover the issues (legal and factual), then counsel needs to be engaged. The attorney's time for preparation and attendance at mediation can add \$3,500 or more to the cost. In short, mediation is going to cost each side an estimated \$5,000 for a day of mediation. The value to you: an open exchange of issues, evaluations, and recommendation from a mediator that may avoid tens of thousands of dollars in litigation and arbitration costs.

In the sample mediation provision below, costs are typically shared and the time to complete the mediation is limited. Failure to comply with mediation can result in loss of entitlement to attorney fees and costs even if you should prevail.

The sample mediation provision below is a contractual provision that is elective. You are not required to put into your standard contract a mediation or even an arbitration provision. However, specialized contracts for service and even statutory claims (such as a Santa Barbara View Ordinance Dispute) have mediation requirements

that must be complied with and are not voluntary. The View Ordinance does not provide for sharing of expenses for mediation. However, hiring an experience mediator at a shared cost might be worth the expenditure and should be considered in that situation.

Before deciding on whether to include a mediation provision or to reject mediation if offered, you will need to contact counsel to advise you. Here are some sample provisions.

SAMPLE MEDIATION PROVISION

A. ALTERNATE DISPUTE RESOLUTION

Section A.01: Mediation: The Parties agree to mediate any dispute or claim arising between them out of this Agreement, or any resulting transaction, before resorting to arbitration or court action. Mediation fees, if any, shall be divided equally between the Parties involved. If, for any dispute or claim to which this paragraph applies, any Party commences an action without first attempting to resolve the matter through mediation, or refuses to mediate after a request has been made, then that Party shall not be entitled to recover attorney's fees, even if they would otherwise be available to that Party in any such action. Demand for mediation shall be made in writing and shall be completed within sixty (60) days of demand or this provision is waived. In any arbitration or court action following such a demand for mediation, the arbitrator and/or court shall determine if the failure to mediate was the fault of a Party, in which case the failure to mediate shall constitute a refusal under this subsection.

SAMPLE ARBITRATION PROVISION

Arbitration is an elective option, and can be either binding or non-binding. If you are going to the expense of arbitration, most would prefer to make it binding. Costs for arbitration can be as much as 50% less than litigation in court before a judge or jury. Arbitration is usually handled by a judge whose decision is normally not appealable. In the sample below, arbitration is made binding and non-appealable and jury is waived.

Certain disputes, including certain landlord-tenant issues, cannot be limited to arbitration only. Jury trials are rights that are protected by statute,

Continued on page 31

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waivable only in limited circumstances. Before you consider putting an arbitration provision in your contracts, confirm with counsel how to limit the provision so as not to run afoul of statutory prohibitions.

Arbitration clauses typically limit parties to those directly involved in the contract, but some, such as in the case of a standard California Association of Realtors' purchase agreement, give an option to brokers to participate in both mediation and arbitration, but they are not bound to do so. When evaluating whether to have an arbitration clause in this contract, you should discuss with counsel how other potential parties to a controversy might affect your choice in whether to agree to arbitration or not.

The following sample provision covers some of these points:

Section A.02: Arbitration of Disputes: The Parties agree that any dispute or claim in law or equity arising between them out of this Agreement, or any resulting transaction, which is not settled through mediation, shall be decided by neutral, binding arbitration. The arbitrator shall be a retired judge or justice, or an attorney with at least ten (10) years of residential real estate law experience, unless the Parties mutually agree to a different arbitrator, who shall render an award in accordance with substantive California law and the expressed intentions of the Parties where stated in this Agreement. The arbitrator appointed shall have the power to award damages, issue a declaration of rights, and award equitable relief, and make such other orders in equity as may be required to effect full relief to the Parties for matters arising out of this Agreement. The Parties shall have the right to discovery in accordance with California Code of Civil Procedure section 1283.05. In all other respects, the arbitration shall be conducted in accordance with Title 9 of Part III of the California Code of Civil Procedure. Judgment upon the award of the arbitrator(s) may be entered in any court having jurisdiction. The prevailing Party in any arbitration proceeding shall have the right to recover from the non-prevailing costs of arbitration and mediation, if any. Any arbitration award may be entered as a judgment in the Superior Court by either Party.

NOTICE: BY INITIALING IN THE SPACE BELOW YOU ARE AGREEING TO HAVE ANY DISPUTE ARISING OUT OF THE MATTERS INCLUDED IN THE "ARBITRATION OF DISPUTES" PROVISION DECIDED BY NEUTRAL BINDING ARBITRATION AS PROVIDED BY CALIFORNIA LAW AND YOU ARE GIVING UP ANY RIGHTS YOU MIGHT POSSESS TO HAVE THE DISPUTE LITIGATED

IN A COURT OR JURY TRIAL. BY INITIALING IN THE SPACE BELOW, YOU ARE GIVING UP YOUR JUDICIAL RIGHTS TO DISCOVERY AND APPEAL, UNLESS THOSE RIGHTS ARE SPECIFICALLY INCLUDED IN THE "ARBITRATION OF DISPUTES" PROVISION.

Mediation and arbitration are clearly viable options to consider as alternatives to our court system. In most instances the processes save time and money. The high rate of success in using a trained mediator confirms that mediation is a good place to start if the issues of fact and law are properly prepared and presented. The alternative is to go to court and/or arbitration and make the presentation later, after greater expense is incurred.

As always, it is important to seek independent legal counsel as to your specific objectives and circumstances. If you have questions on these topics and/or need legal advice on these subjects, please call (805) 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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Accessory Dwelling Units [Second homes] on Existing Lots Allow New Housing in Existing Neighborhoods...Lots of New Housing

An ADU is a secondary dwelling unit (often thought of as 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. The law was amended at the start of the year, allowing for the construction of ADUs inside existing multifamily buildings where building standards are met. This includes the conversion of garages and storage rooms, for example, into housing.

If every property owner takes advantage of the new bill, the number of housing units in the City of Santa Barbara could increase from 36,000 to over 70,000.

Temporary Ban on Accessory Dwelling Units in High Fire Zones

Santa Barbara City Council recently adopted Interim Urgency Ordinance No. 5927 which prohibits ADU development in Foothill Fire Hazard Zones as defined in the City's Wildland Fire Plan. The City Council believes

that the increase in traffic and congestion on these narrow roads would be problematic, especially during emergencies. This led to the City Council's unanimous decision to temporarily ban new ADU applications in area where the roads are steep and narrow. The ban also applies to historically significant properties that would be greatly changed by ADU development.

The ban does not currently have a set end date but could last for as long as a year. According to the City of Santa Barbara's website, any ADU application submitted after January 1, 2020 that is not subject to the temporary prohibitions will be processed in accordance with Government Code Section 65852.2 and 65852.22.

More information about the City Santa Barbara's ordinance can be found at https://www.santabarbaraca.gov/services/planning/mpe/accessory_dwelling_units.asp

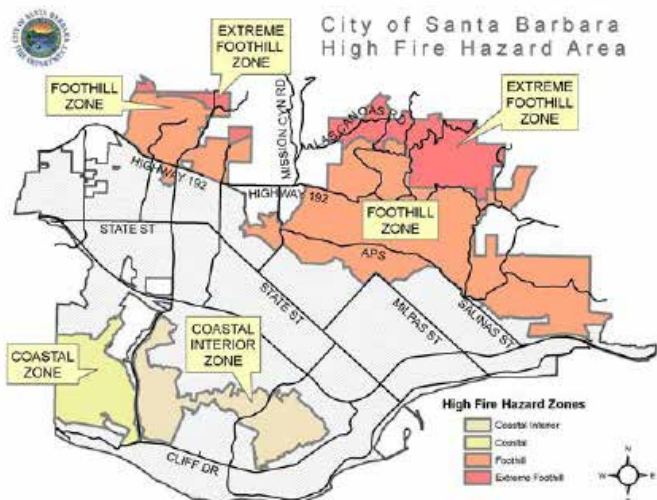
California Looks for Housing Solutions at the Expense of Funding Mental Health Services

With the homeless population rising statewide, California may be tapping into the funds generated by Proposition 63.

Proposition 63, also known as the Mental Health Services Act was passed by California voters in November 2004 to improve the state's mental health services. Funding is generated by imposing a 1% tax on personal income above \$1 million. Proposition 63 generates about \$2.4 billion a year, and \$22 million goes to Santa Barbara's County's Department of Behavioral Wellness.

Sacramento Mayor Darrell Steinberg, Gavin Newsom's appointed homeless Czar, introduced a proposal called "Refresh" in which some of the funding from Proposition 63 would be allocated to provide additional supportive housing and shelter space for the homeless.

Opponents were confident that this proposal would be devastating to Santa Barbara County and every other county in California because it is diverting one third of the \$140 million annual budget away from



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In September Rental Property Owners and friends will embark on a beautiful 18-night journey along the famous Dalmatian coast on the stunning Adriatic Sea. This nearly 3-week adventure will start with a fabulous waterfront stay right near the legendary walled city of Dubrovnik. After exploration in the city, we will use this wonderful location for exploration into nearby Montenegro (Kotor) and also Bosnia /Herzegovina (Mostar). After a 3-night stay on the coast, we'll step aboard a gleaming 150-foot yacht with Katarina Line and enjoy a week exploring the islands, towns and picturesque bays that make up the sparkling Croatian coast.

Experience off-the-beaten-path towns like Slano, Mljet, Korčula and Vis during 7 nights in an intimate yacht atmosphere with only 36 or less total travelers onboard. After exploring northward up the coast, we'll step ashore for 8 nights of exciting inland land touring to visit stunning national parks and intriguing towns across Croatia and Slovenia. Revel in the true beauty of the Plitvice Lakes region, plus discover mighty fortresses and charming hill towns that make this the Tuscany of Croatia. Learn about traditional food in a cooking class, taste wonderful wines from historic vineyards and savor tastings of local delicacies, all while learning about the roots of Croatia and Slovenia. Enjoy a ride two miles through ancient caves, marvel at folkloric dance performances and even have a chance to splash in waterfalls so beautiful that it is almost a fairytale.

Our Adriatic Odyssey is an enchanting 18-night journey that will have you visiting four counties – Croatia, Montenegro, Slovenia and Bosnia. Enjoy 2-3 nights each in four beautiful 4- & 5-star hotels, dine on memorable food and experience an intimate yacht cruise along one of the most famous coasts in the world. It is a tour you will never forget in a region where each day is more beautiful than the next. Come Along this September!

- 3-Night Adriatic Coastal stay near Dubrovnik
- Touring in Croatia, Bosnia/Herzegovina, Montenegro & Slovenia
- 7-Night Small Ship/Yacht Cruise along the Stunning Croatian Coast – Only 19 Rooms Onboard!
- 8 Nights Post Cruise Land Touring in Croatia & Slovenia
- Stunning Hotel Locations near the Coast and National Parks
- Cultural Food & Wine Tastings / 40 Meals Included
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- All Touring, Guides, Entrances and Special Experiences Included
- All Transportation, Taxes and Luggage Portage Included
- Gratuities Included on Land Touring Segments
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the county's Department of Behavioral Wellness.

"Refresh" will likely have to go to voters for approval, leaving California residents to decide if the needs of the homeless are pressing enough to divert funds away from mental health services. Currently, Santa Barbara county just received \$9 million in one-time homeless emergency response dollars along with another homeless-related grant for \$4.1 million. The county is still deciding how to put this money to use.

Mental health and homelessness often go hand and hand. Is it a good idea to cut spending for mental health in order to increase housing of many of those individuals who are in need of the mental health services being cut? Look for this issue on the ballot and vote accordingly.

Retail Theft Increases Throughout California

In November 2014, California residents voted in favor of Proposition 47 aimed at emptying jails and prisons by decriminalizing certain non-violent offenses including retail theft. This meant people could steal up to \$950 worth of merchandise, without being charged with a felony.

Since then, there has been a steady increase in organized retail theft. For example, San Francisco now has the highest rate of property crime, including theft, shoplifting, and vandalism among the nation's 20 largest cities. This problem is statewide and retailers are finding themselves at a loss with the number of arrests going down. Offenders are aware that



they will not be prosecuted, so they are becoming bolder and bolder in their actions.

California now must determine how to handle the consequences of Proposition 47.

Santa Barbara City Meets Water Demands Through 2022

After the early rainfall, Santa Barbara City staff announced that the existing resources are enough to meet the water demands of its customers through September 2022 (the end of the water year). The plan involves using surface level supplies from Lake Cachuma and the State Water Project to meet water demands and desalination plant-produced water and recycled water for irrigation purposes. In the 2018-

2019 water year, the desalination plant accounted for one third of the City's total demand for water.

Local reservoirs, which have been in drought conditions for many years, are returning to higher levels. After the rainfall in late December, Lake Cachuma was 72.4% full, Gibraltar Reservoir was 29.9% full, and Montecito's Jameson Reservoir was 82.3 percent full. Unfortunately, all three reservoirs have lost storage capacity due to the recent wildfires.

The City will use groundwater well pumps to help restore the groundwater basins that have been depleted over the past eight years. Water supply analysts estimate that it will take only five years for the basin to be restored, given that residents continue their conservation efforts.

The City plans to update its water management plan in 2020 to address Santa Barbara's role as a City water supply. The City is currently in water debt from years of supplemental water purchases during drought years and is negotiating to sell Montecito Water District.

Amazon Opens on State Street... Yes, That Amazon

On January 6, Amazon opened their office located at 1001 State Street and it did not come without controversy. Local and regional business owners worry about the status of their stores, given the rate at which Amazon has contributed to the closure of retail centers across the country. Santa Barbara's own Sonos is already in competition with Amazon. Also alarming local businesses, Amazon secured themselves as lead sponsor for Santa Barbara monthly arts and culture event known as 1st Thursday. This \$10,000 position gives Amazon top billing along with the largest logo for the year.

Other local business owners are hopeful that a large corporation like this will revitalize the downtown area. Retail and restaurant owners in particular are expecting to see an increase in business from the hundreds of new employees. This also means new job opportunities for more Santa Barbara residents. However, these employees also need housing and other services, which may overwhelm the housing market and lead to an increase in rents, as was the case in the Bay Area.

Amazon's arrival may bring other tech companies to Santa Barbara. This can either mean growth for an innovate culture in the downtown area, or a loss of local charm. Either way, this is an exciting time for Santa Barbara.

A SBRPA Certificate Class

PROPERTY MANAGEMENT ESSENTIALS



SBRPA's January program at the Elks sold-out early - so we encourage you to make your reservation and payment for this program as soon as possible.

Wednesday, March 18, 2020

Elks Lodge Santa Barbara #613

150 N. Kellogg Ave., Santa Barbara, CA

Member: \$150 • NonMember: \$250

10:00AM-4:00PM • Lunch Included

Payment must be received by March 11 to ensure a spot in the class: SBRPA must pay the Elks' Club for all program attendees on March 11. Thus, to secure a spot in the class, SBRPA must receive your payment by March 11. In addition, this means that reservations are non-refundable after March 11. (However, you can transfer your reservation to someone else if you cannot attend.)

ASK & GET ANSWERS TO ALL YOUR QUESTIONS ABOUT NEW LAWS!

Guest Speakers include:



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Attorney at Law



Jim Cole
Attorney at Law



Steve Battaglia
CA BRE
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Danielle Holzer
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Joyce Hulsebos
SBRPA Board Member
& Property Owner



Laura Bode
SBRPA
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Mail to: SBRPA, 123 W. Padre St., Ste. D, SB, CA 93105. Questions? Call the office at 805-687-7007, or email programs@sbrpa.org.

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Method of Payment

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Seminar Cost

\$150, Member

\$250, NonMember

Lunch Choice:

Salmon

Chicken Alfredo



SOLD
 1407 Bath St.
 Santa Barbara, CA
 6 Units
 Listed at \$1,875,000

SOLD
6-Unit Boutique Apartment Building in Downtown Santa Barbara



SOLD: 505 Brizzolara St.
 San Luis Obispo, CA | 11 Units
 Listed at \$3,950,000

The Golla Team recently sold these two multifamily assets in Santa Barbara and San Luis Obispo.

505 Brizzolara St. is a centrally located, well established income property and was listed at \$3,950,000.

1407 Bath St. is an upgraded apartment building in downtown Santa Barbara and was listed at \$1,875,000.

Residential rental income properties of all sizes continue to be a hot commodity in our market at a time of extremely low inventory. We have buyers ready to purchase with exchange dollars or all-cash offers. If you've been waiting for the right time to sell, now may be that time!

Put the Radius Team to work for you today!

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INDEX OF ADVERTISERS

Battaglia Commercial Real Estate....	25
Beach House Inn	31
Beau Brunner Painting.....	18
Betty Jeppesen, Esq.....	7
Berkshire Hathaway – Ken Switzer.....	12
Bill Terry Insurance.....	2
Central Coast Paving	4
DMH Properties	18
Don’s Heating & Air Conditioning	22
Hayes Commercial Real Estate	26
Hermosa Painting	24
Jody’s Windows & Floors.....	19
John E. Peakes Insurance Agency ...	28
MasterCare	30
Mendez Building Services	18
Meridian Group	25
Radius Group	37
Rogers, Sheffield & Campbell, LLP.....	6
Sandpiper Property Management	8
San Roque Realty	16
Sol Wave Water.....	30
Spectrum Realty.....	6
Sundance Press.....	25
The Laurel Company	6
The Towbes Group	24
Tower Property Management.....	16
Wash Laundry Systems	40
We Haul Junk for Less	6
Yardi.....	16

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