

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

## HUD Updates Law on Emotional Support Animals



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Santa Barbara, CA 93105

Office Hours:  
Mon-Fri • 9:00am-5:00pm  
Closed for lunch 12:00-1:00pm

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



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# CALENDAR

## 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.naahq.org/advocate>

## 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 Essentials, featuring several industry speakers and SBRPA officers and board members. (see page 36).



## NAA Sustainable Living Roundtable

March 31-April 1, 2020  
Bozzuto, Greenbelt, MD



The 2020 Sustainable Living Roundtable is an exclusive invitation-only event hosted by the National Apartment Association (NAA) and the U.S. Department of Energy Better Buildings Initiative. The Roundtable brings together sustainable living professionals to discuss challenges, trends, and insights at the forefront of rental housing.

<https://www.naahq.org/operation-solutions/sustainable-living#accordion-6>



## SBRPA March 2020

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10 NAA Advocate Washington DC	11	12	13	14
15	16 SBRPA BOD Mtg	17 SBRPA Prop Mgmt	18	19	20	21
22	23	24	25	26	27	28
29	30	31 NAA Roundtable Greenbelt MD				

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

3/17/2020, Office closed 1:00PM, BOD meeting  
3/18/2020, Office closed Prop Mgmt Seminar

## SBRPA Fair Housing Fundamentals 2020

Thu., April 30, 2020, 1:00-4:00PM  
Chase Palm Park Center  
236 E. Cabrillo Blvd., SB 93101, SB

Attend our annual Certificate course on the latest news in the Fair Housing arena and make sure you are up to date on the most recent laws. This year's course will be taught by Tracey Merrell, the Managing Attorney of Education at Kimball, Tirey, & St. John LLP. (see page 30).



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

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## President's Message



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

Thank you to all of you who wrote, e-mailed, phoned and/or met with the City Council Member prior to the City Council meeting held Tuesday, February 11<sup>th</sup>. And, thank you also to those who came out to speak. It made a difference for the Council Members to hear your stories and your opinions. Several of them made a special mention of their appreciation to those who took the time to contact them.

I and several of your SBRPA Board members met with Mike Jordan. Your Executive Director and I met with City Attorney Ariel Calonne. And, I had a telephonic meeting with Meagan Harman.

This is the letter that I wrote prior to the meeting which was distributed to all the Council members. Those of you attending know that I also spoke at the meeting.

The good news is that the City Council voted unanimously to have a "nexus" study conducted to see what effect the new law, A.B. 1482 will have on the perceived problem. It was signed by Governor Newsom in October with an effective date of January 1, 2020. Mr. Calonne stated: "1482 dramatically changed California law." "State-wide rent control [in the form of rent caps for tenants have resided in the premises for 12 months], state-wide just cause evictions, state-wide relocation assistance, all of the factors are impacting the housing economy right now. That law is in effect and ramping up. I think the council would be ill-advised not to at least think

about what that law is doing in the context of your own work." He also caution that he personally does not like the term just cause and was using it that evening only as a short hand term.

The "nexus" study is to have a focus on helping vulnerable populations with the goal and looking at the impact of additional protections and to continue researching and monitoring the impact of 1482. A local ordinance can only be adopted if it contains stricter rules than 1482. 1482 does not need to be adopted It is in effect NOW.

To assist our members in understanding the new laws of 2020, Executive Director, Laura Bode, SBRPA Board Member Steve Battaglia and I taught over 400 members a class on "New Year; New Laws." The first class was December 9<sup>th</sup> at the Las Palmas Pavillion to a sold out audience of over 100 members. A second class was held at the Elks Club on January 14<sup>th</sup> to over 200 members and the third was held the next day on January 15<sup>th</sup>, at the Radisson in Santa Maria to over 100 members. Laura Bode and Steve Battaglia will be conducting a 4<sup>th</sup> class at the Madonna Inn in SLO on Wednesday, February 19<sup>th</sup>.

Betty L. Jeppesen  
President



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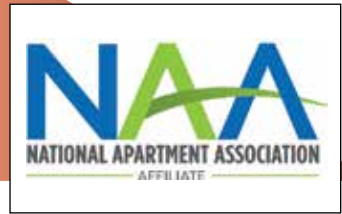
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## New Emotional Support Animal Guidance



National Apartment Association

Our parent organization, the National Apartment Association (NAA) provides information and guidance on new laws and current topics. The following is an excerpt from the NAA members website.

### New Emotional Support Animal Guidance

On January 28, 2020, the U.S. Department of Housing and Urban Development (HUD) released new guidance (<https://www.hud.gov/sites/dfiles/PA/documents/HUDAsstAnimalNC1-28-2020.pdf>) to clarify the responsibilities of both rental housing providers and renters concerning reasonable accommodation requests for emotional support animals (ESAs) in housing. NAA staff has reviewed the guidance and is working with industry experts to update NAA's ESA products accordingly, including NAA's ESA Toolkit\* and NAAEI's ESA course. ***In light of the revised guidance, you are strongly advised to consult your legal counsel before taking any action regarding emotional support animal requests.***

For four years, this has been a priority issue for NAA and we have been urging HUD to issue new guidance, so this clarity is welcome news that was urgently needed in the face of growing abuse. As rental housing operators know, in recent years there has been a significant increase in requests for emotional support animals from applicants and residents. The overwhelming number of accommodation requests for ESAs are to allow animals in no-pets buildings, grant exceptions to existing policies on prohibited breeds or weight restrictions or to avoid paying pet deposits or fees. This made it extremely difficult for owners and operators to parse out legitimate requests from illegitimate ones.

### Assistance Animals

This is the broad term for all animals for which a qualified disabled person under the FHA and Sec. 504 has requested an accommodation.

An Assistance Animal does not require training or certification and may be any type of animal.



\*The NAA is currently updating their ESA Toolkit to meet the new HUD guidance, This is the link to the 2017 ESA Toolkit: [https://www.naa.org/system/files/issues/member-resources/naa-esa-toolkit\\_2017-edition.pdf](https://www.naa.org/system/files/issues/member-resources/naa-esa-toolkit_2017-edition.pdf)



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# Meet the Officers & BOD



Secretary, Lori Zahn

Meet SBRPA's new Secretary, Lori Zahn, a Broker Associate with *Beachside Partners*. Lori joined *Beachside Partners* in September of 2019 after 11 years in the commercial real estate business specializing in multifamily. Giving *Beachside Partners* 35 years combined experience in the field.

Lori can be reached at [Lori@BeachSidePartners.com](mailto:Lori@BeachSidePartners.com)  
Phone: (805) 451-2712



Lori Zahn and Steve Nipper

Lori and her husband Steve enjoy helping the community and getting involved at every opportunity. Last year Lori served as the Co-Chair for the American Heart Walk and continues to stay involved.

Pictured (right) with the SWAT BearCat.



Lori, Co-Chair for the American Heart Association in 2019

My favorite quote: *Faith is -- to fear nothing - to stand unswayed - the power to surmount any obstacle. Faith is the source from which all solutions flow. Faith is the engine that propels us in the thrilling voyage of life, a life victorious and transcendent . . . Daisaku Ikeda*



"Skiing is one of my very favorite things to do and have been doing it since I was 5 years old."



Lori and friends at Santa Barbara's Zoofari 2019

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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)
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# SBRPA Board Member Chris Agnoli Receives SBAOR's Honorary Member For Life Award

On December 6, 2019 at the Santa Barbara Association of Realtors' 112th Annual Installation Lunch, long time Santa Barbara Rental Property Board Member and current Treasurer, Chris Agnoli was awarded the SBAOR Honorary Member for Life Award.

*PRESENTED TO  
Chris Agnoli*

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DECEMBER, 2019*

Well deserved, Chris! The entire Board of Directors of SBRPA is proud of you and your achievements. Congratulations.

What a gorgeous day to receive an award. We live in Paradise. Thank you from all of us for making Santa Barbara an even better place to life.

Sincerely and with gratitude,  
*Betty L. Jeppesen*  
President SBRPA 2020



*Award Presenter Summer Knight with Chris Agnoli*



*Chris with his Award Plaque*



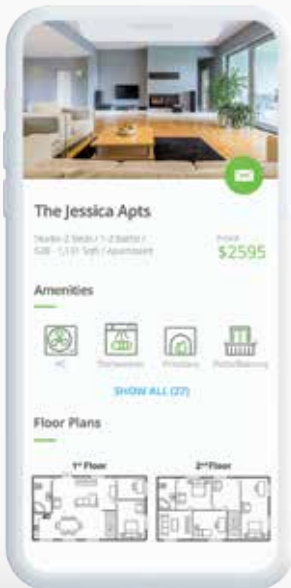
*Tina and Chris Agnoli at Coral Casino*

*Page background is the Coral Casino on the day of the award presentation.*



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# CalRHA President's Message



Sid Lakireddy, CALRHA President

We defeated it then and we're going to defeat it in 2020. It's official – Weinstein's Redux Ballot Initiative is back after getting approved this week by Secretary of State's office. Slowly but surely supporters of the initiative will begin to rally throughout the state, which is why we have reassembled our coalition that needs to be louder and more sensible than our opponents' movement.

What makes us unique is our on-the-ground, hands-on experience in the rental housing industry. We know what it's like to experience the consequences of these laws first-hand, not just on our business but on the renters too.

It is up to us to tell the story of the small property owner. It is up to us and us alone to gather all momentum possible to grow quickly before November. While the media continues to focus on the opposition and compare us to big corporate developers, and legislators continue to be swayed by what's politically popular, we need to uplift each other to showcase what we value.

As you may have seen, the building trades have come out in opposition to the initiative and we suspect that more non-property owner groups will join us in fighting this. We understand that it does not make sense to apply rent control, a known deterrent of development of new housing, when the state is facing a critical housing shortage.

Where we are now, California should be producing 200,000 housing units per year. We are underperforming and producing about 100,000 per year. The destructive statewide rent control that the measure would implement would pause construction for more housing.

While we keep our eyes on the big battle, there are other local issues bubbling up to the surface.

In Los Angeles, a councilmember is proposing seizing private property to stop the increase of rental costs on hundreds of units to meet market rate. Decades ago, the City of Los Angeles agreed to help fund the project in partnership with the property owner so long as rental costs remained the same for a certain amount of years. Now that the contract has expired and the property owner plans to raise the rent to meet the market rate, the councilmember proposed to seize the property against the property owner's wishes to keep rental costs as is.

Although this may not appear to be threatening to all property owners, it could inspire legislation elsewhere and even statewide legislation in the future. We have to keep an eye out for each other, and monitor situations like these constantly.

We are here to advocate for you, and want to do everything we can to serve you well. Small rental property owners are here to help California understand our viewpoint on the state's housing crisis. Not all property owners are big corporations – some are small, independent business owners depending on their business to meet everyday essentials.

## **Weinstein Redux Statement**

As you know, billionaire Michael Weinstein's ballot initiative has qualified for the 2020 November ballot. The coalition we organized back in 2018 defeated statewide rent control and we plan to do it again with a stronger, more-informed coalition. We issued the statement below to all California media:

*"The Michael Weinstein Redux Initiative is one that voters soundly rejected in November 2018. Once again, it is not the answer for California's complex and expensive housing woes. We need solutions that will bring more affordable housing to California," said Sid Lakireddy, CalRHA President. "This initiative means property values will plummet, reducing property tax revenue, and renters will have less access to quality rental stock when owners don't invest back into the property."*

## **Potential New Legislation**

Ability to Terminate a Lease for Victims of Crime – the bill is being introduced and is not yet officially in print. Essentially, this would ensure that victims of domestic violence, sexual assault, stalking, human trafficking, and abuse of an elder or a dependent adult and their family/household members can terminate a lease without penalty following victimization. *We will continue to track this and add the bill to the priority list if it becomes final.*

Emotional Support Animals (from NAAHQ.com) *Issue Overview.* Reasonable accommodation requests for assistance animals—including emotional support animals—cause concern for apartment owners and operators. They affect an owner's ability to assess pet deposits and fees and to apply rules and policies to a resident's animal. Additionally, they expose owners to possible fair housing complaints.

*Continued on page 16*

CALRHA Presidents Message from page 15

On January 28, 2020, the U.S. Department of Housing and Urban Development (HUD) released new guidance to clarify the responsibilities of both rental housing providers and renters concerning reasonable accommodation requests for emotional support animals (ESAs) in housing. NAA staff has reviewed the guidance and is working with industry experts to update NAA's ESA products accordingly, including NAA's ESA Toolkit. In light of the revised guidance, you are strongly advised to consult your legal counsel before taking any action regarding emotional support animal requests.

**Emotional Support Animals**

*As an Owner or Operator, How Does this Affect My Business?*

According to the Fair Housing Act, apartment owners and operators are required to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling unit or common space. The most requested accommodation is for a rental housing provider to allow an assistance animal (defined as either a service animal or an emotional support animal) that would normally be prohibited, to reside with the resident. The request can come in many forms, such as an exception to community rules that prohibit animals in a no-pets building, prohibit certain aggressive breeds on the property

or require the tenant to pay additional fees or deposits for a pet.

Similar to the airline industry, a lack of clarity in the law governing reasonable accommodation requests in housing has created a loophole for bad actors to abuse the system, creating a cottage industry of online outlets that produce the verification required by law for the right price. The law also does not give owners and operators clear guidance on compliance, giving them pause because if they make the wrong decision on a request, it could result in a housing discrimination complaint and having to pay significant monetary damages to the resident.

<https://www.naahq.org/advocacy/policy-issues/emotional-support-animals>



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February 6, 2020

Dear City Council Members:

You will be addressing the local “Just Cause” issue at your meeting on February 11, 2020. Please consider the following as you begin your review:

1. In 2016, a Task Force comprised of representatives for both the landlords and tenants was established by the City Council. This Task Force was led by a professional and over a year’s time, the Task Force came up with a workable plan which was a compromise from both perspectives. Once again, we ask that you honor that agreement.
2. Effective January 1, 2020, A.B. 1482 took effect which has regulated this issue on a state-wide basis. This new law just one month old. It provides for “Just Cause” for an eviction and relocation assistance. We ask that you allow this state-wide regulation to mature before a local ordinance is considered. This will allow all of us to see if the state action is sufficient which it appears to be.
3. Please recall the purpose of the proposed, local “Just Cause” Ordinance which was initially due to the fear of the consequence of “mass evictions” and to mitigate the impact of relocation. Secondly, it might also discourage evictions but this was not the main purpose. Finally, is this purely a legislative matter such that any amount of relocation can be proposed or is this proposed ordinance something for which there needs to be a relationship between what the alleged issue is and what is mandated by it?
4. There is a real danger that local interference with state-wide law may have negative, unintended consequences.
5. These negative, unintended consequences include but are not limited to: 1) Mom and Pop landlords selling their rental units to REIT’s or others which in either case would result in higher rents. Why, you ask? Because in each real estate sale, there are commissions, closing costs, increased mortgage payments, increased property taxes because the new owner cannot keep the same tax base, and increased insurance costs. This is due to the fact that the property value has increased and a new owner cannot take advantage of Prop 13 tax limitations on increases. All of this will go into the calculation of the new rent. 2) Landlords removing their rental units from the market. 3) Removal of rental housing for the “missing middle” – those tenants who do not qualify for low income housing but are unable to purchase a home.

We appreciate your consideration of all of these concerns as you make decisions going forward.

Betty L. Jeppesen  
President, SBRPA

*Danielle Holyer*

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

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.)

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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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](mailto:programs@sbrpa.org).

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# Review of Fair Housing Laws & Best Practices for Fair Housing Compliance and Success

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One of the first questions in a lawsuit will be: Can you and your staff document that you have attended a Fair Housing program? (HUD requires 3 hours of training). Protect yourself from unintended mistakes. Be able to document that you have been trained at SBRPA's Annual Fair Housing Program!

Managers, you are responsible for the behavior of every one you supervise. Is every employee that interacts with tenants trained in Fair Housing? Remember -- your service technicians need training as they interact the most with your tenants and can make an innocently intended remark that puts YOU in violation of Fair Housing Law. For those of you who want to send multiple employees, call us for a discount.

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# Fair Housing Law

(article from CIC Blog)

CIC BLOG JAN 27, 2020 NICOLE SEIDNER

Now is the time to discuss everyone's favorite subject, fair housing law. Such a fun topic, right up there with favorite sports team, latest blockbusting movies, and that funny thing your dog did.

Fine, talking law and restrictions is barely fun for the lawyers. That doesn't mean the conversation can or should be avoided.



One of the most dangerous things that a rental property owner or multifamily professional can do is accidentally (or intentionally) cross swords with the Fair Housing Act (FHA). One of the most defining laws of the industry, the FHA was created to ensure every person that applies for a place to live has an equal chance of getting it. In no way was the FHA the first of its kind, as the **Rumford Fair Housing Act** ([https://en.wikipedia.org/wiki/1964\\_California\\_Proposition\\_14](https://en.wikipedia.org/wiki/1964_California_Proposition_14)) was writ just a handful of years before, and similar laws struggled their way towards change since the 1800s. However, the **Fair Housing Act of 1968** ([https://www.hud.gov/program\\_offices/fair\\_housing\\_equa\\_l\\_opp/fair\\_housing\\_act\\_overview](https://www.hud.gov/program_offices/fair_housing_equa_l_opp/fair_housing_act_overview)) was greatly different because of its success in changing the game of renting.

## The Law Created for Everyone

While the law was created in the height of the Civil Rights Movement, it covered seven types of discrimination.

- Race • Color • National Origin • Religion
- Sex • Familial Status • Disability

That means it is illegal to refuse rent or selling to those listed, use different criteria to qualify, impose separate rules or prices, and other adjusted behaviors. Any kind of harassment, refusal to provide, perform, or repair for a resident based on these kinds of Other-isms is a dangerous game in the rental housing industry.

## Additional Protected Classes All Around

Race, color, national origin, religion, sex, disability, and family status (such as pregnancy and children) are protected on a national basis, but that doesn't hold as limited truth across the country. For example, in California, the list continues with **additional protected classes**. (<https://www.gblafair-housing.org/california-state-law/>)

- Source of Income
- Sexual Orientation
- Marital Status
- Age

### Arbitrary Characteristics

- Gender Identity
- Gender Expression
- And others

The surfing state protects a wide range of people and seeks to allow everyone, no matter what, available housing. Examples of discrimination based on 'arbitrary characteristics' range between suggesting a resident may not fit in the local community to treating them well on the phone but not in person. It can be an odd choice of hair color or tattoos.



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Chris Zraggen, Capitol Advocacy



## Public Policy Update

February 13, 2020

As the January passes and February begins, the Legislature has reached, and continues to approach key legislative deadlines. One deadline in particular was on January 31st. This deadline required all bills that were introduced last year (the first year of a 2-year session) to be passed out of the house in which they originated. The most notable, and hotly contested bill brought up at this deadline was Senator Scott Wiener's SB 50, which would permit larger and denser housing near transit hubs. This bill had the backing of the Senate Pro Tem, however, that support was not sufficient to see the bill passed off of the Senate Floor. This was not a partisan fight, with both Democrats and Republicans having supported the bill, rather it was a geographical split. Senator Wiener who is a San Francisco based Democrat, saw heavy opposition from Los Angeles based legislators. All LA County senators but one either voted "No" or abstained on the bill with a number of them speaking in opposition during the floor debate. Senator Hertzberg spoke on the bill and said that Senator Wiener deserves credit for taking on this important issue, however, he had just confirmed with LA that this would impose new rules in neighborhoods for almost 80% of LA. Senator Stern said that while we are in a housing crisis, we are also in a climate crisis, and he expressed concern over continuing to build in the wildland-urban interface because of the detrimental risks posed to communities and businesses. His district was affected by the Woolsey fire and he opposed SB 50 because high fire zones are not explicitly exempt from the bill. Senators Durazo and Mitchell both spoke in opposition to the bill largely due to the tenant association opposition. Ultimately, the bill failed passage on a vote of 18-15, unable to reach the 21 vote requirement to pass. After the bill failed, Senate Pro Tem Toni Atkins said that she is personally committed to having a housing production bill pass the Senate this year. We can expect leadership and the Governor's office to be actively engaged in a housing production bill this year.

Another bill that saw an interesting death was AB 22, authored by Assemblymember Autumn Burke which would have declared that California children and families have a "right to safe, decent, and affordable housing". This bill was scheduled to be heard in the Assembly Appropriations Committee, however, it was pulled from the hearing by the committee. This is interesting because it was done so without the knowledge of Assemblymember Burke, an unorthodox move for such a high-profile bill authored by a Democrat in the deep blue California Legislature. Assemblymember Burke did not learn that her bill was pulled from hearing until she arrived in the committee room to present it.

AB 53 was another bill that died pursuant to this 2-year bill deadline. This bill, which was authored by Assemblyman Reginald Jones-Sawyer, would have made it illegal for rental property owners to inquire about, or require an applicant for rental housing to disclose a criminal record during the initial application period. This bill was scheduled to be heard in mid-January, however, the author ultimately pulled it from consideration during the hearing.

As we progress through February, we will come upon another deadline on February 21st. This deadline is the last day for members of the Legislature to introduce bills for the year. Traditionally there are fewer bills introduced in the second year of a two-year session, however, we can expect that close to 2,000 bills will be introduced by the February 21st deadline. A bulk of these bills likely will not be introduced until the week of the deadline. Our advocacy team will read through and flag all relevant bills to CalRHA, and begin the process to engage.

In addition to bill introductions, the Assembly and Senate budget committees have begun to meet to discuss the Governor's proposed budget. Included in the Governor's budget is significant funding to combat homelessness, with \$750 million of funding to implement the California Access to Housing and Services Initiative. Among other things, this will provide renters' assistance to those who are homeless or at risk of homelessness as well as encouraging development of new units in exchange for rental credit.

It is clear that housing will continue to be a dominant topic in the California Legislature and it is one of Governor Newsom's top priorities. We expect significant action will be taken this year through both legislation and the budget process. As the legislative process carries on, CalRHA will continue to monitor and engage on proposed policies that will impact housing the state and will advocate for changes that address the state's housing crisis, but do not come at the expense of rental property owners.

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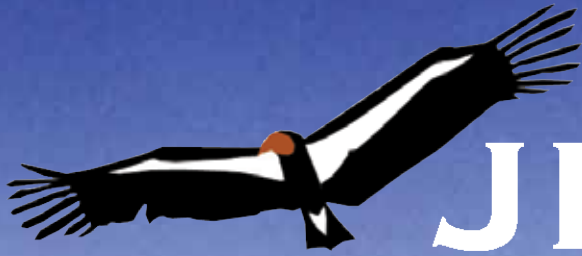
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# The Attorney's Corner



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## Update on Service and Support Animals

In past articles, we have discussed the growing trend of tenants seeking to avoid no-pets policies by claiming their pet to be a service or emotional support animal. These requests are tricky, as landlords could face liability if they refuse to allow disabled tenants service and support animals. This is because such a refusal could be unlawful under the federal Fair Housing Act ("FHA") and California's Fair Housing and Employment Act ("FEHA"), as a denial of a "reasonable accommodation". The case of *Auburn Woods I Homeowners Assoc. v. Fair Employment and Housing Commission* (2004) 121 Cal.App.4th 1578 provides an illustration of how denial of a companion animal can qualify as denial of a reasonable accommodation, and therefore violate the FHA and FEHA. In *Auburn Woods*, a husband and wife residing in a condominium complex had serious mental health and psychiatric issues, and therefore had a dog as a support animal. The condominium association claimed the dog violated the association's no pets rule, and repeatedly denied the residents' requests for a reasonable accommodation to keep the dog. After these repeated denials, the residents sold their condo and sued the association for breach of the FEHA.



The court sided with the residents, and explained that "in order to establish discrimination based on a refusal to provide reasonable accommodations, a party must establish that he or she (1) suffers from a disability as defined in FEHA, (2) the discriminating party knew of, or should have known of, the disability, (3) accommodation is necessary to afford an equal opportunity to use and enjoy the dwelling, and (4) the discriminating party refused to make this accommodation." (Id. at p. 1592).

The boundaries of what constitutes a disability have been blurred by the increase in diversity and number of claims for emotional support and companion animals. Stories of emotional support peacocks have made front-page news. To provide guidance in light of this confusion, the Department of Housing and Urban Development ("HUD") issued a Notice in January 2020.

The boundaries of what constitutes a disability have been blurred by the increase in diversity and number of claims for emotional support and companion animals. Stories of emotional support peacocks have made front-page news. To provide guidance in light of this confusion, the Department of Housing and Urban Development ("HUD") issued a Notice in January 2020.

The Notice provides information on the types of animals that typically may be appropriate and best practices for when the requested animal is one that is not traditionally kept in the home. It also provides information for housing providers and people with disabilities regarding the reliability of documentation of a disability or disability-related need for an animal that is obtained from third parties, including internet-based services offering animal certifications or registrations for purchase. A host of dubious and predatory service and emotional support animal registries have developed over the years for assistance animal certifications. Landlords and property managers are entitled to reliable verification of a tenant's need for an assistance animal and can require documents other than an online certification.

In particular, the Notice explains that there are two types of assistance animals: (1) service animals, and (2) other animals that do work, perform tasks, provide assistance, or provide therapeutic emotional support for those with disabilities (HUD refers to this second category as "support animals."). With regard to service animals, HUD recommends following Department of Justice guidelines to assess whether an animal qualifies as a service animal. Service animals are generally dogs that are necessary for physically disabled people to navigate the world, such as guide dogs for the blind.



With regard to support animals, the assessment is not as straightforward, as these can include many species of animal and are often used to support individuals with disabilities that are not visible or readily apparent. The Notice discusses the extent of information about a tenant's disability that landlords may seek, and describes which disabilities are almost always sufficient. The Notice states that there is a growing trend of internet-based certificates for support animals, but that such a certificate alone is not sufficient to establish a need for a support animal. Landlords may request more legitimate documentation from licensed professionals. As to the species of animal, the Notice explains that species commonly kept in households will usually qualify if there is a disability-related need for the animal. With more

*Continued on page 31*



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unconventional animals, the requesting party will likely need to show that they actually need this species of animal to support their disability-related needs, or that other animals are incompatible (i.e. the disabled person is allergic to dogs, cats, etc.).

The full Notice can be found online through HUD's website at: <https://www.hud.gov/sites/dfiles/PA/documents/HUDAsstAnimalNC1-28-2020.pdf>. 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](mailto:David@rogerssheffield.com); Michael Brelje at [Mike@rogerssheffield.com](mailto:Mike@rogerssheffield.com), or Scott Soulages at [ssoulages@rogerssheffield.com](mailto:ssoulages@rogerssheffield.com).



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# JOIN US OCEANSIDE at Chase Palm Park Fair Housing Fundamentals 2020



This year's instructor is Tracey Merrell. Tracey is the Managing Attorney of Education for *Kimball, Tirey & St. John LLP* working out of the Los Angeles office.

She began her career representing banks in post foreclosure evictions throughout all 58 counties in California. As bank owned foreclosures slowed down, she transitioned into evictions for management companies and individual owners.

Tracey Merrell

Tracey is experienced in all aspects of litigation, from the development of case strategy, through discovery, depositions, motion practice, and trials including bench and jury. She joined our office as a trial attorney and has extensive experience in court making hundreds of appearances a year since joining the firm. She has in depth knowledge of the Los Angeles Rent Stabilization Ordinance. Ms. Merrell transitioned to the Education Department to further her goal of providing training and knowledge to both clients and staff.

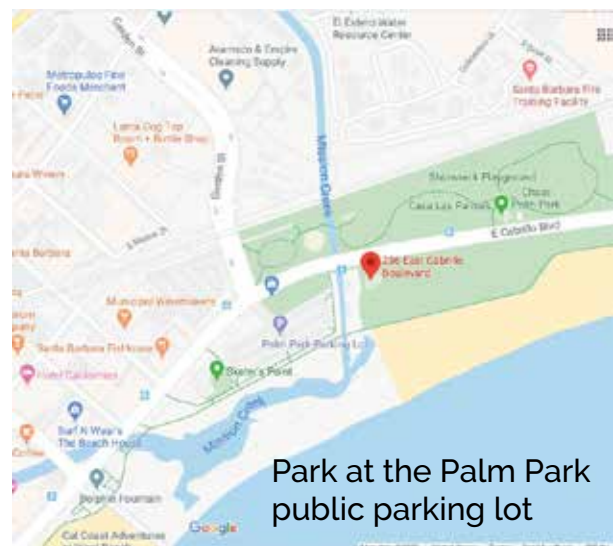
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# Santa Barbara Happenings



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## **New Property Tax on Commercial and Industrial Properties Initiative on 2020 Ballot for Voter Approval**

Recently, a new initiative was introduced that would amend the current tax limitations established under Proposition 13. The proposed initiative, called ‘The California Tax on Commercial and Industrial Properties for Education and Local Government Funding’ has qualified to be on the November 2020 ballot.

Passed in 1978, Proposition 13 requires that residential, commercial, and industrial properties are taxed based on their purchase price. The tax is limited to no more than 1% of the purchase price at the time of purchase (with an annual adjustment equal to the rate of inflation or 2%, whichever is lower).

The new initiative, if passed, would require commercial and industrial properties to be taxed based on their current market value instead of purchase price beginning in 2022. Business property values would need to be updated by county assessors at least every three years.

The proposed initiative has several exemptions. It does not apply to agricultural properties, residential properties, or owners of commercial and industrial properties with a combined value of \$3 million or less.

Depending on real estate markets, this property tax increase is expected to generate a net increase in annual property tax revenues of \$7.5 to \$12 billion each year in most years. After paying administrative costs, the remaining revenue would be allocated to schools and other local governments, which is where the initiative gets its deceptive name. It is important that California residents know exactly what they are voting for before casting their votes.

## **Santa Barbara City Council Re-visits Statewide Rent Control**

The Santa Barbara City Council recently voted 7-0

to conduct a study looking at the local impacts of statewide rent control (Assembly Bill 1482). Assembly Bill 1482 (“A.B 1482”) went into effect on January 1, 2020 and made it illegal for property owners to raise rent more than 5%, plus inflation (typically 2.5%+/-) in one year.

California also now requires that a landlord have and state a “just” cause, as specified, in order to evict tenants. 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.

The study will analyze the impacts on both tenants and property owners. With the number of “no fault just cause” evictions rising, this analysis will determine how much landlords should be required to pay tenants who must move out through no fault of their own. In April 2019, the council was considering an ordinance that would require landlords to pay up to five months’ rent or \$5,000, whichever was more. This will not be economically feasible for the “mom-and-pop” landlords and will likely drive consolidation of rental property ownership into a few large owners. Prior to A.B 1482, local landlords who only owned a few units often worked with their tenants to provide below market rents and flexibility with tenancy. The increased regulations will likely force “mom-and-pop” landlords to sell their properties to larger corporations, ultimately harming renters who need

# ADRIATIC ODYSSEY

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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.

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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!

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affordable housing. Most members of the City Council have said they would not support \$5,000 relocation fees except in cases of mass evictions.

With the housing needs in Santa Barbara growing, City Attorney Ariel Calhoun expects to return to the council with an analysis by April, 2020.

### **Carpinteria Planning Commission Approves the Expansion of Senior Living Development**

The Carpinteria Planning Commission recently approved the second phase of the Gran Vida Senior Living Project located at 5464 Carpinteria Avenue, east of Casitas Pass Road. The additional 50-unit development will be comprised of 18 studio, 28 one-bedroom, and 4 two-bedroom units within in a 30-foot-tall building. The current senior living facility (approved in 2016) includes 30 beds and is 70% leased. The remaining units are expected to be leased this year.

The project will include 6,000 square feet of common area for dining, social activities, a fitness room, and a movie theater. Meals, housekeeping, and transportation services will be provided by the facility along with 92 parking spaces for the overall development.

Units will be sold at market rates and fulfill up to 50 of the city's Regional Housing Needs Allocation requirement for senior housing.

### **City of Santa Barbara Hires First Economic Development Manager**



Photo: Noozhawk

In an effort to revitalize downtown Santa Barbara, the city hired Jason Harris as Santa Barbara's first ever economic development manager. Harris has more than 20 years of economic development experience and is currently the economic development manager for Santa Monica where he oversees 14 staff members with a \$5.5 million budget. He expects to bring his previous experience to Santa Barbara.

Harris will report directly to City Administrator Paul Casey and his job here will be focused on developing a new economic plan. This includes talking to business owners about the permitting process, making it easier to develop new housing, finding new ways to use existing buildings, and

negotiating leases for the city. The city will also to continue to address the storefront vacancies, nuisance crimes, and other issues noted in the consultant report released last July.

Harris is expected to be at City Council meetings after his role begins on March 30, 2020.

### **Candidates Competed for Three Open County Supervisor Seats**

On March 3, Santa Barbara County residents voted to fill the three open seats on the Santa Barbara County Board of Supervisors. In the first district, current supervisor Das Williams was up against Laura Capps,



Photo: Santa Ynez Valley News

a member of the Santa Barbara Unified School District Board who was appointed to the seat and had never won an election previously. The first district encompasses the southern section of the county, including southern Santa Barbara, Montecito and Carpinteria. Both Williams and Capps are Democrats, environmentalists, and social justice advocates. Capps, however, has a stronger stance against cannabis cultivation which generated support from many Carpinteria residents.

The Third District includes UCSB, Isla Vista, western Goleta, the Gaviota Coast, the Santa Ynez Valley, Mission Hills, Vandenberg Village, Casmalia, Tanglewood and Guadalupe. The seat represents the largest geographic area in the county and it is often the tie-breaking vote on the board. Candidates for this district included incumbent Joan Hartmann; financial adviser and former Santa Ynez joint Union High School District member Bruce Porter; Santa Ynez Community Services District Board member Karen Jones; and Isla Vista Resident Jessica Alvarez Parfrey.

For district 4, Supervisor Peter Adam announced that he would not be seeking a third term, opening the seat up to his chief of staff, Bob Nelson. Nelson was up against Diana Perez, who serves on the Santa Maria Joint High School District Board and works as the director of the Central Coast Cal-SOAP Consortium at Allan Hancock College. This district includes Orcutt, Lompoc, most of the Los Alamos Valley, and some southern Santa Maria neighborhoods.



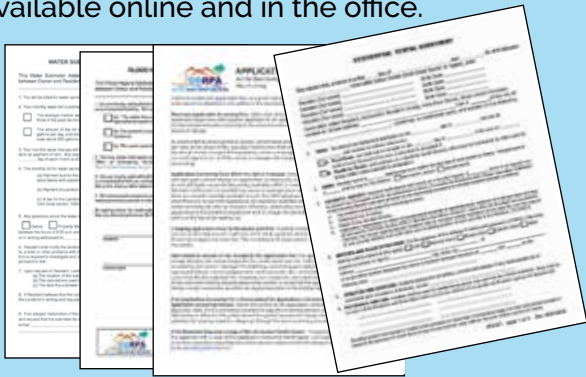
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### Rental Property News Magazine

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- SBRPA President's Message - current events
- Attorney's Corner - timely topics in property management from a legal perspective
- Santa Barbara Happenings - local goings-on, for rental property owners and managers
- CalRHA and NAA Updates - state and national news updates

Copies of the 2019 and 2018 Rental Property News are available online: [www.sbrpa.org](http://www.sbrpa.org)



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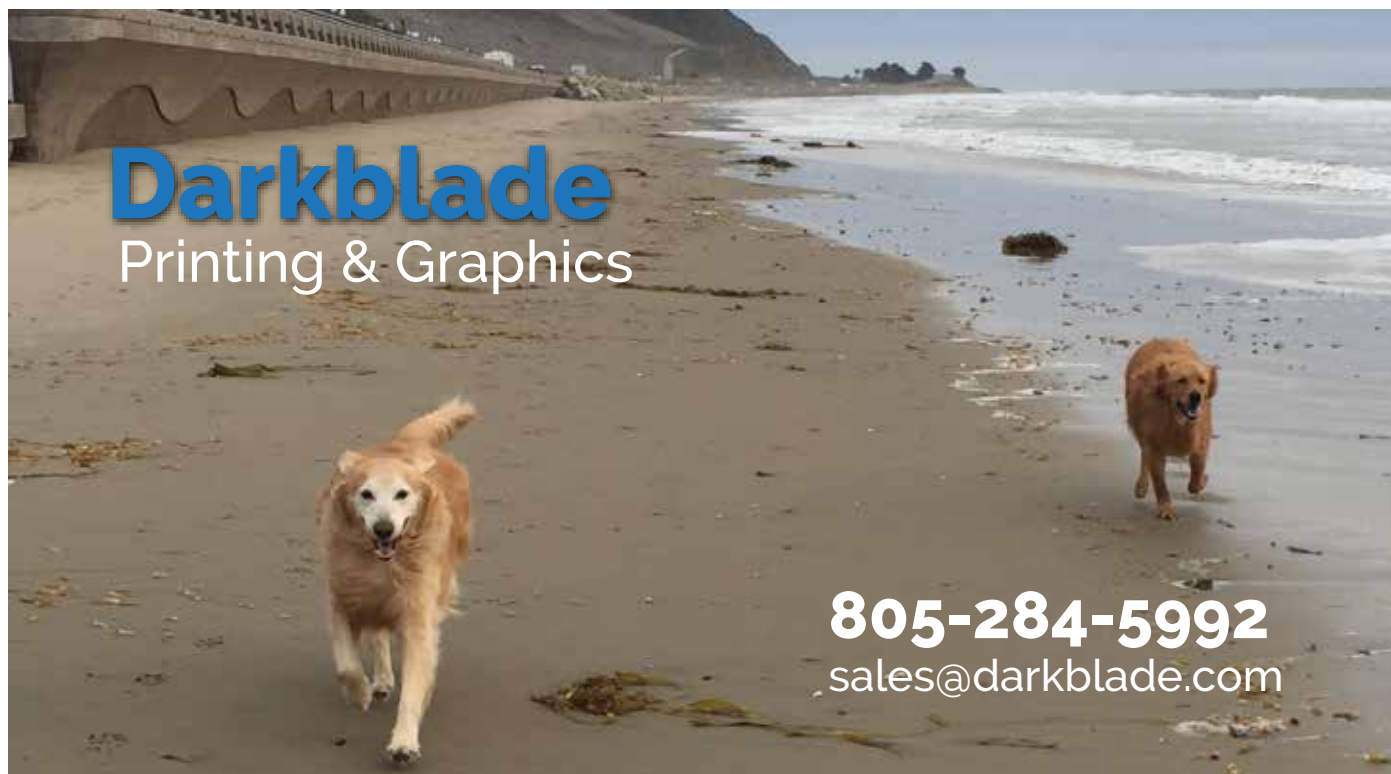
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