

SANTA BARBARA RENTAL PROPERTY news

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

UNITED (and socially distanced) WE STAND



SBRPA Board Members (left to right)
Joyce Hulsebos, Michelle Roberson, Betty Jeppesen,
Michael & Debbie Bruce

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Aug-Sep 2020

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President's Message



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

Success for preserving Santa Barbara's rental housing stock! As I write this, the Santa Barbara City Council Ordinance Committee has changed significantly the proposed Ordinance that was discussed on August 11th and August 18th. There was so much public comment that the matter had to be continued to a second session. I thank all of the SBRPA members who wrote letters, e-mails and spoke during this process. Kristin Sneddon stated that she received some 300 emails which was more than she had received on any other issue during her tenure.



The outcome of the hearings to which the Ordinance Committee members consisting of Mayor Pro-Tem Sneddon, Chair Oscar Gutierrez and Mike Jordan agreed are as follows: 1. Any relocation payment will be calculated per unit and not per tenant. 2. Any relocation payment would be set at 1.5 times the monthly rent with no consideration of the security deposit. 3. "Qualifying Tenant" will be defined as only those tenants who are entitled to be there by oral or written agreement. 4. Allow any relocation assistance to be paid with a 60-day notice of a No-Fault termination of tenancy when the unit is vacated and the keys surrendered, instead of 15 days after the notice is served; or 50% 15 days after the notice is served and 50% upon receiving the possession and keys. 5. The ordinance will remove all reference to special needs in order to avoid any discrimination. 6. Give education to the non-English speaking property owners in the form of a news release in both Spanish and English announcing the opportunity to comment on the proposed ordinance.

On September 9th, City Attorney Ariel Calonne will prepare a draft ordinance for public written comment. The City Attorney's website link is https://www.santabarbaraca.gov/gov/depts/attorney/rental_housing_information.asp and the mailing address and phone are P.O. Box 1990 Santa Barbara, CA 93102-1990, Phone (805) 564-5326.

At any time, you can e-mail the Mayor and the entire City Council by Googling Santa Barbara California City Council and click on "Contact Us". There, you will find tabs to click to e-mail individual City Council members separately, or at the end there is one tab to click to simultaneously e-mail the Mayor and the entire City Council.

Public comment on the proposed ordinance ends on October 2nd and the matter will be taken up again by the City Council Ordinance Committee on October 20th at 11:00 a.m.

These are the points I made at the Ordinance Committee hearings regarding any relocation costs, should be measured by the unit and not by the qualified tenants (which at one point appeared to be anyone who was living in a unit because we as landlords should know who is living in our units, whether they are on the lease/rental agreement or not):

"With respect to the issue of relocation costs payable per unit or per tenant, I propose that it is per unit.

1. The tenant protection act is now located in 3 sections of the civil code. Section 1946.2(d)(1) provides in subsection b that one way of satisfying the state is to waive the last month's rent for the UNIT.
2. The amount of the state-wide relocation is found in subsection 3(A) which is one month's rent for the unit.
3. The Keyser Marston study returned findings per unit and not per tenant.
4. It has been suggested that it would be very difficult to pay per unit rather than per tenant. I respond that it is just the same as a security deposit refund per unit rather than per tenant.
5. A rental contract is a joint and several obligation which means that the duty to pay rent is shared and any relocation assistance is shared as well.
6. The Santa Barbara Condominium conversion act requires a lump sum payment per unit.
7. Not all landlords are rich. I have clients who have one unit from which the income pays for a convalescent home for one or the other of the spouses.
8. Any ordinance should not be permanent. Forever is too long. The state-wide plan already in place should be studied for its effectiveness before stringent measures are taken."

Continued on page 7



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Current Transactions and Upcoming Listings

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Duplex - In Escrow - \$1,305,000 | Isla Vista

4 Units - Coming Soon - \$1,585,000 | Santa Barbara

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President's Message from page 5

The Governor's Executive Orders concerning the eviction moratorium are set to end on September 1st. However, the California Judicial Council elected to remove emergency Rule 1 so that evictions are supposed to be allowed after September 1st. But, in the meantime, tenant groups have been able to get lobbyists to get two Assembly Bills to the legislature. Assembly Bill 1436 co-authored by David Chiu, San Francisco and Senator Hannah-Beth Jackson, Santa Barbara. If enacted, AB 1436 would halt evictions for nonpayment of rent due to pandemic-related hardships until 90 days after the current state of emergency is lifted, or through April, 2021, whichever is earlier. It would also provide mortgage forbearance, essentially delaying payments, for landlords and homeowners. This latter portion is what made local Assembly Member, Monique Limon support the Bill. State-wide landlord associations and banks, including the California Bankers' Association, are in opposition to AB 1436.

Banks are concerned AB 1436's provisions to provide mortgage forbearance, which essentially push back landlord and homeowners' mortgage payments have constitutional issues and would monetarily penalize the banking industry.

Responding to these concerns, Senator Hannah-Beth Jackson stated: "None of us wanted this situation. None of us are happy with this situation. But all of us are going to have to bear some part of the burden. Otherwise, what's going to happen? Thousands of renters will be evicted and land on the street and thousands of homeowners will be foreclosed upon." She warned: "Those who have had the financial means to weather this storm [could] very well buy up all those properties [and] enhance their own financial wealth." This is what they did in the U.S. foreclosure crisis.

Starting August 24th, the CARES Act will no longer shield renters; so, beginning next Monday landlords can file an Unlawful Detainer and begin to charge late fees as provided under their month-to-month rental contracts or fixed term leases.

August 18th, the California Assembly Committee on Appropriations considered Assembly Bill 1410 (Cabrallero) and voted 7 to 3 to send it to the Judiciary Committee, moving it one step forward to passing. This AB would have created a tenant-owner COVID-19 eviction relief agreement (CERA) which would restrict property owners from evicting tenants for unpaid rent accrued during the state of emergency and would allow a tax credit to the owners who defer rent for tenants in connection with the COVID-19 pandemic.

Thankfully, this Assembly Bill did NOT pass.

AB 1410 would have created for taxable years beginning on January 1, 2024 and before January 1, 2034 a tax credit to owners who enter into a CERA with their tenants in an amount equal to the

amount of unpaid rent. It should be noted that, at least at the time of this writing, the program would be voluntary and owners do not have to enter into an agreement with their tenants.

The Franchise Tax Board (FTB) would be required on or before January 1, 2021 to create a registration program for owners who will claim tax credits. The owners would also be required to provide the FTB with a copy of each fully-executed CERA by January 1, 2021.

The Governor stated that California simply did not have enough money to allow for a tax credit. This is the main reason that this Assembly Bill did not pass.

Significant Legislation for you to watch and oppose are:

AB 1436 (Chiu) was, on August 20th, returned to the Rules Committee and is likely dead as well.

Assembly Bill 1436, if passed, would prohibit rental housing providers from evicting tenants for up to 90 days AFTER the state of emergency is lifted and would prohibit rental housing providers from using nonpayment of rent during the pandemic as grounds for an eviction in the future. It would also give tenants 15 months to pay back rent from that time period after which rental property owners could claim any unpaid rent in a civil court. This Assembly Bill basically seeks to legitimize and continue the Judicial Council's Emergency Rule of Court 1 enacted on April 6, 2020.

What else do we know?

Bloomberg News reports: *"California's legislature passed a \$143 billion general-fund budget for the next fiscal year that counts on federal aid before triggering spending cuts, a rejection of Governor Gavin Newsom's proposal to slash services ahead of more money from Washington... The bill was approved 61 to 13 in the Assembly and 29 to 11 in the Senate Monday. Both chambers are controlled by Democrats. Democratic leaders of both legislative chambers took a different approach: the budget passed Monday counts on \$14 billion in additional federal aid and only triggers cuts in October if it doesn't materialize. Their plan, if Congress fails to act, relies on measures such as deferring payments and moving the June payroll date for state workers into the next fiscal year. Benefiting the state is its record \$16 billion rainy-day account, which while far short of closing the budget shortfall, can still help defer some painful decisions."*

The Sacramento Bee announced on June 22nd: "We made compromises across the spectrum," the Democratic governor said. "It's not just having to address revenue shortfalls, it's also addressing increases in caseloads at the same time related to the economic consequences and the displacement associated with COVID-19."

Another budget source, who declined to speak on the record, said the agreement contains cuts to

Continued on page 9

CALENDAR

FINALLY! Some Events to Announce

SBRPA Quick Learning Lunches
Tue & Wed, every week in
October 12:00-12:30 PM



For 4 weeks in October, bring your lunch, sit back and listen to a panel of providers provide a quick overview of current laws. Tuesdays in English and Wednesdays in Spanish. Register online at www.sbrpa.org. For more details, see page 26.

OCTOBER 2020						
SUN	MON	TUE	WED	THU	FRI	SAT
		12:00-12:30 English	12:00-12:30 En español	1	2	3
4	5	1482 & Just Cause	1482 & Just Cause	6	7	8
11	12 Columbus Day	Tenant Displacement	Tenant Displacement	13	14	15
18	19	State Laws	State Laws	20	21	22
25	26	City Laws	City Laws	27	28	29
				30	31 Halloween	

2020 SEPTEMBER						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
		1	2	3	4	5
6	7 Labor Day	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

Stay Safe & Healthy!
The office is closed & we
are working remotely.

VIRTUAL: APT Virtual (see Apartmentalize)

Nov. 4-6, 2020, Dallas TX

For the first time, NAA is providing you the chance to experience "Apartmentalize" via their first-ever virtual twin event—APTvirtual! Now you can connect online—because there are some big challenges to tackle this year. It's all of the value, with none of the travel!

<https://www.naa.org/aprtvirtual/registration>

Santa Barbara City Council, Ordinance Committee

Oct. 20, 2020 12:30 PM



On August 21, 2020, the City of Santa Barbara released a public comment draft of the proposed "Just Cause Eviction and Relocation Assistance Ordinance". The public is invited to comment on the draft until Oct. 2, 2020. Comments should be emailed to City Attorney Ariel Calonne at acalonne@SantaBarbaraCA.gov. Public comments will be presented to the Ordinance Comm. at the October 20, 2020 meeting.

See the "President's Message" for more details, page 5.

NAA's 2020 Legal Symposium

Nov. 5, 2020, Dallas TX



The NAA Legal Symposium, concurrent with GART (Government Affairs Roundtable), offers attorneys an opportunity to earn CLE credits while discussing the trends, threats and challenges facing the rental housing industry. The Legal Symposium is a must-attend event for all industry professionals seeking to stay informed and prepared to contend with the ever-evolving world of rental housing law and regulation. <https://www.naa.org/gart>

NAA's Apartmentalize Event

Nov. 4-6, 2020, Dallas TX



NAA's annual education conference & exposition is the biggest, most important event where more than 11,000 rental housing industry peers come together. Apartmentalize gathers the experts for the latest trends and strategies to offer up ideas for every challenge. <https://www.naa.org/apartmentalize>

We encourage you to keep updated on our local industry news by reading our MailChimp notices and visiting our website at www.sbrpa.org. If you have not received our emails and wish to, please send a note to admin@sbrpa.org with your current email address in the Subject line.

President's Message from page 7

various sectors of the economy that could be reversed if the state receives \$14 billion in federal funds that Newsom and other state leaders have been requesting.

If those funds materialize, they will be used for K-12 schools and higher education, the judicial branch, housing, teacher training and state employee compensation, the source said. If the federal government provides less than \$14 billion, the source said money will be divvied up proportionally based on the language in the actual bill, which has not yet been released."

Also on June 22nd, the Los Angeles Times reported: "In reality, California has no real deadline for a final agreement — instead requiring the initial budget bill to be ratified by June 15 to prevent lawmakers from losing their pay, followed up by a series of budget-enacting bills approved on a more flexible timeline. A 2014 court ruling determined only the overview budget plan is subject to the June 15 constitutional deadline, with revisions and additional decisions allowed weeks or even months after the fiscal year begins July 1."

Things are happening rapidly and we at the SBRPA will make every effort to keep you informed by mailchimp in between publications.

On a positive note, your SBRPA Board of Directors held its first in-person meeting since February. You will see a photo on the cover showing our so-

cial distancing. Our great Executive Director, Laura Bode, who is helping us weather this storm, commented that we look like a scene from "The Sound of Music". I agree. The hills are alive...

Stay safe and healthy. Wear your masks and observe social distancing.

Keep up the good work.

Betty L. Jeppesen
President
SBRPA



SBRPA President Betty Jeppesen, celebrating her dual Denmark-U.S. citizenship



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Your Local Government Representatives

As more laws and policies are drafted and adopted during the COVID-19 pandemic, it becomes more important to know your local government representatives, and to contact them, by phone, letter, or email, to provide them with your point of view on the issues -- especially those that concern the rental property owners.

Following is contact information for the Santa Barbara City Council and the Santa Barbara County Board of Supervisors. Check the SBRPA website for contact information on other county cities – Santa Maria, Santa Barbara, Lompoc, Goleta, and Carpinteria. <https://www.sbrpa.org/local-govt-reps>

City of Santa Barbara

Santa Barbara city has a 7-member City Council. The Mayor is the at-large member representing the entire City and the other council members each serve a specific district. Enter your address to find your district here: <https://santabarbara.maps.arcgis.com/apps/webappviewer/index.html?id=71f4bb397bd24bf7bcf8a80d6bf968ce>



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Government Reps, continued

County of Santa Barbara

The County Board of Supervisors has 5 members, one for each county district, with a Chairperson whose position rotates annually among the members. The Board sets policy for and adopts ordinances on local matters as well as establishing land use policies for Santa Barbara's unincorporated areas.



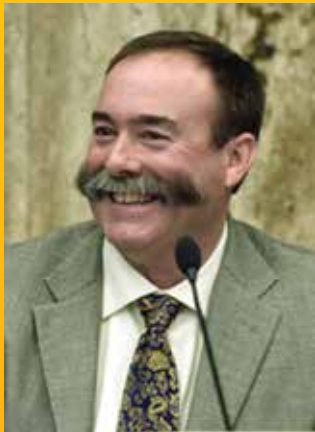
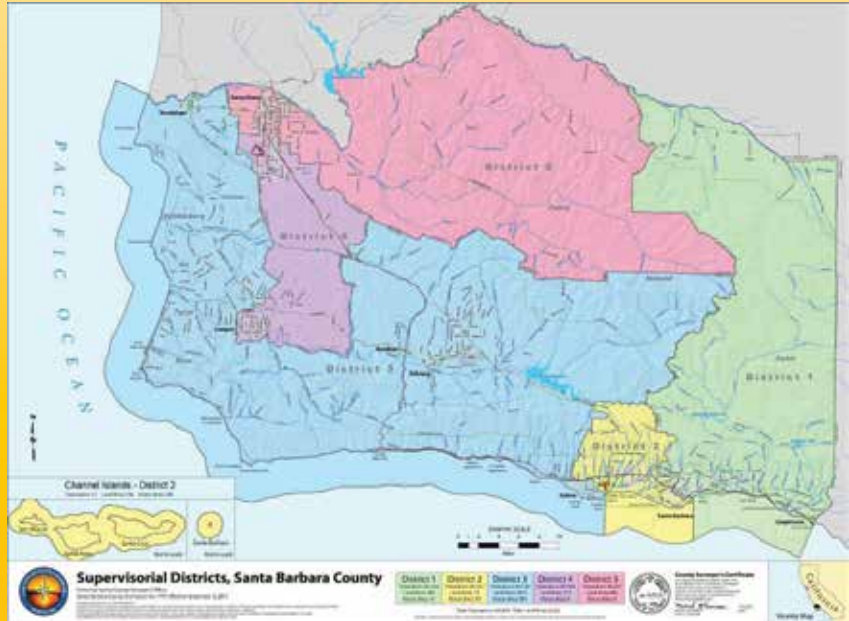
Das Williams, Joan Hartmann, Greg Hart (Chair), Peter Adam (Vice-Chair), and Steve Lavagnino

Find your district here:

<http://sbcassessor.com/ElectionDataLookup/Default.aspx>



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California Government Representatives

California 24th Congressional District



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CA Assemblyperson
Monique Limón

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CA Senator
Hannah-Beth Jackson

CalRHA 2020 Housing Legislation



Chris Zraggen, Capitol Advocacy

August 17, 2020

In August the Legislature has begun to wind down the Legislative session as we approach an August 31st Constitutional deadline that requires the Legislature to adjourn for the year. It goes without saying that this has been an incredibly unprecedented year that has seen deadlines set, reset, and then reset again. All of this, paired with a significant reduction in state revenue has required a truncated legislative session and a significant pairing down of bills to focus on the biggest problems for the state. Inter-house politics between the Assembly and the Senate has fostered consternation in the Legislature, largely over disagreements about which bills have been deemed priorities this year.

Housing is one of only a few issues that started off the year as a key issue, and continued to be considered as such. The Senate Pro Tem has been actively engaged in this discussion, as has Assemblymember David Chiu, the Chair of the Assembly Housing Committee.



Phil Ting: Chair, Assembly Housing Committee



Supreme Court Chief Justice Tani Cantil-Sakauye

On August 13th, the Judicial Council voted to allow tenant eviction hearings to resume on September 2, 2020. The council first voted in April to temporarily halt evictions and delayed a vote in June to end the moratorium, but finally came to a vote on August 13th. Supreme Court Chief Justice Tani Cantil-Sakauye who is also the Chairwoman of the Judicial Council urged the Legislature and the Governor to resolve this issue. She noted that it is the Legislature's purview to act on this matter, not the Judiciary's. Judicial Counsel's date to resume hearings on September 2nd provides the Legislature and the Governor time to strike a deal on housing and evictions. This places even more pressure on the Legislature and the Administration to work out a deal on housing relief. CalRHA has participated in a number of conversations with the Governor's office to be part of the solution.

In late July we learned from the Senate Judiciary Committee that they would not set some of the 80 bills that were initially referred to the committee. This is due to the condensed timeline because of the COVID-19 pandemic. Among the bills that were not set were AB 828 by Assemblymember Phil Ting, which would have created a statewide moratorium on evictions and foreclosures, and **AB 1703** by Assemblymember Richard Bloom, which would have imposed a right of first refusal mandate on rental property owners in California. The stalling of these bills is a significant win for property owners.



Assemblymember Phil Ting

One of the bills that will be heard in Senate Judiciary is **AB 1436**, authored by Assemblymember David Chiu. This bill would give tenants 5 months from the end of the state of emergency for COVID-19, or 12 months after April 1, 2021 (whichever comes first) to repay back owed rent. Amendments to this bill were taken in late April to include mortgage forbearance that was included in Assemblymember Monique Limón's bill earlier this year, **AB 2501**, which failed on the Assembly Floor. The addition of forbearance has brought out fierce opposition from California Bankers who helped kill Limon's bill earlier this year. Regardless, **AB 1436** remains the Assembly's priority bill for housing this year and discussions between Senate and Assembly leadership will continue on this bill until all parties reach a consensus on the matter.



Assemblymember Monique Limón

The Senate's priority housing bill is **SB 1410**, authored by Senator Caballero. While Senator Caballero is the lead author on the bill, it has been made clear that this is one of the Senate Pro-Tem's top priority bills and she has been pushing hard for this. This bill requires owners and tenants to make a rent stabilization agreement where housing providers would forgo rent and subsequently

Continued on page 15

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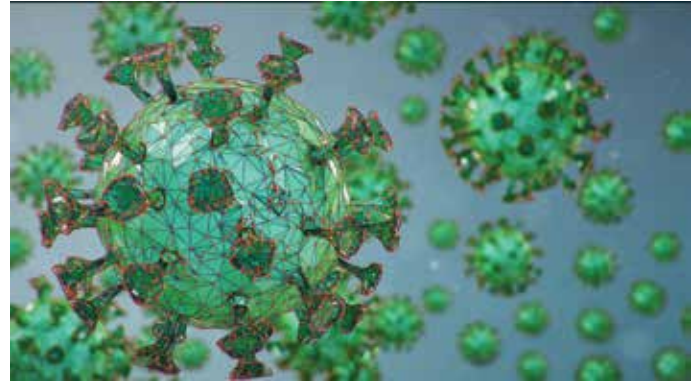
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receive tax credits in the future. CalRHA continues to push for amendments to this bill to: 1) clarify that participation in this program is in fact voluntary, 2) specify that the commitment to not evict a tenant under this agreement is limited to the nonpayment of rent, and 3) provide more immediate relief to small property owners.



Senator Anna Caballero



COVID-19 has rocked the nation, and more specifically the state of California. All parts of our state have been impacted in one way or another and the Legislature has especially felt these impacts, as has the housing industry. CalRHA continues to find itself fighting against harmful housing legislation in an effort to protect property owners in the state. Our Association will continue this fight in the final two weeks of session and we will ensure that we uphold the interest of our members as we advocate against harmful legislation.

This bill passed out of the Assembly Judiciary Committee with 7 AYE votes and 3 NO votes on August 12th, and will now go to the Assembly Appropriations Committees. Like **AB 1436**, discussions will continue around this bill until a consensus is reached.

SB 1190, by Senator Durazo continues to move forward. This bill authorizes tenants to terminate a lease in the event that they or an immediate family member are a victim of a crime. Though the enforcement provisions of **AB 1482** from last **SB 1190**. On August 12th this bill passed out of the Assembly Judiciary Committee with 8 AYE votes and 3 NO votes and now will head to the Assembly Floor for a full vote of the house.



Senator Maria Elena Durazo



Welcome New SBRPA Members!

July 2020

- Alan Gallegos, Annette Ordas, Bennett Rogers, Adrea Caren, Catherine & Eberhard Brunner, Catherine Orton, Eva Enrigue, Chelsea Carroll-Escalera, Greg & Leslie White, John Steel, Ken Manford, Millie Szerman & Holly Angel, Rafael & Alejandra Ochoa, Patrick Navailles, Seaside Ranch, R. David & Toni Fox, Richard Zach Rissel, Lois, Kathy & Greg Waldref, Surface Management Inc., Dr. Letty Lauffer, Victor & Barbara Bartolome,

May & June 2020

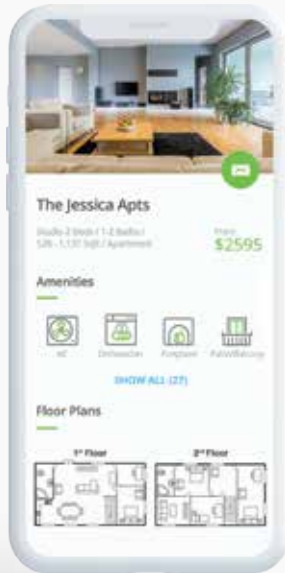
- Anita Carmichael, Battistone Administration, LLC, Peter Harms, Castleberg Properties, Michael & Christa Myers, Matthew Platler, Cindy Abbott & Larry Lepow, Jim Nuttall, Roberto Gonzales, Sally Saenger, Homes 805 Inc., Plaza Commercial Center





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Our national affiliate, the NAA (National Apartment Association) has released guidance for the rental housing industry in regard to the potential threat of the coronavirus. Their Coronavirus Resources and Guidance includes:

OPERATIONAL BEST PRACTICES

Guidance on how to keep safe while keeping your business running during these challenging times. Best Practices information is provided for:

- Operations
- Rent Collection
- Resident Exposure
- Rent Relief Request Form
- Resident Engagement
- Off-Campus Student Housing
- Teleworking
- Other resources.

For more information:

<https://www.naahq.org/coronavirus-guidance/covid-19-best-practices>

ADVOCACY, REGULATORY & LEGAL

NAA has gathered information on the federal, state and local laws and regulations in response to COVID-19. Specifics are given for:

- Federal resources
- Regulatory Information by State
- Legal.

FEDERAL RESOURCES

Phase 1 - Coronavirus Preparedness and Response Supplemental Appropriations Act. NAA's analysis is available here:

<https://www.naahq.org/news-publications/us-small-business-administration-disaster-loans-available>

Phase 2 - Families First Coronavirus Response Act. NAA's analysis on Industry Impacts:

<https://www.naahq.org/news-publications/families-first-coronavirus-response-act-take-effect>

Phase 3 - Coronavirus Aid, Relief, and Economic Security Act (CARES Act).

- **Eviction Moratorium.** Restrictions, who is impacted, and a FAQs.
- **Tax Relief.** What is available to me and my business, IRS Tax implications.
- **Mortgage Forebearance.** FHFA's mortgage relief for property owners, Fannie Mae's updated multifamily rules, Freddie Mac's multifamily plan, and FHA-issue guidance.
- **Relief for Your Business.** Paycheck Protection Program (PPP) Eligibility, Treasury Dept. and IRS Employee Retention Credit, and Federal Reserve Actions to Support the Economy.

NAA's Summary of CARES Act on Industry:

<https://www.naahq.org/news-publications/congress-passes-third-covid-19-federal-relief-package>

Phase 4 - Additional Relief Measures

- **NAA urges Congress to pass additional relief for the Industry.** <https://www.naahq.org/advocacy/policy-issues/covid-19-federal-resources-industry-advocates>
- **NAA's COVID-19 Related Advocacy.** <https://www.naahq.org/advocacy/policy-issues/covid-19-related-policy-concerns>

REGULATORY INFORMATION BY STATE

Go here to find the latest COVID-19 information for California: <https://www.naahq.org/covid-19-information-california>

LEGAL

- **Forms:** Payment Plan Agreement & Temp Waiver of Late Fees. <https://www.naahq.org/coronavirus-guidance/payment-plan-agreement-and-notice-temporary-waiver-late-fees>
- **Latest Court Closures & Restrictions:** <https://www.law360.com/articles/1252836>

NAA has a series of informational webinars with links available on the SBRPA website: <https://www.sbrpa.org/naa-webinars>

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Mail Chimp Communications

To help keep everyone updated on the rapidly changing rental housing market, SBRPA sent members the emails below. If you are NOT receiving emails: 1. check your spam folder, 2. if not in your spam folder, please notify us by emailing admin@sbrpa.org. Put **your email address** in the subject line.

- Wed, July 22nd 10:54 AM
CalRHA Legislative Update
- Tue, August 4th 10:36 AM
S.B. Happenings, Aug. 2020
- Thu, August 6th 1:45 PM
Santa Barbara Rent Assistance
- Mon, August 10th 4:52 PM
ORDINANCE HEARING: Tenant Assistance & 2% Rent Cap
- Tue, August 11th 6:30 AM
Call to Action, Red Alert
- Fri, August 14th 11:43 AM
Eviction Moratorium Continues
- Fri, August 14th 7:20 PM
Tenant Displacement Hearings
- Wed, August 19, 2020, 9:30 PM
Prop 21 Webinar
- Thu, August 20th 4:38 PM
Congratulations on Win!



Congratulations on Win!

This week the City of Santa Barbara was considering a Tenant Displacement Ordinance. The tenant advocacy group "CAUSE" had proposed up to \$24,000 for a 3 bedroom and \$28,125 for a 4 bedroom and the proposed City Ordinance was written to be up to \$8,460 PER OCCUPANT.

Thanks to the incredible efforts of all of you, the voice of rental property owners in Santa Barbara was heard at the Ordinance Committee August 18, 2020 hearing. (A City Councilmember stated that she had received over 300 emails!) The City listened and understood this extreme tenant displacement amount could force mom & pops to sell. Further, every sale by a mom & pop has the potential for the new owners to:

- raise the rent to cover the higher expense of the rental property's PITI, or
- occupy the residence for personal use - removing the property from our limited rental stock.

Thus, Tuesday's hearing was a win not only for owners, but for keeping lower priced rental housing available in the community. The Ordinance Committee recommendations are below. They will be circulated for public review after Labor Day until October 2nd, and then returned to the Ordinance Committee for a vote on October 20th at 11am.

- Relocation will be per unit – NOT for each occupant.
- It will be payable only to actual tenants who have an oral written agreement
- The amount will be 1.5 times the rent
- Payment to the tenant is to be made 50% within 15 days of notice and 50% when the unit vacated
- No special needs will be considered – same amount across the board

Your SBRPA Team has gone to bat for **YOU!!** We have been working until midnight every night and are very gratified that our efforts together succeeded.

Now we need your help in being able to sustain this effort and prepare for future attacks on our industry (and your business) which we know the tenant groups are planning. We urge you to consider helping support these "Extra Efforts" by mailing a contribution to SBRPA so we can continue this work. Your contribution will allow us to hire some short-term help over the next couple months for education and out-reach to the community (i.e. a program for Spanish-speaking landlords, additional Zoom programs on new State legislation coming out of the legislature in next month, etc.) Suggested Contribution: \$100 or \$10/unit, whichever is greater.

We greatly appreciate your involvement in writing letters, contacting our elected officials and your financial support. This is and will continue to be an association wide effort to protect your rights.

Yours,
Laura Bode
Executive Director, SBRPA

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WHAT IS "SPLIT ROLL"

(and why should I be terrified of it)?



Important information from the
HOWARD JARVIS TAXPAYERS ASSOCIATION
www.HJTA.org

"Split roll" is a shorthand term for proposed changes to Proposition 13 that would allow higher property taxes on businesses than on homeowners. The "roll" is the county assessor's property tax roll, the list of all real estate parcels that are subject to property taxes. "Split" refers to a division into two parts: residential and nonresidential property.

Under Proposition 13, which became part of the state constitution when voters approved it in 1978, all property in California is assessed under the same rules and taxed at the same rate. The tax rate is 1 percent, and the assessment is set at the property's fair market value, usually the sale price, at the time it changes ownership. Thereafter, Proposition 13 limits increases in the assessed value to 2 percent per year or the rate of inflation, whichever is lower, until the property changes ownership again.

WATCH OUT

In 2018, a "split roll" proposal garnered enough signatures on petitions to be eligible for the 2020 ballot. Proponents have given this initiative the friendly title, "California Schools and Local Communities Funding Act," but what it would do to California's economy isn't friendly at all.

The initiative would revoke Proposition 13's protection from nonresidential business and commercial property and require the reassessment of those properties to fair market value. This would be a massive tax increase on office buildings, retail stores, shopping malls, movie theaters, gas stations, supermarkets, factories, warehouses, self-storage facilities, auto dealerships, car washes, restaurants, hotels and every other job-creating business in the state. Even very small businesses that lease space in a strip mall would see their operating costs jump sharply as a result of tax increases passed through from landlord to tenant.

The cost of living, already high in California, would be pushed even higher by this huge tax increase, which would hit every business in the state at the same time. Don't be fooled when "split roll" advocates say that it just hits businesses. When *their* costs go up, so do the prices *you* pay for goods and services. Just as bad, the "split roll" would make California's brick-and-mortar

businesses increasingly uncompetitive with online businesses based in other states, where costs are far lower, and would accelerate business flight out of California.

YOUR RIGHTS ARE NO "LOOPHOLE"

Advocates of a "split roll" say it merely closes a "loophole." They maintain that voters never intended Proposition 13 to apply to commercial property, but this isn't true. California has had a single or "unified" roll, treating all property the same, *since the 1800's!* Proposition 13 didn't change that.

In recent decades there have been a number of attempts to attack Proposition 13 and create a "split roll." So far, all such efforts have failed. But if this latest initiative is successful, its proponents will continue to assault Proposition 13, not directly with an attempt at repealing Prop. 13 entirely, but piecemeal. They would seek to revoke taxpayer protections and to raise taxes on apartments and homes. They would chip away at Proposition 13 until it is all gone.

The Howard Jarvis Taxpayers Association is committed to protecting Proposition 13 and fighting tax increases.

Taxes are already too high in California, yet the demand for more is unrelenting. Until state lawmakers get their overspending problem under control, Californians are at risk of losing their savings, their jobs and their homes to higher taxes.

TAKE ACTION

What can you do to help? Join the Howard Jarvis Taxpayers Association today. With an annual membership donation of only \$15 you will be strengthening the voice of taxpayers in California. It has never been more important than it is right now.

Go online to HJTA.org and click "Take Action" to join or renew your membership. Be sure to sign up for email alerts so HJTA can keep you informed about fast-changing developments in the state Capitol.

Welcome to the fight for a better future.

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Santa Barbara	3 Units	\$1,325,000 (Seller)
Goleta	4 Units	\$1,650,000 (Buyer/Seller)
Goleta	4 Units	\$1,550,000 (Seller)
Isla Vista	2 Units	\$1,630,000 (Seller)
Goleta	4 Units	\$1,637,000 (Seller)
Santa Barbara	7-Unit Boarding House	\$1,970,000 (Seller)
Isla Vista	2 Units	\$ 826,500 (Buyer)
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)

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WHAT IS THE “FAMILY HOME PROTECTION AND FAIRNESS IN PROPERTY TAX REASSESSMENTS ACT”

(and why is the HOWARD JARVIS TAXPAYERS ASSOCIATION against it)?

The initiative labeled “Family Home Protection and Fairness in Property Tax Reassessments Act” is **a tax increase**.

Under current law, transfers of certain property between parents and children are excluded from reassessment, meaning the property tax bill stays the same after the property is transferred.

That’s part of the state constitution. It was passed as Proposition 58 in 1986 with more than 75% of the vote.

Under Prop. 58, a home of any value and up to a million dollars of assessed value of other property may be transferred between parents and children without reassessment. **THIS NEW INITIATIVE REPEALS PROPOSITION 58 AND FORCES THE REASSESSMENT OF INHERITED OR TRANSFERRED PROPERTY WITHIN FAMILIES.** The only exception is if the property is used as the principal residence of the person to whom it was transferred, and even that exclusion is capped.

This initiative also repeals Proposition 193, passed overwhelmingly by voters in 1996, which similarly allows grandparents to transfer property to grandchildren, without reassessment, if the children’s parents are deceased.

The non-partisan Legislative Analyst’s Office estimates that **40,000 to 60,000 families will pay higher property taxes EVERY YEAR** if this measure passes.

This tax increase has been included in this initiative to “pay for” the other provision in it: the expansion of the opportunity for older homeowners to move to a replacement home and transfer their base-year

property tax assessment from their previous home to the new property.

Under current law, homeowners age 55 and older may do one such transfer in their lifetime, either within the same county (Proposition 60) or to a county that accepts the transfers (Proposition 90). This initiative would allow three such transfers instead of one, and it would require all counties in California to accept them. Current law requires that the purchase price of the replacement property be the same or less than the selling price of the previous property. This measure would allow transfers to apply to a home of higher value, with an adjustment to the assessment to account for the price difference.

If this sounds familiar, it is because a similar measure, Proposition 5, was **REJECTED BY VOTERS** in 2018.

Now it’s back, this time with **a tax increase** added.

Another provision of this measure would change the definition of “change of ownership” to prevent corporate lawyers from gaming the system to avoid reassessment of commercial properties with multiple owners. The Howard Jarvis Taxpayers Association has supported state legislation to make this change to the law. It is not necessary to amend the state constitution or raise taxes in order to fix this problem.

California voters have been clear that they do not want property reassessed to market value when transferred between parents and children, or, in the event of a tragedy, between grandparents and grandchildren.

California voters have also been clear that they think one transfer of base-year value to a replacement home is fair and equitable.

There is no reason to change these long-established, voter-approved constitutional protections.

The Howard Jarvis Taxpayers Association urges a NO vote on the “Family Home Protection and Fairness in Property Tax Reassessments Act.”

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 Tuesdays in English
 Wednesdays in Spanish

For 4 weeks in October, bring your lunch, sit back and listen to a panel of providers provide a quick overview of current laws, then try and stump the panel with your questions!

Week 1 – 1482 & Just Cause

What are the **ONLY** reasons an owner can not renew a lease?

English: Tue, Oct 6 [https://carorg.zoom.us/meeting/register/tJlrdOCTaj4sEtIbCINyJ4XZd45x49h2SHVe](https://carorg.zoom.us/j/91200444444)
 Spanish: Wed, Oct 7 [https://carorg.zoom.us/meeting/register/tJcvd-2prjgoG9UjPihZDYg_WH2etokcGL4z](https://carorg.zoom.us/j/91200444444)

**Week 2 – Tenant Displacement Assistance Required
 1482, Condo Conversion & Habitability.**

English: Tue, Oct 13 [https://carorg.zoom.us/meeting/register/tJEpcO2rqrjorGN15Ba4qYipmO7tzm7lf4ii7](https://carorg.zoom.us/j/91200444444)
 Spanish: Wed, Oct 14 [https://carorg.zoom.us/meeting/register/tJAqcOysqDopEgUoTPTWocGJSK_..zzkykBtp](https://carorg.zoom.us/j/91200444444)

Week 3 – Other State Laws

English: Tue, Oct 20 [https://carorg.zoom.us/meeting/register/tJYodu-srTspHt26lgS1wjF4lO7AaSbb-MGU](https://carorg.zoom.us/j/91200444444)
 Spanish: Wed, Oct 21 [https://carorg.zoom.us/meeting/register/tJcuduyuqzorEgPu_r2Tj9HEMIAWWRd7ZzL_](https://carorg.zoom.us/j/91200444444)

Week 4 – Santa Barbara City Laws

Mandatory One Year Lease, Mediation Services, etc.

English: Tues, Oct 27 [https://carorg.zoom.us/meeting/register/tJcvcO-qrzMqGdIAhTWjeTHEHfv2c3y-D7iE](https://carorg.zoom.us/j/91200444444)
 Spanish: Wed, Oct 28 [https://carorg.zoom.us/meeting/register/tJMsf-urqT8tHdafRwLXchGvCvom1pB9kqRJ](https://carorg.zoom.us/j/91200444444)

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SUN	MON	TUE	WED	THU	FRI	SAT
		12:00-12:30 English	12:00-12:30 En español	1	2	3
4	5	6 1482 & Just Cause	7 1482 & Just Cause	8	9	10
11	12 Columbus Day	13 Tenant Displacement	14 Tenant Displacement	15	16	17
18	19	20 State Laws	21 State Laws	22	23	24
25	26	27 City Laws	28 City Laws	29	30	31 Halloween

The Attorney's Corner

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



REVISIONS TO LAWS GOVERNING ACCESSORY DWELLING UNITS

California amended its laws for Accessory Dwelling Units ("ADUs"), as of January 1, 2020. These amendments are an extension of the 2017 revisions enacted in the interest of expanding the state's housing stock. As a result of these further revisions, local governments across the state trying to interpret and potentially revise their own ordinances and laws regarding accessory dwelling units. Importantly, the revisions nullify any local ordinance that is more restrictive than the accessory dwelling unit requirements set forth in Gov't. Code section 65852.2. The County of Santa Barbara and City of Santa Barbara are in the process of reviewing their respective ordinances on this topic. If there is no relevant ordinance in effect, or if the local ordinance is more restrictive toward ADUs than the state law, then the requirements in the revised Government Code section control.

BACKGROUND

In an effort to stimulate the construction of new housing in California, the state legislature passed laws in the early 1980s permitting local governments to draft ordinances for the creation of accessory dwelling units ("ADU"), and requiring local governments without such ordinances to accept permits for ADUs that met state law guidelines. In 1994, the legislature amended the statutory scheme to include a provision expressing the legislature's intent in creating the statute, noting the benefits of ADUs in providing housing stock and additional income to homeowners, and loosening the requirements for ADUs.

These laws were revised as of January 1, 2017. The revisions were designed to streamline the process for creating ADUs and included a new law, Government Code section 65852.22, allowing local governments to draft ordinances permitting the development of junior accessory dwelling units ("JADUs"). JADUs are defined in the statute as "a unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure" and "may include separate sanitation facilities, or may share sanitation facilities with the existing structure." The revisions also updated the legislature's findings regarding ADUs, which now state that "California faces a severe housing crisis" and that "the state is falling far short of meeting current and future

housing demand with serious consequences for the state's economy" (Govt. Code, § 65852.150). It is certainly apparent the state is committed to the development and creation of ADUs. The following discussion highlights the more prominent revisions that took effect January 1, 2020.

2020 REVISIONS TO EXISTING ADU LAW

From 2017-2020, many cities tried to stifle ADU development though local ordinances that severely limited ADU size based on lot size, lot coverage, and a slew of other restrictions. The revisions allow a detached ADU up to 800 sq. ft. and 16' tall without any local discretionary approvals. ADUs created by conversions are also granted automatic approval. If a local municipality creates their own ADU ordinance, it must permit an ADU of up to 850 sq. ft or 1,000 sq. ft. for an ADU that contains more than one bedroom.

ADUs do not require parking if they are created within an existing space in your house or an accessory structure, like a garage or carport. Additionally, no replacement parking is required for the main residence when a garage or carport is demolished or converted to create an ADU. The revisions allow owners to remove an existing structure and replace it with a new ADU that matches its footprint, maintaining the existing reduced setbacks. Setbacks for new ADUs have been reduced to 4' for side and rear yards.

Owners can now convert portions of existing multi-family structures that are not used as livable space, such as storage rooms, garages, carports, mechanical rooms, attics or basements to ADUs. At least one ADU can be created though this method and up to 25% of the existing unit count. Even without existing space(s) to convert, parties can build up to two ground-up, detached ADUs (16' height limit with 4' rear and side yard setbacks) on a property with an existing multi-family dwelling.

A key facet of the 2017 revisions was that "a local agency shall ministerially approve an application for a building permit to create within a single-family residential zone one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family res-

Continued on page 29

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idence or accessory structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence." (Govt Code, § 65852.2(e))." The 2020 revisions changed the timeframe for local governments to provide ministerial approval or denial of ADUs within 60 days of receiving the application in cases where there is an existing single-family dwelling on the lot. This cuts the time period in half from the prior 120-day period.

The 2020 revisions are a further indication from Sacramento that the state favors ADU creation, but that does not mean all local governments will be "rubber stamping" ADU applications. It is important to be familiar with the specific laws and regulations, both state and local, that apply to the particular type of ADU in question. 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 (david@rogerssheffield.com), Michael Brelje (mike@rogerssheffield.com), or Scott Soulages (ssoulages@rogerssheffield.com) for further discussion.



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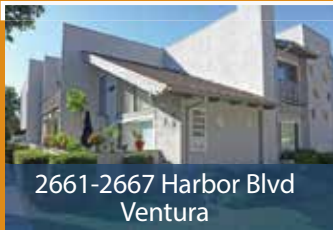
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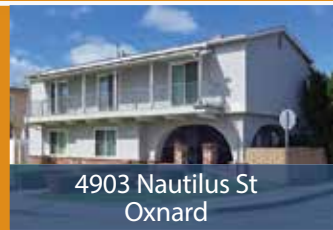
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Santa Barbara Happenings



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Colleges' Remote Instruction Curriculum Expected to Effect Local Economy.



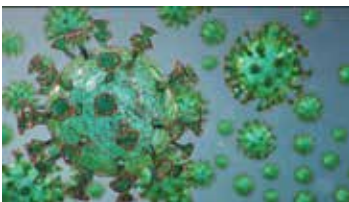
With in-person education unlikely for many colleges in the fall, many "college towns" expect to face an economic shock. For the central coast specifically, student spending in Santa Barbara, Goleta, and San Luis Obispo contributes

greatly to the economic success of property owners and small business owners. The option for students to remain at home for at least the beginning of instruction has caused historically low occupancy rates for off campus residential properties.

Renting is made more difficult by the new state and local regulations regarding just cause for eviction and restrictions on rent increases.

The situation is also impacting restaurants, clothing stores, and other retail stores that cater to students. Students, as one can expect, are itching to get back to living and interacting with their peers every day, but Governor Newsom still says "no."

Are California's COVID-19 Counts Accurate?



In a letter to the Santa Barbara Board of Supervisors, Brian Goebel and Cori Hayman examine how the state's COVID case metrics are not

accurate measures of community spread. These measurements are making it next to impossible for Santa Barbara to get off the state's monitor list, thus impeding local governments ability to exercise control over some public health decisions

In accordance with Governor Newsom's orders,

counties remain on the state's watch list if they have more than 100 positive cases per 100,000 population over a two-week period or a positive test rate of 8%. Because testing is limited, the state prioritizes symptomatic and high-risk patients. This testing protocol ensures a high positively rate and is not a random sampling of entire community. Therefore, it is not an accurate representation of the spread of the virus.

Goebel and Hayman encouraged the Board of Supervisors to either revise the existing protocol or replace the current metrics with hospitalization data. If current metrics cannot be replaced, the county can look to revise them to account for the increase in testing volume and the majority of tests being given to symptomatic patients. Bad data means bad decisions.

Santa Barbara to Evaluate New Pedestrian Promenade

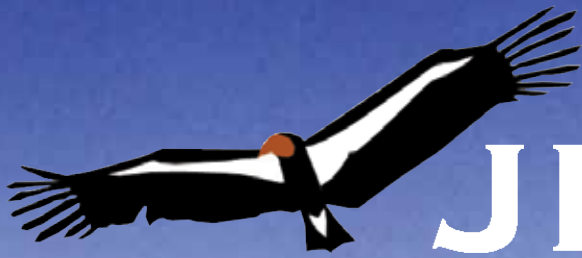


Despite general disruptions to the economy caused by the coronavirus, downtown Santa Barbara is experiencing a tentative revitalization with the new outdoor promenade

and dining. After Governor Newsom restricted indoor dining at restaurants, local businesses and the City of Santa Barbara adapted by shifting to outdoor dining. Several blocks of State Street are closed to vehicle traffic and the city quickened the permit process for "parklet" sidewalk extensions to accommodate social distancing guidelines.

Based on positive feedback from downtown businesses, the City will likely look to make the temporary pedestrian promenade permanent. As of now, the City Council has decided to extend the promenade through at least December 8th with the option of extending it another three months to March 8, 2021. Questions still remain for business owners regarding how much space they are allowed

Continued on page 33



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to take up and the specifics of what they can and cannot do.

The council also voted to allow restaurants located downtown, in the Funk Zone, and on Coast Village Road to serve alcohol until 12:30am.

This transitional period for Santa Barbara is exciting and it will be interesting to see if local businesses are able to take advantage of the new vitality that emerged from crisis.

Santa Barbara County Board of Supervisors to Determine Allocation of State Money

Of approximately \$46.1 million received from the state, the Santa Barbara County Supervisors are spending \$5.3 million on caring for the homeless, but only \$2.4 million on the combination of rental assistance, disaster relief for workers in isolation (wage replacement), and small business assistance.

Correction: The previous issue included a piece on the Santa Barbara Housing Authority's purchase of a vacant lot from a private developer, located on 116 E. Cota Street, now to be converted to homeless housing. While the private developer's project was not without controversy (including issues with providing sufficient parking), the project was eventually approved, and there were no City obstacles that forced them to sell. I still think expecting low income people to abandon their cars is a mistake as the cars will wind up somewhere else nearby. A follow up meeting with SBHA on that issue is in the works. Thanks to SBHA for pointing out the correction.



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