

SANTA BARBARA RENTAL PROPERTY news

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

April is Fair Housing Month



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

www.sbrpa.org

Phone: (805) 687-7007

Fax: (805) 687-9708

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April 2020

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CALENDAR

NOTE: As we go to press, the COVID-19 virus has led to closures and postponements of events and businesses throughout the country.

Check with event organizers for the latest schedules.

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.naa.org/operating-solutions/sustainable-living-roundtable>

Legislative Day

Tue.-Wed., April 14-15, 2020
Sacramento, CA



Join others in the industry and meet our legislators accompanied by a lobbying professional. CalRHA will provide you with talking points about upcoming legislation. (see p. xx for details and event schedule).

SBRPA Fair Housing Fundamentals 2020

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

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, Managing Attorney of Education at Kimball, Tirey, & St. John LLP.



SBRPA April 2020

SUN	MON	TUE	WED	THU	FRI	SAT
			1	2	3	4
5 Palm Sunday	6	7	8	9 Passover Start	10 Good Friday	11
12 Easter	13	14	15	16 Passover End	17	18
19	20	21	22 Earth Day	23	24	25
26	27	28	29	30		

www.calendarlight.com

In compliance with Governor Newsom's order on March 19th, the SBRPA office is closed.

Do not leave voice messages on the office answering machine.

Contact us through email:

laura@sbrpa.org

Please check our website for updates on industry news as well as SBRPA programs and events at www.sbrpa.org



HAPPY EASTER

If you know of events or items of interest to our members, please send information to:

magazine@sbrpa.org



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President's Message



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

April is traditionally "Fair Housing" month and we have a Fair Housing seminar scheduled for April 30, 2020 with Tracey Merrell at the Chase Palm Park Center...unless it is canceled.

The world has been turned upside down by the pandemic of the COVID-19 Corona virus. All of us have been impacted. I am sure that all of you have received e-mails stating the offices are closed and/or staff is working remotely. Schools, Church, music and sports events have been canceled. Seminars such as our own Property Management 101 for which we had the largest ever number of signups are canceled or postponed.

This is having an significant and unfortunate impact worldwide on the economy. The stock market has not been this volatile for years.

Doctors are seeing patients by phone.

I think by now you all know the safety measures recommended by the Center for Disease Control (CDC): 1) Wash hands often with soap and water for a minimum of 20 seconds (sing Happy Birthday twice and you're there) and if no soap and water are available use a hand sanitizer; 2) Avoid touching your eyes, nose and mouth with unwashed hands; 3) Avoid close contact with people who are sick; 4) stay home if you are sick; 5) cover your cough or sneeze into a tissue, then throw the tissue away and 6) Frequently clean and disinfect touched objects an surfaces such as door handles.

What you may not know is that there are resources available to deal with the economic impact of these closures and cancelations. For example, the Small Business Administration (SBA) will provide up to \$2 million in assistance for a small business. These loans can provide vital economic support to cover temporary loss of revenue. Further resources can be found at: https://www.naahq.org/sites/default/files/naa-documents/disaster/handout_sba_disaster_assistance_resources_for_businesses.pdf and on SBA's websites: www.SBA.gov/coronavirus and www.SBA.gov/disaster. The NAA (National Apartment Association) website has a copy of the "SBA Disaster Assistance in Response to the Coronavi-

rus" https://www.naahq.org/sites/default/files/naa-documents/disaster/handout_sba_disaster_assistance_resources_for_businesses.pdf

The DOL (Department of Labor) announced new guidance outlining flexibilities that states have in administering their unemployment insurance (UI) programs to assist Americans affected by the COVID-19 outbreak. See <https://www.dol.gov/newsroom/releases/eta/eta20200312-0>

Until further notice, please practice the safety tips of avoiding large gatherings (as of March 16, 2020 that means gatherings of more than 50 people); maintaining a safety distance between yourself and others; stay home if you feel ill and remain at home until you are no longer exhibiting symptoms for 24 hours without fever reducing and cough-inhibiting drugs.

Do buy groceries that will keep and enough TP, paper towels and tissues for your immediate needs but avoid "hamstering" such items so that there are not enough to go around for everyone's use.

We are all in this together; so, let's help each other out.

The Santa Barbara Rental Property Association, in keeping with best practices will keep its office closed until further notice although our intrepid Laura Bode will be working remotely from home and will respond to e-mails. It should be noted that Laura has just returned from a National Apartment Association (NAA) conference in Washington, D.C. where she was able to secure a grant for SBRPA which will allow the association to move into the 21st century by purchasing a new computer, computer software and assistance for programs. Way to go, Laura! Cheers!! So happy to be able to end this President's message on a positive note!!!

As we go to print, things are changing by the hour not just by the day. We will supplement the information contained in this issue by mass e-mails to our members and by additions to our Web site.

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Coronavirus/COVID-19 Update

excerpt from 3/18/2020 message
from CA Senator Hannah-Beth Jackson



Santa Barbara District Office
222 East Carrillo Suite 309, Santa Barbara, CA 93101
Phone: (805) 965-0862

Legislative Action

In addition to the steps California has already taken to protect the public health and help slow the spread of COVID-19, the California Legislature recently took important action to address its impacts on our hospitals, schools, homeless population and older residents. The legislation will provide critical emergency funding to prepare our hospitals for an increase in patients, provide relief for schools that have closed as a result of the virus, clean childcare facilities and nursing homes, reduce the spread of COVID-19 among the homeless, and support seniors, among other needs. The Legislature will continue working to address COVID-19's impacts on our communities.

Relief for Californians

COVID-19 has disrupted all of our lives. As such, public officials throughout the state have taken a number of steps recently to ease the economic impacts of COVID-19:

No evictions: Governor Newsom recently signed an executive order to halt evictions, slow foreclosures and protect Californians against utility shutoffs. You can read the Executive Order on the Governor's website. (<https://www.gov.ca.gov/>)

Tax deadline delayed: The California Franchise Tax Board also just announced relief for taxpayers by extending the deadline to file state income tax returns to June 15, 2020 for those affected by COVID-19. You can visit their website for more details. (<https://www.ftb.ca.gov/>)

DMV license and renewal flexibility: the California Department of Motor Vehicles has asked California law enforcement to exercise discretion for 60 days in their enforcement of driver license and vehicle registration expiration dates beginning March 16, 2020. The DMV is taking this action so that at-risk populations, including seniors and those with underlying health conditions, can avoid required visits to DMV field offices for driver license or vehicle registration renewals. Learn more at the DMV website. (<https://www.dmv.ca.gov/>)

Resources for businesses: The Governor's Office of Business and Economic Development has compiled information for employers, employees and all Californians impacted by COVID-19. Visit their website for information (<https://business.ca.gov/>). If your work has been impacted by COVID-19, visit the California Labor and Workforce Development Agency's website (<https://www.labor.ca.gov/>) to learn what state benefits may be available to you.

New State Guidelines

In addition to practicing social distancing, washing your hands, and staying home if you are sick, Governor Newsom has urged Californians to take the following additional precautions in order to protect the state's most vulnerable:

- Those that are 65 and older or vulnerable to COVID-19 must practice home isolation.
- Bars, night clubs, wineries, and breweries should close in California.
- Restaurants should be closed for in-restaurant seated dining and should be open only to drive-through or other pick-up/delivery options.

Visit the California Department of Public Health's website for the latest guidance. (<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Guidance.aspx>)



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Below is example of Fair Housing Discrimination Complaint, filed in February 2020, 9 months after the tenant was given 60 day notice.

 STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency
DEPARTMENT OF FAIR EMPLOYMENT & HOUSING
2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
(800) 894-1684 (Voice) | (800) 700-2320 (TTY) | California's Relay Service at 711
<http://www.dfeh.ca.gov> | Email: contact.center@dfeh.ca.gov

GAVIN NEWSOM, GOVERNOR
KEVIN KISH, DIRECTOR

February 18, 2020

Via Certified Mail

[REDACTED]

Respondent(s):
[REDACTED]
[REDACTED]
[REDACTED]

RE: Notice of Filing of Discrimination Complaint - Response Requested
[REDACTED]

To All Listed Respondent(s):

Enclosed is a copy of a complaint filed with the Department of Fair Employment and Housing (DFEH). The enclosed complaint, in which you have been named a Respondent or Co-Respondent, alleges you have discriminated against the complaining party or parties in providing equal access to housing in violation of the California Fair Housing Act or Unruh Act. The complaint was filed pursuant to Government Code section 12960 and/or 12980.

The DFEH serves as an objective fact-finder and represents the State of California rather than the complaining party. The purpose of our investigation is to determine the merits of the complaint.

Government Code Section 12940, subdivision (f) or 12955 (f), prohibits any retaliatory action against a person because he or she has filed a complaint, has opposed any practices forbidden under the Fair Employment and Housing Act, or has assisted in any proceeding before the DFEH.

Fair Housing Complaint (continued)

Notice of Filing of Discrimination Complaint - Response Requested
February 18, 2020
Page 2 of 5

California Government Code section 12986 requires all rental records or any other written material relevant to a complaint of discrimination be retained until the complaint is fully and finally disposed of and all appeals or related proceedings terminated.

This complaint has also been filed with the U. S. Department of Housing and Urban Development (HUD). You need not reply to HUD unless that agency specifically requests a response.

You must submit a response to the questions below within twenty (20) calendar days of the date of this letter.

1. State the legal name of your business and any other name(s) under which you do or have done business in California.
2. State type of legal business entity you are, i.e., corporation, partnership, limited partnership, sole proprietorship.
3. State the number of employees in California or living units in California that you rent/ lease.
4. Does your company have a current contract(s) for the provisions of goods, services or public works with the State of California or receive federal funds? If so, name the awarding agency(ies).
5. Identify and list the legal owners of the property named in the complaint by name, address, telephone number, and type of ownership.
6. Identify and list all other housing rental properties in California owned in whole or in part by each of the persons named above.
7. State the number of living units (individual apartments, houses) you or your company rent or lease to the public in the State of California.
8. List all persons and/or firms involved in the management of the property named in the complaint by name, address, telephone number, job title, and management responsibility.
9. Are you a recipient of a state and/or federal low income housing tax credit for the property identified in the complaint?
10. Do you receive any HUD subsidies? If yes, please provide a detailed written explanation with documentation.
11. Respond in detail to the discrimination complaint and supply all statements or documents which, in your opinion, will assist us in determining the merits of this complaint.

Fair Housing Complaint (continued)

Notice of Filing of Discrimination Complaint - Response Requested
February 18, 2020
Page 3 of 5

12. Identify and list by name, title, address, and telephone number each individual who handles tenant complaints of familial status harassment.
13. Describe in detail your policy and procedure for handling tenant complaints of familial status harassment.
14. Submit a copy of any written policy or procedure. Explain in detail how the policy was applied to the complainant.
15. List all persons who have moved out during the past 12 months by name, sex, familial status, address, home and work telephone number. State the reason(s) given for vacating the premises. If tenants were given notices to vacate, explain the reason(s) and provide a copy of the notice to vacate. Submit copies of the rental application of all tenants listed.
16. Submit a copy of any warning or eviction notices issued to the complainant. Explain the reason(s) for the warning or eviction notices and list the name of the person who issued the warning or eviction notices.
17. Submit all communication involving the complainant's familial status harassment complaint. Indicate what and when any action was taken. Provide all supporting documents.
18. For all persons who complained or reported sexual harassment familial status harassment in the past 12 months, list the name, familial status, and home and work telephone number. Explain in detail how you handled the complaints and provide copies of all related materials. Submit copies of the rental application of all tenants listed.
19. Describe in detail your policy and procedures for providing your tenants a harassment free environment. Submit a copy of any written rules and policy. Explain how your policy was applied to the complainant.
20. List all rental units by address and include the property owner's name and contact information, current tenant name(s), home and work telephone numbers, email address, and familial status of all current tenants who reside in the complex referred to in complaint. Indicate if any units are vacant and for how long.
21. Provide all warnings and/or notices issued to complainant regarding violations of rules, and all lease provisions.
22. Provide all warnings and/or notices issued to all tenants regarding violations of rules, policies, and lease provisions any time during the past 12 months.
23. Provide a copy of rules, policies, and lease provisions you allege tenants violated.

Fair Housing Complaint (continued)

Notice of Filing of Discrimination Complaint - Response Requested
February 18, 2020
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If a rule and policy is not documented, provide a narrative of what the rule and policy is and how it was communicated to complainant and tenants.

24. Provide all correspondence to and from complainant related to the eviction.
25. List all tenants who were issued notices to vacate at any time during the past 12 months.
26. Provide the rental application of each of tenant issued a notice to vacate. Provide the reason for the notice to vacate. Indicate the outcome for each tenant notified to vacate.
27. List the familial status of each tenant who received a notice to vacate during the past 12 months.
28. Indicate the decision maker who decided to have complainant issue a notice to vacate by name, title, and contact information.

In addition to responding to the questions above, you must also file your address with the DFEH and notify the DFEH in writing of any change of address and the effective date of such change while the complaint is under investigation and throughout any administrative adjudication (California Code of Regulations, title 2, sections 7403 and 7411).

You can respond to this letter by:

- US mail. Send your response to: 2218 Kausen Drive, Suite 100, Elk Grove, CA 95758. Include a copy of this letter and make reference to the DFEH case number 201908-07144208.
- Using our online California Civil Rights System (CCRS). This is a three-step process:
 - Create an account for yourself. All you need is a valid email address and a phone number.
 - Once you have an account, call 800-884-1684. Our staff will associate your account with the complaint.
 - Go into your account. You will see the DFEH case number. Click on Upload documents. Select the files you wish to upload.
- Email. contact.center@dfeh.ca.gov. Include a copy of this letter and make reference to the DFEH case number 201908-07144208.

If you are interested in discussing a possible settlement of this complaint, please contact your investigator immediately. All settlement discussions are confidential, and not subject to disclosure. All discussions referring to evidence or information which has a bearing on

Fair Housing Complaint (continued)

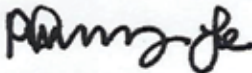
Notice of Filing of Discrimination Complaint - Response Requested
February 18, 2020
Page 5 of 5

determining the merits of this complaint will not be considered part of a settlement discussion unless confidentiality is acknowledged by the DFEH. You would not be required to provide the information requested above while settlement discussions are underway.

Also, **please be advised that the Department offers free mediation services.** If you and the complainant agree to mediate, the complaint will be assigned to a mediator, who will contact you to schedule the mediation conference. All settlement discussions that transpire during the mediation process are confidential and not subject to disclosure. While a complaint is with the mediator, the obligation to submit a response is temporarily suspended. If the matter does not settle at mediation, you will be required to submit a response, and will be notified in writing of the new date the response is due. If you are interested in formal mediation, immediately contact the assigned investigator so that your response to this complaint temporarily suspended.

If you have any questions, please contact me.

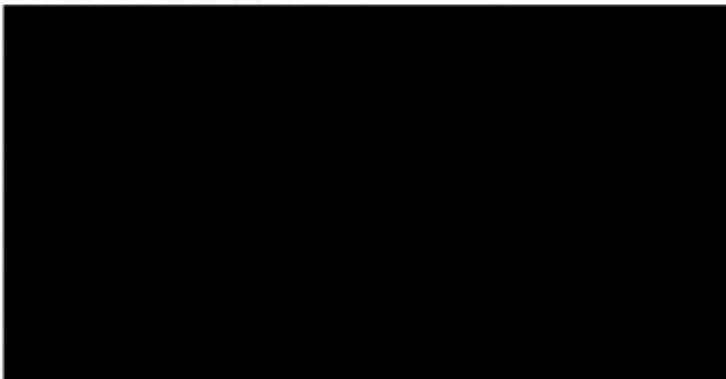
Sincerely,



Phuong Le
Associate Governmental Program Analyst
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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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Coronavirus Guidance for Property Management



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.

NAA has released guidance for the rental housing industry in regards to the potential threat of the coronavirus.



March 19, 2020

The Centers for Disease Control and Prevention (CDC) is closely monitoring the outbreak of a novel (meaning new) coronavirus (COVID-19), which was first detected in Wuhan City, China, and has since spread to 167 additional countries. With 6,496 cases of coronavirus confirmed in the United States (through March 18, 2020), the National Apartment Association (NAA) believes it prudent for its members and affiliates to be prepared for incidents involving COVID-19 should they occur.

NAA understands that affiliates, members and residents may have concerns about how apartment communities should address the virus and, in an effort to offer preliminary guidance and information to assist with preparations, we have compiled the following material from official sources.

It is important to recognize that NAA, its affiliates and individual members are not health care professionals. The CDC and other qualified health officials should continue to be the

source of current information and guidance. NAA is offering general, [precautionary guidance](#) (see page xx) from officials, and also adding some common-sense guidelines for our industry in the interest of promoting a proper amount of caution at this time.

Because this is a rapidly evolving situation, NAA will monitor developments and will continue efforts to secure guidance specific to the operation of rental housing from health officials. Additionally, NAA will update the website with new information as it becomes available.

Industry News

Office of Public and Indian Housing (PIH) Suspends REAC Inspections. HUD's PIH released a memo (https://www.naahq.org/sites/default/files/naa-documents/disaster/pih_multi_family_covid_-_final_03_13_2020.pdf) addressing the suspension of REAC Inspections and other programmatic information.

Small Business Administration Will Provide Disaster Assistance Loans. SBA's Economic Injury Disaster Loans offer up to \$2 million in assistance for a small business. These loans can provide vital economic support to small businesses to help overcome the temporary loss of revenue they are experiencing. Further resources can be found here and on SBA's websites: www.SBA.gov/coronavirus and www.SBA.gov/disaster.

DOL Announces New Guidance on Unemployment Insurance Flexibilities. DOL announced new guidance outlining flexibilities that states have in administering their unemployment insurance (UI) programs to assist Americans affected by the COVID-19 outbreak.

**Here is the link to the NAA Coronavirus publications: <https://www.naahq.org/news-publications/guidance-dealing-coronavirus>*



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www.naaHQ.org

The National Apartment Association (NAA) Statement and Position on 2019 Novel Coronavirus, Wuhan, China (2019-nCoV)

The Centers for Disease Control and Prevention (CDC) is closely monitoring the outbreak of a novel (meaning new) coronavirus (2019-nCoV), which was first detected in Wuhan City, China, and has since spread to 15 additional countries. With 5 cases of coronavirus confirmed in the United States (through January 27, 2020), the National Apartment Association (NAA) believes it prudent for its members and affiliates to be prepared for incidents involving 2019-nCoV should they occur.

NAA understands that affiliates, members and residents may have concerns about how apartment communities should address the virus and, in an effort to offer preliminary guidance and information to assist with preparations, we have compiled the following material from official sources.

It is important to recognize that NAA, its affiliates and individual members are not health care professionals. The CDC and other qualified health officials should continue to be the primary source of current information and guidance. NAA is offering general, precautionary guidance from officials, and also adding some common-sense guidelines for our industry in the interest of promoting a proper amount of caution at this time.

Because this is a rapidly evolving situation, NAA will monitor developments and will continue efforts to secure guidance specific to the operation of rental housing from health officials. Additionally, NAA will update our website (www.naaHQ.org) with new information as it becomes available.

I. Current Point of View:

1. Refer most media and key stakeholder inquiries to Centers for Disease Control (CDC) [resources](#) at this time.

NAA, its affiliates and individual members are not health care providers. Providing specific guidance (health tips) beyond general precautionary measures, is not advised. The CDC and other qualified officials should provide this information.

2. Continue to monitor the situation, stay tuned to your local authorities and their ongoing communications and keep track of how it affects "higher risk" sectors such as travel/tourism, convention centers, sporting events and the like to see whether efforts here lead to more definitive guidance from health officials.

3. If a resident is confirmed to have or is believed to have 2019-nCoV facilities management or maintenance staff to the apartment. Immediately notify the local health department and contact CDC for guidance regarding appropriate measures to take.



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II. Media Guidance:

NAA recommends that incoming media requests be directed to CDC and/or local health officials, who are better qualified to answer their questions at this time. You don't want to be at risk with liability concerns.

Ensure your office has the proper contact information of the local health authority and/or the best CDC resources on hand for handling queries from local stakeholders.

NAA recommends a holding statement be developed. An example: "We appreciate your call. It is wise for everyone to remain current and follow the most recent guidance provided by health officials. That is why we request that you direct your question to [Local Health Official] or the CDC, who are on top of this situation."

II. Other Key Messages to Consider:

NAA recommends that guidance from CDC and other officials be treated seriously. At present, [CDC prevention information](#) includes:

- Wash hands often with soap and water for a minimum of 20 seconds. If soap and water are unavailable, use an alcohol-based hand sanitizer.
- Avoid touching your eyes, nose and mouth with unwashed hands.
- Avoid close contact with people who are sick.
- Stay home when you are sick.
- Cover your cough or sneeze with a tissue, then throw the tissue away.
- Frequently clean and disinfect touched objects and surfaces.

NAA encourages all members and affiliates to monitor the situation and stay current with advice from CDC and public health officials.

IV. Potential Questions from Residents/Media:

If someone in an apartment community is diagnosed with 2019-nCoV, will other residents become infected? What are the real risks?

According to the CDC, "there is much more to learn about the transmissibility, severity and other features associated with 2019-nCoV and investigations are ongoing." We encourage you to visit the CDC website for up-to-date information and safety precaution tips and we will provide new information as it becomes available.



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[In the event of a confirmed case of 2019-nCoV]

Did the building owner and property management team collaborate with CDC to disinfect an apartment and any other parts of the building?

What was done to isolate the virus to the patient's apartment?

How was the patient's apartment cleaned and sanitized?

How did the building owner and manager address sanitizing the public spaces of the building that the patient may have come in contact with?

Is my apartment safe? I live on the same floor as he did – am I in danger of contracting 2019-nCoV?

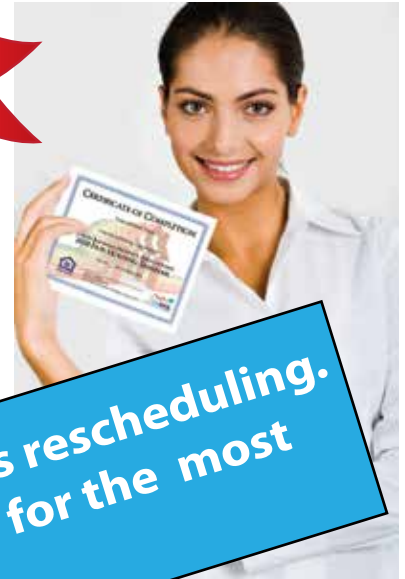
We understand your concerns. Your questions are best handled by the local health officials and the CDC. We are cooperating fully with CDC/local public health guidance and are taking all necessary precautions to ensure the safety of all residents. We encourage you to visit the CDC website for updated information and safety precaution tips.

****If you are involved in a 2019-nCoV case with a resident, please contact NAA to apprise us so that we may provide further guidance.****



Update on new 2020 state & local laws!

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



Fair HOUSING SEMINAR

A Fair Housing Complaint is very time-consuming and expensive to defend. Not only can the owner and manager be found liable, employees can also be held liable.

One of the first questions you should ask is "How do I document my Fair Housing program?" You have attended a Fair Housing program, but you may not be aware of the unintended mistakes. Be able to document your Fair Housing Program!

Who is responsible for Fair Housing? Is every one you supervise. Is every employee that interacts with your customers? -- your service technicians need training as they interact the customer. An innocently intended remark that puts YOU in violation of Fair Housing Laws. If you want to send multiple employees, call us for a discount.

Corona virus restrictions may cause class rescheduling. Please check our website www.sbrpa.org for the most recent updates on dates and locations.

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- California Protected Classes
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- Qualifying for a Modification or Accommodation
- Accommodations
- Leasing Procedures
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- Harassment
- Termination of Tenancy
- Cutting Edge Issues

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CalRHA 2020 Housing Legislation



Chris Zraggen, Capitol Advocacy

March 12, 2020

The legislature officially hit full steam in February as the deadline to introduce bills this year has passed. In 2020, legislators introduced over 2,000 new bills, with housing as a dominant theme. Constitutional rules require that a bill be in print for 30 days before it is heard, which means that Legislative hearings will ramp up in March and will run through April. A number key bills were introduced this year in the housing space, some that would help address the housing crisis, and others that would place additional requirements on property owners. Below is a small sample of priority bills in this space.

This year, CalRHA is sponsoring a bill to expand the pool of licensed professionals who are authorized to inspect and repair balconies. In 2018, **SB 721** by Senator Jerry Hill set out a process and program for the inspection and repair of balconies of multifamily dwelling units. This inadvertently created a problem because language in that bill prohibits recommended repairs from being done by the person who served as the inspector. The result of this is that property owners have had a difficult time identifying enough companies to inspect the immense number of balconies in the state which has caused inspection costs to rise as well as a delay in the inspection process. **SB 1340** is CalRHA's sponsored bill and is authored by Senator Scott Wilk. This would allow those who are qualified to inspect the balcony to do the recommended repairs as long as they are a licensed contractor. Essentially, this bill will streamline the process of balcony inspections and repairs, while simultaneously upholding the safety of California residences.



Senator Scott Wilk

AB 2470, which is authored by Assemblymember Sydney Kamlager is an attempt to increase the number of housing units in the state by spurring development. This would authorize a developer to submit an application to split one or more of the dwelling units in a multifamily housing development and would streamline the ministerial approval process.



Assemblymember Sydney Kamlager

In addition, this bill would restrict a local government's authority to impose parking standards on these developments. Another bill that aims to increase the number housing units in the state is **AB 2580**, which is authored by Assemblymember Susan Eggman. This would authorize a developer to submit an application to convert a hotel or motel into multifamily housing units. The applications would be streamlined through the ministerial approval process, provided that the developer reserves at least 20% of those units for families of low or moderate income. Both of these bills are aimed at addressing the housing crisis by encouraging developers to increase the number of units in the state.

While the bills described above will help spur development and will aid property owners and developers in addressing the housing crisis, a number of other bills that will make it more difficult to be a property owner in the state. **SB 1079** by Senator Nancy Skinner was inspired by the issue in Oakland when "Moms 4 Housing" occupied a corporately owned vacant home. This bill would authorize local governments to either impose a fee on residential properties left vacant for 90 days, or acquire those properties, so long as they are used for affordable housing. This causes a number of problems for property owners and would authorize local governments to impose their will on property owners.



Another bill that places additional requirements on property owners is **AB 2406** by Assemblymember Buffy Wicks, which is a reintroduction of **AB 724** from last year. This bill would require the Department of Housing and Community Development to enter into a contract with a contractor to develop and administer a rental registry online portal. Property owners with 5 or more rental units would be required to submit information on the location of the property, its ownership, its occupancy, along with a number of other things. This bill obviously poses a multitude of problems for property owners as well as a massive administrative burden. **AB 724** from last year was opposed by housing groups and ultimately failed passage out of the Assembly Appropriations Committee.

Several bills were introduced about termination of a lease and late fees for tenants. **SB 1079** by Senator Durazo would expand current tenancy protections for

CalRHA 2020 Housing Legislation (continued)

the termination of a lease to immediate family members and would add whether they were a victim of a crime that caused physical injury, emotional injury and the threat of physical injury, or death. This significant expansion would make it much easier for a tenant to cancel a lease without penalty and would create a level of uncertainty for property owners. **AB 2774** By Assemblymember Jones-Sawyer would prohibit a property owner from charging a late fee in excess of \$50. This is another example of legislation that makes it more difficult for property owners to effectively manage their properties.



Assemblymember
Reggie Jones-Sawyer

Lastly, **AB 3077** by Assemblymember Santiago would prohibit rental property owners, until January 1, 2031, from giving notice of their intention to terminate a tenancy in order to sell the property to new owners. This also prohibits residential property owners under the Ellis Act provision that allows public entities to provide notice that the owner has initiated actions to terminate tenancies, from withdrawing accommodations from rent or lease in order to sell the property to new owner as tenants in common. This bill is a response to tenants in the Assemblymember's district who were evicted due to a sale of the property to tenants in common.



Assemblymember
Miguel Santiago

Legislators are not the only ones who have housing as a high priority. Governor Newsom continues to list this as one of his highest priorities. In fact, he dedicated almost the entirety of his State of the State address to the homelessness and housing crisis. Governor Newsom's budget has dedicated \$750 million to address the homelessness crisis and included in this is the California Access to Housing Act which contains provisions that would provide renter's assistance to those who are at risk of homelessness.

Just as we expected, housing will continue to be a dominant topic for the legislature as well as for the governor. Last year they addressed tenancy and the price of rent, and the pro-tem and the governor have both said they need to address the issue of increasing production this year. With **SB 50** having failed passage in January, Senator Scott Wiener, the author of **SB 50**, has returned with a similar measure.



Senator Scott Wiener

His new bill, **SB 902** which was amended on March 10th, would change zoning requirements to allow anywhere from two, three, or four units of housing per parcel depending on population size. In urban areas there could be as many as 10 units per parcel. One thing is clear, the issue of addressing the housing crisis is far from being solved and will continue to be a hot topic in Sacramento.



NCSL (National Conference of State Legislatures) is tracking the impact the coronavirus (COVID-19) may have on state legislatures, including suspension or postponement of legislative sessions. As of March 20, 2020, at least 21 legislatures (Alabama, California, Colorado, Connecticut, Delaware, Georgia, Hawaii, Illinois, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Nebraska, New Hampshire, New York, Rhode Island, Vermont, Virgin Islands and Wisconsin) have postponed their legislative session. Four additional chambers, Missouri Senate, New Jersey Assembly, Oklahoma Senate and Ohio House, have also postponed their legislative session.

For information on regular legislative session dates
<https://www.ncsl.org/research/about-state-legislatures/2020-state-legislative-session-calendar.aspx>

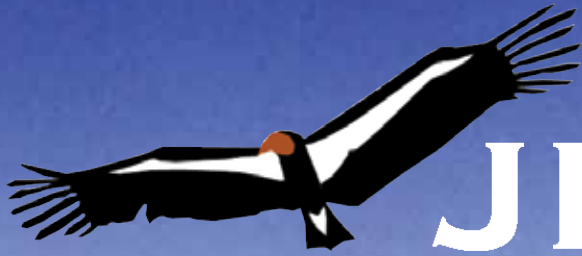
For current information and updates please see the NAA and SBRPA websites.



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The Attorney's Corner



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California's Anti-Price Gouging Law and Rental Housing

Penal Code section 396 proscribes the crime of price gouging, which refers to sellers trying to take unfair advantage of consumers during an emergency or disaster by greatly increasing prices for essential consumer goods and services. One essential consumer good protected by the statute is rental housing, and thus landlords must be aware of the provisions of Penal Code section 396 lest they face fines and penalties for wrongful evictions or rent increases. Moreover, Penal Code section 396 has recently been amended, and its changes affect rental housing and evictions. With the unpredictability of fires and earthquakes in California, and the ongoing public health crises over COVID-19, the threat of a disaster triggering the anti-price gouging protections is ever present, and prudent landlords must be familiar with the limitations imposed by Penal Code section 396.

Penal code section 396 applies immediately after the President of the United States, the Governor of California, or city or county executive officer declares a state of emergency resulting from any natural or manmade disaster, such as an earthquake, flood, fire, riot, or storm. The statute applies to individuals, business and other entities, and prevents them from selling essential consumer goods and services, including rental housing, for a price more than 10% greater than the price charged by the entity for the same goods and services immediately prior to the declaration of emergency. The protections of Penal Code section 396 last for 30 days following the declaration of emergency. Additionally, the statutory protections extend to whichever locations are impacted by evacuated or displaced individuals, regardless of where the original emergency was declared. Thus, a state of emergency declaration in Ventura County that caused individuals to flee to Santa Barbara County would mean that landlords and other business in Santa Barbara would be subject to Penal Code section 396, regardless of whether a state of emergency was ever declared in Santa Barbara.

The consequences of violating the statute are severe. Violations of the price gouging statute are subject to criminal prosecution that can result in one-year imprisonment in county jail and/or a fine of up to \$10,000. Violations are also subject to civil enforcement actions including civil penalties of up to \$5,000 per violation, injunctive relief and mandatory restitution. The Attorney General, local

district attorneys, and private individuals can bring actions for violations of the statute.

The 2018 amendments to Penal Code section 396 provide additional protection for tenants related to post-emergency situations, in particular by the addition of subdivisions (e) and (f). Subdivision (e) specifies that within 30 days after an emergency declaration, it is unlawful to increase the price advertised, offered or charged for housing to an existing or prospective tenant, by more than 10%. A landlord can exceed this percentage only if he can show that the increase is directly attributable to additional costs for repairs or additions beyond normal maintenance that were amortized over the rental term or that an increase was contractually agreed to prior to the emergency declaration (such as an automatic rent increase built in to a pre-existing lease). Landlords cannot get around the 10% limit even if the rent is being paid by a third party, such as an insurance company.

The amendments also provide a definition for "rental price" for purposes of the statute. For housing rented with one year prior to the emergency, the rental price is the actual rent paid. For housing that was vacant at the time of emergency, but offered for rent within the preceding year, the rental price is the most recent rental rate offered. For housing not rented and not offered for rent within one year prior to the proclamation or declaration of emergency, the rental price is 160% of the fair market rent established by the United States Department of Housing and Urban Development ("HUD"). This amount may be increased by 5 percent if the housing is offered for rent fully furnished. For housing rented at the time of emergency, but vacated while the emergency declaration is still in effect and subject to local rules regarding maximum rental rates, the rental price may either be the last rental rate actually paid, or the 160% of the fair market rent established by HUD.

The amendments to Penal Code section 396 also provide a new subdivision regarding evictions. It is unlawful for a landlord to evict a residential tenant within 30 days after an emergency declaration and rent or offer to rent the premises to another person at a rental price greater than the evicted tenant could be charged under section 396. This basically means that a landlord cannot evict a tenant after an emergency so that he can charge a new tenant an increased amount. Landlords may continue

Continued on page 31



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to prosecute evictions that were lawfully initiated prior to the emergency declaration.

Penal Code section 396 is unlike most statutes that landlords deal with in that it is a criminal, not civil, statute. As such, it provides for criminal penalties that are not to be taken lightly. As we have seen with the COVID-19 outbreak that followed a series of fires across the state over the past few years, a disaster that feels distant can send displaced individuals across the state in search of new housing. Moreover, the Governor and other officials have extended states of emergency far beyond 30 days in many instances, even extending them for over a year. Thus, it is not always straightforward whether a prospective tenant falls within the protections of section 396, and it is important for landlords to review the status and scope of emergency declarations when setting new rental rates. In light of this evolving reality, landlords must be familiar with Penal Code section 396 and its recent amendments.

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 Groknerberger at David@rogerssheffield.com; Michael Brelje at Mike@rogerssheffield.com, or Scott Soulages at ssoulages@rogerssheffield.com.

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Santa Barbara Happenings



Terry A. Bartlett – Reetz, Fox & Bartlett LLP

City of Goleta Adopts New Zoning Ordinance

After many years of planning and collaboration from the City Council and Planning Commission, the City of Goleta (City) passed a New Zoning Ordinance (NZO). This will be the City's first zoning ordinance since it was incorporated in 2002 and inherited its current ordinances from Santa Barbara County. The NZO will completely replace the City's existing zoning regulations.



According to the City, the purpose of the NZO is to implement the City's General Plan, update development and design standards and permitting procedures, and help revitalize the community's vision for the future.

The NZO establishes rules for building heights, inclusionary housing, accessory dwelling units, parking, environmentally sensitive habitats, along with a variety of other topics.

Under the NZO, applicants who had submitted complete permit applications prior to September 19, 2019 had the choice to proceed under the NZO or the prior zoning rules. However, if the applicants choose to proceed under the prior zoning rules, they have until December 31, 2021 to obtain necessary land use entitlements. If they failed to do so the project would be subject to all regulations of the NZO starting January 1, 2022.

The NZO will only apply to local permits given by the City, not those given by the Coastal Commission. This is because the City still does not have a certified local coastal program so all development in the Coastal Zone must be approved by both the City and the California Coastal Commission. This makes any development in the City of Goleta more time consuming and expensive. It is why some developers are nervous they may not obtain all necessary land use entitlements prior to December 31, 2021.

The second reading of the NZO took place on March 3rd, and it is set to go into effect 31 days after. For more information about Goleta's NZO, please visit <http://www.goletazoning.com/home.html>

Santa Barbara City Council Passes Emergency Vacation Rental Ordinance

The Santa Barbara City Council voted 7-0 in favor of an interim urgency short-term Vacation Rental Ordinance ("the Ordinance"). This Ordinance declares existing law by amending the definition of "Hotels and Similar Uses" within the Municipal Code Section 30.295.040. The Ordinance will redefine vacation rentals as hotels in areas where hotels are already allowed. Homeowners will be required to register and pay taxes on their short-term vacation rental as if they were hotels. Additionally, though limited on its face to 45 days, the Ordinance may and likely will be extended by the Council.

The Ordinance, especially if extended, will add regulation and make it more difficult for property owners who own small properties to rent them out. It will also give the City an additional tool to shut down vacation rentals that fail to comply with the more onerous hotel registration and tax. This is especially relevant based on the dozens of lawsuits that the City has received regarding their ban of vacation rentals in the coastal zone.

Goleta Evaluates Homeless Strategic Plan

Recently, the Goleta City Council received the homelessness data collected from surveys given out starting at the end of 2019. One survey was given to homeless individuals to address their needs and concerns and another was given to the public to gain community feedback.

The survey given to homeless individuals revealed that 41% of these individuals live in a tent or other outdoor



Continued on page 35



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- Here is the summary data from 2019:

2019 SOUTH COAST APARTMENT SALES

	<u>Sales</u>	<u>Ave PPU</u>	<u>Cap Rate</u>	<u>GRM</u>
5-9 Units	14	\$366,000	4.43%	15.05
10-24 Units	6	\$345,000	4.15%	15.64
25+ Units	2	\$272,000	3.41%	17.11
Total	22	\$352,000	4.21%	15.50

2019 SOUTH COAST 2-4 UNIT SALES

	<u>Sales</u>	<u>Average Price</u>
Duplexes	45	\$1,172,000
Triplexes	8	\$1,736,000*
Fourplexes	13*	\$1,869,000*

* Record high

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Santa Barbara Happenings from page 33

camp, 55% in a car or RV, 5% are sleeping in shelters, and 5% are couch surfing. Over 65% of the those surveyed had lived in Santa Barbara County prior to becoming homeless and of those, more than 50% had lived in Goleta. Data indicated that the majority of those individuals said they would use a free unit for their belongings and a center to rest, do laundry, and take a shower. Other common concerns among respondents includes the need for employment assistance and the lack of education about the homeless community.

As for solutions, there are immediate efforts being made such as Showers of Blessings opening a site in Goleta. More long-term solutions will be part of the broader homeless strategic plan. The goal is for the City Council to adopt a final plan by June.

Santa Barbara County Supervisors Move Forward with Debris Basin Projects

After the devastating debris flows two years ago, the Santa Barbara community and Santa Barbara County Supervisors both agree that building a stronger infrastructure is crucial to protecting against another potential disaster. County Supervisors unanimously agreed to move forward with approving phases of various debris flow basin projects.

The first project involves expanding the Cold Springs basin, which was overfilled in 2018, to the west. This project already has permits and construction funding. Supervisors expect the project to take place in the summer or fall of this year.

Other proposed debris flow basin projects include the Randall Road Debris Basin and the San Ysidro, Romero, and Cold Springs Debris Basic Modification Projects. These have been approved for pre-construction reviews to look for any potential challenges, but they will not be up for Board of Supervisor approval until later this year. The cost for these reviews totals approximately \$75,000.

Santa Barbara Primary Election Results Give Insight into November Election



Das Williams



Joan Hartman



Bob Nelson

In District 1, incumbent Das Williams led a close race with challenger Laura Capps. Ultimately, Williams gained a significant lead over Capps, and she conceded. In District 3, current supervisor Joan Hartman also rose above challenger Bruce Porter. In District 4, Bob Nelson, the only candidate, will be taking the seat.

In the race for the 37 State Assembly District, Republican Charles Cole and Democrat Steve Bennett came out on top. They will go against each other in the fall. For the 19 District State Senate seat, Democrat Monique Limon will be up against Republican Gary Michaels. In the 24 District Congressional race, the fall opponents include incumbent Salad Carbajal and Andy Caldwell.

Lompoc voters in Santa Barbara County voted in favor of the Lompoc sales tax measure, increasing the city's sales tax by 1%. California voters overall voted against a ballot measure that would have significantly eroded the property tax protections that were afforded under Proposition 13 (1978).

Funk Zone Developments Continue to Grow

Recently, the Architectural Review Board granted approval for the reconstruction of an industrial warehouse into a restaurant and retail development in Santa Barbara's Funk Zone. This approval came after unsuccessful appeals to the Coastal Commission and the Santa Barbara City Council late last year for not providing sufficient parking and handicap access. The Planning Commission is also in support of this development, along with County Supervisor Das Williams.

Members of the Architectural Review Board raised concerns about the color and location of the light stands, street trees, and landscape scheme. The building located at 11 Anacapa Street was built in 1950 as a Sears delivery warehouse, transitioned into a seafood facility, and is now seen as a piece of art.

With all the vacancies in and around State Street, many are hopeful that new developments in the Funk Zone will increase economic vitality. However, it remains to be seen whether these developments will lead to additional tourism and development or continue to drain from the already anemic state street corridor.

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If you have difficulty completing the form, call the office for assistance at 805-687-7007 or info@sbrpa.org.

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

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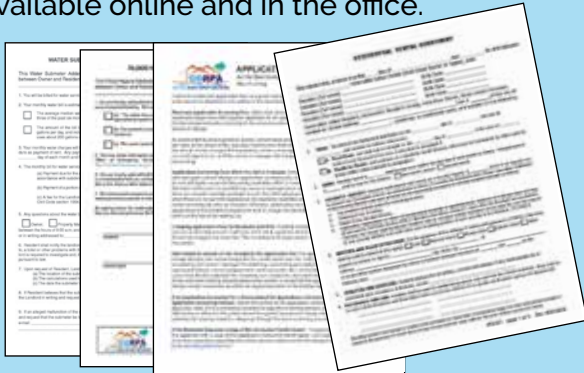
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Rental Property News Magazine

Articles of interest, including:

- 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



ADRIATIC ODYSSEY

A Journey by Land & Sea



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.

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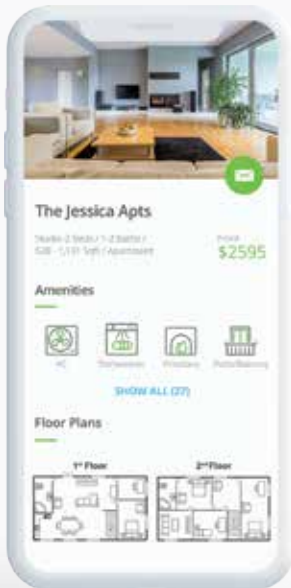
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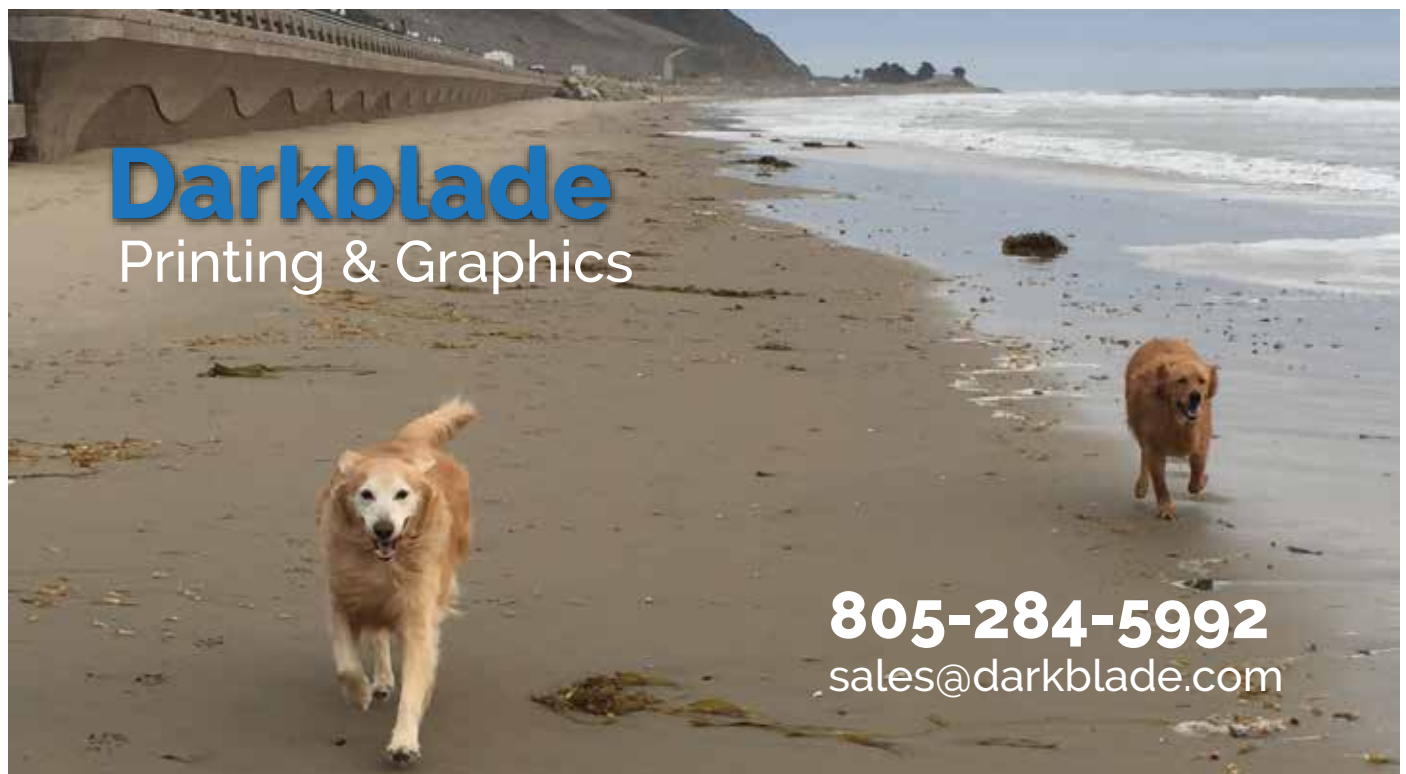
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