

SANTA BARBARA RENTAL PROPERTY news

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

NO ON 21

A Flawed Initiative That Will Make The Housing Crisis Worse

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October 2020

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President's Message



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

WHERE ARE WE NOW?

California has just enacted AB 3088, the Tenants' COVID-19 Tenant Relief Act 2020, and President Trump has just issued an Order through the CDC (Center for Disease Control) both further burdening the beleaguered landlords during this pandemic.

Some landlords are not taking it anymore. A group of apartment owners and lessors have filed suit in Los Angeles Superior Court on Friday, September 11th, suing the state, Los Angeles County and multiple cities, alleging that they have been forced through tenant eviction protection ordinances enacted during the COVID-19 pandemic to shoulder financial burdens that should have been borne by the public at large.

Plaintiffs in this lawsuit include Casa Green, Inc., Westside Habitats LLC, Brass Key Properties LLC, VSNP Properties LLC, Hollywood Lofts LLC, Streamline Properties LLC, Terraces at the Grove Inc. and Silver Swan Properties LLC. Defendants include the City of Los Angeles, Beverly Hills, Santa Monica, West Hollywood, Glendale, Burbank, Agoura Hills and Santa Clarita. Damages are stated as "far in excess of \$300,000" and Plaintiffs are seeking a Court Order enjoining government entities from requiring Plaintiffs to comply with the ordinances.

"While purportedly intending to provide relief to tenants...[the lawsuit states] the ordinances and other enactments are illegal, imbalanced and significantly infringe on their [Plaintiffs'] constitutional rights..." The lawsuit further alleges that: "...undoubtedly, a significant percentage of the tenants who have not been paying rent will not pay back the arrearages." And, the lawsuit further challenges that the Plaintiffs' properties: "have been unlawfully and illegally commandeered without compensation, just or otherwise."

We will be watching this action closely as it unfolds.

Meanwhile, AB 3088, has produced yet another 6 new forms to be either served on the tenants as notices of their rights under this new law or 15-day rather than the customary 3-day notices to either pay rent or quit or to conform or

quit. In addition, the Tenants' COVID-19 Relief Act of 2020 divides rent past due into two separate categories. One is rent that was due from March 1, 2020 through August 31, 2020 which is now known as "the protected period" and rent due beginning September 1, 2020 and (currently) ending on January 31, 2021 known as "the transition period."

Keep in mind also that local, city ordinances for properties located within the boundaries of the City of Santa Barbara and those within the boundaries of the City of Goleta are ruled by the ordinances for those cities. For Santa Barbara, you need to look to Santa Barbara City Ordinance 5941 and for Goleta, see City of Goleta Ordinance 20-07 and 20-18.

There are restrictions on both residential and commercial rentals/leases and they are not the same.

Executive Director, Laura Bode, has been informing you through mass e-mails of changes in the law occurring so rapidly that they could not be disseminated through our monthly magazine. Please keep an eye out for late-breaking news coming to you. We will continue to keep our members informed as things develop.

P.S. SB owners, it's time of year for MANDATORY ONE YEAR LEASE renewals! Please note that the Notice to your tenants should have been mailed by September 30th. (SBRPA sent you a Mailchimp reminder of this). If you did not do so, do it now!



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CALENDAR

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 25.

Full House Marketing Classes Tue mornings, Oct.-Nov.



Register: www.rebeccarosario.com/training-tuesdays.html

- 10/06: The Nurturing Sales Process
- 10/27: Multifamily Opportunities and Obstacles
- 11/10: Feeling Left Out? NAA Apartmentalize Recap
- 11/24: What are we really looking for?

Participation is complimentary, though they suggest you mail a small donation to SBRPA's Education programs, at SBRPA, 123 W. Padre Street #D, Santa Barbara, CA 93105.

See page 10 for more detailed information.

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.

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	6 1482 & Just Cause	7 1482 & Just Cause	8	9	10
11	12 HOLIDAY	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 

NAA's Fall Governance Oct. 26-30, 2020, Virtual



The Assembly of Delegates (AOD) is NAA's largest business meeting of the year, where all NAA and NAAEI Boards, Committees & Task Forces meet, and the new incoming volunteer leadership is installed. <https://www.naa.org/meetings-events/upcoming-meetings>

NAA's Apartmentalize – APT Virtual Nov. 4-6, 2020, Dallas TX



Due to the ongoing COVID-19 pandemic, NAA's annual education conference & exposition will be virtual only.

For the first time, NAA is providing you the chance to experience "Apartmentalize" via APTvirtual! Now you can connect online—because there are some big challenges to tackle this year. <https://www.naa.org/aptvirtual/registration>



HAPPY HALLOWEEN

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 MailChimp emails and wish to, please send a note to admin@sbrpa.org with your current email address in the Subject line.



ATTENTION SBRPA MEMBERS:

Please come get your **VOTE NO PROP. 21** lawn signs from SBRPA.

Please help us get the word out about the badly **FLAWED** rent control ballot initiative, **Proposition 21 – The Rental Affordability Act**.

California's Proposition 21, the **Rental Affordability Act**, is written to drastically expand the state's rent control laws by repealing the protections currently in place under the Costa-Hawkins Rental Housing Act.

If passed, this new ballot initiative will:

- Prevent owners from charging market rent by requiring cities to limit rent increases upon vacancy.
- Expand Rent Control to include single-family homes and condominiums when **more than 2** are owned, **OR** if title is held by a trust, LLC, or any other entity that is not a natural person. (Individuals who own no more than 2 homes are exempt).
- Allow cities to opt-in to rent control that would apply to **all housing that is more than 15 years old** with a maximum cap of 15% increase over three years.
- Will **REDUCE** the value of your rental property and your rental income.

In addition, if Prop 21 passes, Legislative analysts estimate tens of millions of dollars per year in lost revenue for state and local governments.

SBRPA joins CalRHA and NAA and strongly **OPPOSE** Proposition 21, the Rental Affordability Act ballot initiative. We ask you to join us in this fight and help us get the word out.

We have obtained "VOTE NO PROP. 21" lawn signs for our SBRPA members and encourage our members and property owners to display them on their lawns to help bring attention to this initiative and to help us defeat it in the upcoming election. Help us protect your property rights and property values. Supply is limited, so please be sure to get your lawn sign **TODAY** before they're gone!

In summary, Proposition 21 is a statewide initiative that will appear on California's November 3, 2020 ballot. If passed, Prop 21 would repeal portions of the state's existing rental housing laws (Costa Hawkins) and open the door for extreme forms of rent control to be enacted at the local level. It is nearly identical to 2018's Prop 10, which voters rejected by nearly 20 points.

For more detailed information on California's Proposition 21, go to <https://noonprop21.vote/>

NO ON 21

A Flawed Initiative That Will Make The Housing Crisis Worse

The biggest threat to us now is Prop 21 on the fall ballot. We must fight to retain our right to reset rents to market rate when units are vacant.

Put a Prop 21 yard sign on your front lawn and on all your properties. Show your opposition to Prop 21 – and provide local legislators with a visual reminder of how powerful the voice of rental property owners is locally in legislation and electing officials.

YARD SIGNS:

- **Santa Barbara South County:**
SBRPA parking lot at 123 West Padre St. Drive in and pick up – easy to find, right side, near the back staircase.
- **Santa Barbara North County:**
Contact Danielle Holzer for signs.
Phone: 805-331-3963, or email:
DanielleHolzer@dmhproperties.net



Nominating Committee Report, 2020



SBRPA's Nominating Committee recommends to the General Membership, the election of the following slate of board candidates to 2-year terms.



Free Tuesday Morning Classes*

Thanks to our partnership with **Full House Marketing**, we can invite SBRPA members to their Tuesday morning online classes. They offer workshops and training to management companies, apartment communities and associations nationwide.

Here is a list of October-November classes. Please register at: www.rebeccarosario.com/training-tuesdays.html and choose the sessions you would like to attend.

- Oct. 6th, *Stephanie Caudill*: *The Nurturing Sales Process*
- Oct. 27th, *Instructor TBD*: *Multifamily Opportunities and Obstacles: The Good, The Bad, The Scary*
- Nov. 10th, *Rebecca Rosario*: *Feeling Left Out? NAA Apartmentalize Recap*
- Nov. 24th, *Sarah Brooks-Harvey*: *What are we really looking for?*

You will receive a confirmation email from **Full House Marketing** with times plus an online link for each class. (If you don't see a confirmation email, check your spam.) Most classes begin at 8:30 a.m. EST so you can sit back and enjoy your morning coffee while you learn something new. Classes are conducted online using *GoToMeeting*.

New to *GoToMeeting*? It's easy to set up and use. Get the app now and be ready when your first meeting starts: <https://global.gotomeeting.com/install/308237269>. And don't worry if you are sipping your coffee in your p.j.s -- only the instructor is visible on screen.

* **NOTE:** Participation is complimentary, though they suggest you mail a small donation to SBRPA's Education programs, at SBRPA, 123 W. Padre Street #D, Santa Barbara, CA 93105.

CalRHA 2020 Housing Legislation



Chris Zraggen, Capitol Advocacy

September 11, 2020

Needless to say, 2020 has been an eventful year for the California Legislature and the month of August continued that trend. As the final weeks of the legislative session wound down, drama ramped up. Inter-house tensions between the Assembly and Senate continued to fester and priorities of both houses were held hostage. The last night of session was especially tense in the Senate when Republican Senators were forced to vote remotely due to exposure to a member of their caucus who tested positive for COVID-19. The already frustrated Republicans in the Senate became irate at one point in the final evening of session with the clock winding down, when Senate Democrats passed a motion that would limit debate on each bill to two members of each party. The intent of this motion was to move expeditiously through bills; however, it had the opposite effect when Republicans loudly protested the motion which resulted in a 90-minute recess after which the motion was rescinded.

Leading up to the end of session, there was a significant amount of drama in the Assembly and Senate Appropriations hearings where two key housing bills were in these respective committees. In the Assembly Appropriations Committee was **SB 1410**, authored by Senator Caballero but was known to be the Senate Pro-Tem's priority bill on housing. This bill would require property owners to offer a "tenant-owner COVID-19 eviction relief agreement" and would provide a tax credit for owners that defer rent due to the COVID-19 pandemic.



Senator Anna Caballero

In the Senate Appropriations Committee was **AB 1436**, authored by Assemblymember David Chiu which would authorize renters to defer rent payments and would also provide mortgage forbearance. CalRHA opposed both of these bills, and both bills were held in their respective committees due to the other house's refusal to pass their priority bill. This dramatic event rendered both bills dead for the year.



Assemblymember David Chiu

With the top two housing bills dead for the year, and with Judicial Council's eviction moratorium expiring on September 2nd, all eyes turned to the Governor for a solution. Governor Newsom worked with Assembly and Senate Leadership and a number of stakeholders to craft legislation that would provide relief amidst the pandemic. CalRHA was approached by the Governor's office to solicit input on this language and we were a part of crafting the bill, and though we did not receive all of our asks, we did receive a number of them. The finalized language was inserted into **AB 3088**, a budget trailer bill that was authored by Assemblymember Chiu. This bill was the product of negotiations between the Governor, Legislature, and stakeholders and it received no opposition. Specifically, this bill creates two separate repayment periods as they relate to unlawful detainers; 1) A protected period from March 1, 2020 until August 31, 2020. Rent is due for this period, and property owners are required to provide a written form declaration to renters informing them that rent is due but they cannot be evicted if they attest that they have a COVID-19 financial hardship. CalRHA asked for documentation and means testing to be required, and the final bill requires those who make 130% of AMI to provide additional proof of hardship. 2) This includes a transitional period from September 1, 2020 until January 31, 2021 during which a renter who has not made rental payments cannot be evicted so long as they pay 25% of their rent either monthly or in the aggregate by January 1, 2021. Initially, the bill proposed this provision go through May 31, 2021, but CalRHA requested, and were successful in shortening this time period.



Governor Gavin Newsom

In addition to the provisions stated above, **AB 3088** states that, until February 1, 2025, a small claims court has jurisdiction in any action for recovery of a COVID-19 rental debt, regardless of the amount demanded. This provision of the bill also exempts a claim to recover a COVID-19 rental debt from the prohibition on filing more than 2 small claims actions.

Continued on page 13

Welcome New SBRPA Members

Amy Bash, Carol Garcia-Terrones,
Janay Marshall, John & Juli Erickson,
Kristin Foote, Linda Hance, Mark,
Julia & Tracey Taylor, Rae Guyer-Largura,
Steve Nelson, David Sullins, Holly Honarvar



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Rental housing owners can still file a lawsuit in the civil division of the Superior Court. In addition, this bill allows evictions to protect health and safety and also allows evictions that began prior to March 1, 2020 to proceed. CalRHA was successful in obtaining a limited preemption for rent moratoriums that were passed at the city or county level. Any local rent moratoria measure, however delineated, that occurs between August 19, 2020, and January 31, 2021, shall have no effect before February 1, 2021.

AB 3088 passed the Legislature on the last night of session and was sent to the Governor where he signed it immediately upon receipt. This was done just in time as the Judicial Council's eviction moratorium was set to expire. Since this bill was passed as a budget trailer bill, it became effective immediately upon being signed by the Governor. This bill is meant to be a stopgap measure to give Legislators and stakeholders ample time to negotiate a longer-term solution. This bill will provide relief until January 31, 2021. Negotiations will continue on this over the Fall and we expect a new proposal will be introduced when the Legislature reconvenes in January 2021.

Another proposal that CalRHA engaged in throughout session and during the final weeks was **SB 1190**, authored by Senator Durazo which would authorize tenants to terminate their lease without penalty in the event that an immediate family member is a victim of a crime.

While we opposed this bill since introduction, we were successful early in the Summer in removing provisions that would allow for **AB 1482** enforcement. Ultimately, this bill passed the Legislature and is on the Governor's desk. We have lobbied the Governor's office and requested that he vetoes this bill. He has until September 30th to decide.



Senator
Maria Elena Durazo

In summation, 2020 has been a dramatic year. COVID-19 turned the state on its head and significantly impacted how the Legislature conducted business. Many proposals that would have passed any other normal year were killed this year because of interhouse tensions, or because the Legislature simply ran out of time to pass them. As we look toward 2021, we believe that the Legislature will continue its cautious approach and we expect that legislating in California will be anything but business as usual. Nevertheless, CalRHA continues to find successful ways to communicate with elected officials and advocate for the interest of our members. In 2020 our Association was successful in impacting the outcomes of a number of bills and we were asked by the Governor to engage on various legislative proposals. Maintaining a respected seat at the table is a landmark accomplishment for our Association, one that we will continue to foster in 2021.

An advertisement for Darkblade Printing & Graphics. The background is a photograph of two golden retrievers running on a sandy beach. In the foreground, one dog is running towards the camera, and another is further back. The ocean waves are visible in the background. The text 'Darkblade Printing & Graphics' is overlaid on the left side of the image. The phone number '805-284-5992' and email address 'sales@darkblade.com' are overlaid in the bottom right corner.

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September 18, 2020

NAA Joins Lawsuit Challenging CDC National Eviction Moratorium

(The following is an excerpt of an article by Nicole Ryan from the NAA website)

The National Apartment Association (NAA) has joined the New Civil Liberties Alliance (NCLA) in their lawsuit challenging the U.S. Centers for Disease Control and Prevention's (CDC) national eviction moratorium. The CDC's . . . order harms the apartment industry and jeopardizes the long-term viability of rental housing. Rental housing providers, especially small "mom-and-pop" owners, do not have the ability to absorb delinquent rent and still pay their bills.

The suit, *Richard Lee Brown, et al. v. Secretary Alex Azar, et al.*, argues that rental housing providers have been irreparably damaged by the CDC order and its unwarranted overreach. Federal agencies do not have powers to waive state laws and the CDC has encroached on private property rights with no legal authority. Under the order . . . rental housing providers are unable to collect rent. . . limiting their ability to pay taxes, mortgages . . . and provide services to their residents.

"Eviction moratoria saddle the apartment industry solely with the responsibility of offering a service without compensation, all while operating at a potential deficit," said NAA President & CEO Bob Pinnegar. "Rental housing works on extremely narrow margins and, though last paid themselves, owners still need to pay extensive bills."

Throughout the COVID-19 pandemic, NAA has called for direct rental assistance . . . the only policy that keeps people housed and addresses needs of owners and operators alike.

Despite continued calls for this much needed relief . . . Congress has failed to enact direct rental assistance. This inaction, plus the CDC eviction moratorium, devastates the industry in the short-term and furthers the housing affordability crisis. . . in the long-term.

The rental housing industry should not be held solely responsible for solving our nation's housing crisis, which has been exacerbated in this pandemic, and government agencies should not trade one crisis for another.

The full article is available on the NAA website:
<https://www.naahq.org/news-publications/naa-joins-lawsuit-challenging-cdc-national-eviction-moratorium>

Additional NAA Programs & Information

Coronavirus Resources & Guidance: Best practices, webinars, advocacy, and more
[naahq.org/coronavirus-guidance](https://www.naahq.org/coronavirus-guidance)

COVID-19 Impact Survey for Owners & Operators
[naahq.org/news-publications/covid-19-impact-survey-owners-operators](https://www.naahq.org/news-publications/covid-19-impact-survey-owners-operators)

How COVID-19 has Rapidly Transformed the Real Estate Industry
[naahq.org/news-publications/future-property-management-how-industry-embraced-chaos-and-came-out-ahead](https://www.naahq.org/news-publications/future-property-management-how-industry-embraced-chaos-and-came-out-ahead)

Connecting with Prospective Residents while Social Distancing
[naahq.org/news-publications/connecting-prospective-residents-while-social-distancing](https://www.naahq.org/news-publications/connecting-prospective-residents-while-social-distancing)

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Property websites*		✓
Online lease execution*		✓
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- Mon, August 24th 3:00 PM **Prop 21, Rent Control in November**
- Tue, September 1st 12:16 PM **Rent Assistance Program & State Eviction Moratorium Details**
- Wed, September 16th 11:52 PM **No on Prop 21!**
- Wed, August 26th 3:14 PM **S.B. County Rental Assistance**
- Tue, September 8th 1:44 PM **Webinar on AB 3088**
- Tue, September 22nd 3:15 PM **SBRPA Quick Learning Lunches**
- Fri, August 28th 10:45 PM **Eviction Moratorium Extended**
- Wed, September 9th 7:45 AM **State vs National Moratorium**
- Tue, September 22nd 3:15 PM **Mandatory 1-Year Leases**

Mandatory 1-Year Lease

City of Santa Barbara



In the City of Santa Barbara, a one-year lease must continually be offered year-after-year, even if the tenant has rejected the one-year lease offer in the past.

"One Year Lease Rejection Form" available on SBRPA Website Member Legal Forms.


On September 9, 2019 the City of Santa Barbara enacted an ordinance that requires landlords to offer written one-year leases to tenants. If your property is in the City, and is a single family home, you can give notice you are not renewing. However, if it is **multi-family** you must either offer a lease again, or offer MEDIATION. This is a brief breakdown of the ordinance. To view the full ordinance, view the Santa Barbara Municipal <http://qcode.us/codes/santabarbara/>, Code Chapter 26.40. If you have questions whether this law applies to you, please consult your attorney.

What is this Ordinance and who does it apply to?

This Ordinance requires landlords in the City of Santa Barbara to offer a one-year written lease to all tenants. The landlord's signing of a lease which has a minimum term of one year shall be considered an offer in writing.


The following do NOT need to offer a one-year lease:

1. A single-family dwelling.
2. Rooms or accommodations in hotels or boarding houses which are lawfully rented to transient guests for a period of less than thirty days.
3. Dwelling units in a condominium, community apartment, planned development or stock cooperative, or in a limited equity stock cooperative as defined in the California Business and Professions Code.



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I VOTE NO on PROP 21!

Pick up your NO ON PROP 21 Yard Sign from SBRPA.



Proposition 21, the Rental Affordability Act, is written to drastically expand the rent control laws by repealing the protections currently in place under the Rental Housing Act. If passed, this new ballot initiative will:

- Prevent landlords from charging market rent by requiring cities to cap rent increases upon vacancy.
- Expand Rent Control to include single-family homes and condominiums when more than 2 are owned, OR if title is held by a LLC, or any other entity that is not a natural person. (Individuals who own no more than 2 homes are exempt).
- Allow cities to opt-in to rent control that would apply to all housing units more than 15 years old with a maximum cap of 15% increase over three years. (The value of your rental property and your rental income.

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What is AB 3088?

AB 3088 addresses the nonpayment of rent during the COVID-19 pandemic



NOTICE REQUIREMENTS

If a tenant has unpaid rent between March 1, 2020 and August 31, 2020, the landlord must provide the tenant with a notice regarding their rights under AB 3088 by September 30,

Use TRA form: [Notice of Rights](#)

March 2020 - August 2020 Rent
Has tenant paid all rent due each month?

NO

Serve tenant with 15 day notice with information on rights under AB 3088 and how to claim hardship using a declaration form.

YES

Do nothing

Tenant has 15 business days (not including weekends) to respond

Use TRA form: [15 Day Notice to Pay or Quit 2020](#)

Did the tenant return the declaration?

NO

Landlord may file an unlawful detainer starting October 5, 2020. Results of these detainers will be masked by the court.

YES

Deferred rent for this time period can be collected after March 1, 2021 in small claims court or as a civil action.

September 2020 - January 2021 Rent
Has tenant paid all rent due each month?

NO

Serve tenant with 15 day notice with information on rights under AB 3088 and how to claim hardship using a declaration form.

YES

Do nothing

Tenant has 15 business days (not including weekends) to respond

Use TRA form: [15 Day Notice to Pay or Quit 2021](#)

Did the tenant return the declaration?

NO

Landlord may file an unlawful detainer starting October 5, 2020. Results of these detainers will be masked by the court.

YES

Tenant pays at least 25% of monthly rent (during each month, or in lump sum by January 31, 2021) they cannot be evicted.

Did the tenant pay 25% of each month by January 31, 2021?

NO

Landlord can proceed with unlawful detainer starting March 1, 2021

YES

Deferred debt can be collected after March 1, 2021 in small claims court

NOTE: All Tenant Relief Act (TRA) forms are available on SBRPA website under Member Legal Forms



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The Attorney's Corner



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

LESSOR'S RIGHT OF ENTRY AND NOTICE THEREFOR

A very popular issue and a common misunderstanding between lessors and tenants involves conflicts when a lessor seeks to exercise its right to enter the property (to maintain, inspect, repair, or show for sale/rent) and a tenant objects, claiming a violation of his or her right to privacy and quiet use and enjoyment of the premises. This area of landlord/tenant law is generally covered by California Civil Code section 1954. If you, or your agents, have not reviewed this code section recently, we suggest you do so; especially if you intend to repair and/or sell your rental property.

the lessor. This means that the lessor must respect the tenant's rights to occupy and use the property and accommodate the tenant regarding any planned inspection or maintenance activity. The lessor may enter the premises only under certain circumstances discussed below. If the lessor does not follow the law with respect to such entry and a tenant's right to privacy is violated, the lessor is exposed to damage claims. As we have seen in the past, creative tenants and their attorneys may expand privacy violation claims to include intentional or negligent infliction of emotional distress, harassment, or other torts that could cause problems for lessors.



Other than in instances of emergencies, abandonment, and invitation by the tenant(s), a lessor can enter a tenant's residence only during normal business hours (typically Monday-Friday, 9:00 a.m. to 5:00 p.m.) and, even then only after reasonable notice. In most instances, reasonable notice is presumed to be twenty-four (24) hours.

What Type of Notice Should be Given?

The tenant's duty or obligation to pay rent is conditioned on the lessor's proper maintenance and repair of the premises so as to maintain the habitability of the unit. This means that, out of necessity, the lessor must pay close attention to the condition of the premises. Such attention also serves the lessor who is motivated to preserve and protect the rental unit as an investment. For this reason, the law in California recognizes the right of a lessor to enter the premises under a number of defined circumstances. This does not mean that a lessor can enter a tenant's apartment/home at any time for any reason. Once a lessor rents residential property, possession is held by the tenant, not

In most situations, the lessor must give notice in writing of intent to enter the premises. The notice should include the date, approximate time,

Continued on page 23



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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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and purpose of the entry (see SBRPA form number 21, entitled "Notice to Enter Dwelling Unit"). If the lessor mails the notice, rather than delivering it personally to the tenant or putting it under the door, the lessor must give six (6) days' notice of entry. The lessor should keep a copy of the notice for its records.

In the alternative, the lessor and tenant may agree orally to the lessor's entry to make agreed upon repairs or provide agreed services, provided that the agreement includes the date and approximate time of the entry, which must be within one week of the agreement. In this situation, the lessor does not have to use a written notice. However, a subsequent or even concurrent "note of confirmation" (even if only done by email) is worth writing and leaving so that there is no later change of position by the tenant.

Types of Entry

1. Emergency

A lessor can enter the tenant's unit without giving notice in order to respond to a true emergency that threatens injury or property damage if not immediately corrected. For example, a fire or a gas or serious water leak is a true emergency which, if not corrected, will result in damage, injury, or even loss of life. HOWEVER: it is wise to knock first; leave a note for the tenant; and keep a record of what was done, when it was done, and by whom.

2. Permission

A lessor can always enter a tenant's unit, even without twenty-four (24) hours' notice, if the tenant agrees to the entry without pressure or coercion from the lessor and/or the property manager. If problems at the unit are only occasional and the lessor does not have any special needs of entry, the lessor can typically rely on a friendly telephone call to the tenant asking for permission to enter the unit. As mentioned above, document the tenant's consent in writing and provide a confirmation copy prior to entry.

If permission is refused or the tenant asks you to leave, then the better practice, absent an emergency, is to comply immediately and . . . call your attorney!

3. Repairs

California law permits the lessor, and its maintenance personnel, to enter a tenant's unit to make necessary or agreed repairs, decorations, alterations, or improvements. In these situations, the lessor must enter only during normal business hours and must give the tenant "reasonable notice." It is always wise to give your tenant at least



twenty-four (24) hours' written notice if possible. However, if there is a good reason, i.e., a repair person is available to make urgently needed repairs on a few hours' notice, the lessor can give reasonable but shorter notice. Under the statute (Civ. Code, § 1954), the twenty-four (24) hour notice period is presumed to be reasonable, but is not absolutely necessary.

In most situations, the twenty-four (24) hour notice period will not be a problem because the tenant will be happy that the lessor is making needed repairs and will likely cooperate with the entry requirements. However, some tenants are uncooperative when it comes to providing access to make repairs, at the same time that they are demanding that the repairs be made. If the lessor must deal with a tenant who is being difficult, then the lessor should give at least twenty-four (24) hours' written notice of the intent to enter, and call counsel for advice.

4. Entry to Show the Property

A lessor may enter a tenant's unit to show it to prospective tenants toward the end of a tenancy or to prospective buyers if the lessor wishes to sell the property. There are no time parameters in taking such action, but the conflict between the tenant's desire to avoid intrusion and the lessor's right to

Continued on page 25



QUICK LEARNING LUNCHES

Every week in the month of October

12:00-12:30 P.M.

Tuesdays in English
Wednesdays in Spanish

For 4 weeks in October, bring your lunch, sit back and listen to a panel of providers present a quick overview of current rental housing 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/tJlrdOOctqj4sEtIbCINyj4XZd45x49h2SHVv>
- Spanish: Wed, Oct 7 https://carorg.zoom.us/meeting/register/tJcvd-2prjgoG9UjPihZDYg_WHzetokcGl4z

Week 2 – Tenant Displacement Assistance Required

1482, Condo Conversion & Habitability.

- English: Tue, Oct 13 <https://carorg.zoom.us/meeting/register/tJEpcO2rqjorGN15Ba4dYipmO7tzm7lf4ii7>
- Spanish: Wed, Oct 14 https://carorg.zoom.us/meeting/register/tJAqcOysqDopEgUoTPtWocGJSK-_zzykbtP

Week 3 – Other State Laws

- English: Tue, Oct 20 <https://carorg.zoom.us/meeting/register/tJYodu-srTspHt26lgS1wjF4lO7AaSbb-MGU>
- Spanish: Wed, Oct 21 https://carorg.zoom.us/meeting/register/tJcuduyuzqorEgPu_r2TjgHEMIAWWRd7Z2l_

Week 4 – Santa Barbara City Laws

Mandatory One Year Lease, Mediation Services, etc.

- English: Tues, Oct 27 <https://carorg.zoom.us/meeting/register/tJcvcO-qrzMqGdlAhTWjeTHEhfv2c3y-D7iE>
- Spanish: Wed, Oct 28 <https://carorg.zoom.us/meeting/register/tJMsf-urqT8tHdafRwlXchGvCvom1pB9kqRj>

REGISTER: There is no charge, but you must register in advance.

To register, go to SBRPA website and click on the link next to each program date you want to attend.



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	6 1482 & Just Cause	7 1482 & Just Cause	8	9	10
11	12	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 from page 23

exhibit the premises can make for strained relationships. It is best to give as much notice as possible, and if there is a "problem," call counsel in advance to strategize how to solve the problem. We have received inquiries about entry to photograph the premises for marketing and sale, which is an issue that has not been specifically addressed by the California courts in a binding opinion. Should entry be made for purposes of taking photographs to market the property for sale, the lessor should give as much notice as possible (as though it were entry to show the property to prospective purchasers). Furthermore, to avoid claims of invasion of privacy, it could be beneficial to recommend the tenants move their personal/private belongings and property that they do not wish to be accidentally included in marketing photographs.

5. Entry to Conduct a Requested Move-Out Inspection

Pursuant to Civil Code section 1950.5(f)(1), a tenant who will be vacating the unit has a right to an initial move-out inspection "at a reasonable time, but no earlier than two weeks before the ter-

gal 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) 965-7746 or email David Grokenberg at David@rogerssheffield.com; Michael Brelje at Mike@rogerssheffield.com, or Scott Soulages at ssoulages@rogerssheffield.com.

NOTE: Please go to our website (www.sbrpa.org) and go to Members Only for access to our legal forms and documents, including "Notice of Declaration of Service to Residents", "Notice to Enter Dwelling Unit", and "Maintenance & Repair Request".

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mination or the end of lease date . . .". Such an inspection can benefit both the lessor and tenant. However, if the tenant fails to cooperate with such an inspection, you need to contact counsel. The symptom of "non-cooperation" may be indicative of other issues that you need to discuss with counsel. Once the lessor and tenant have agreed on a time for this move-out inspection, the lessor must notify the tenant in writing and give forty-eight (48) hours' notice.

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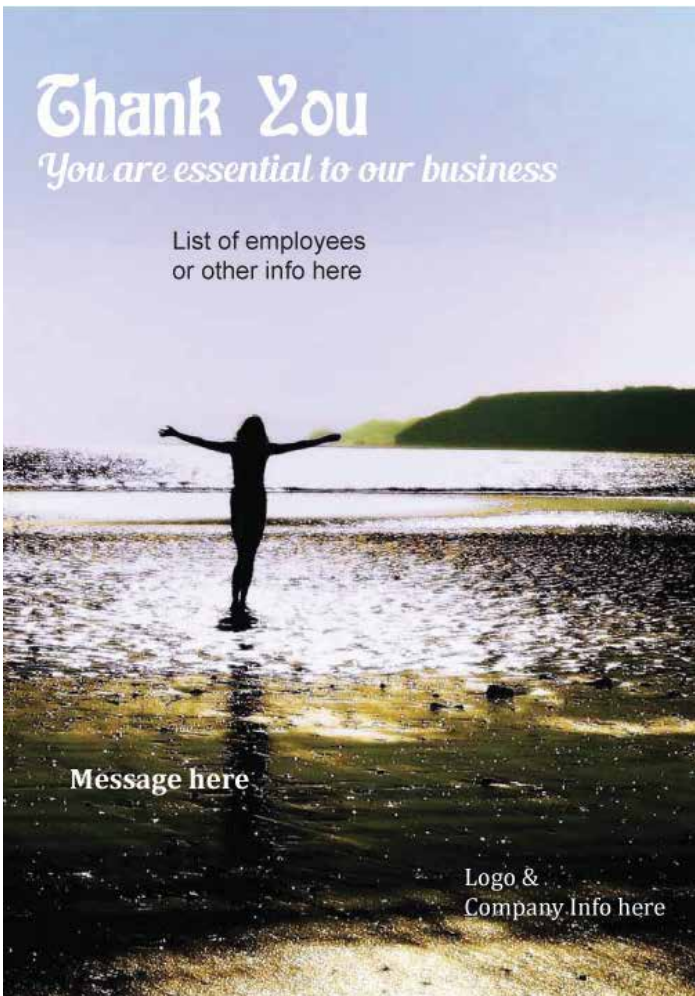


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Santa Barbara Happenings



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California Passes Statewide Residential Eviction Relief...Sort Of

In April, the Judicial Council of California issued Emergency Rule 1 which prohibited – except when necessary to protect public health and safety- all California courts from 1) issuing an unlawful detainer Summons, 2) entering a Default or Default Judgment, and 3) setting an unlawful detainer trial date earlier than 60 days after a request to set trial. Emergency Rule 1 expired on September 1, 2020, prompting the California legislature to pass the Tenant, Homeowner, and Small Landlord Relief and Stabilization Act of 2020 (“The Act”).



The Act prevents tenants from being evicted as a result of nonpayment of rent accrued between March 1 and August 31, 2020 as long as they provide their landlord with a Declaration under penalty of perjury that the unpaid rent is due to a COVID-19 related financial hardship. Landlords are also prohibited from evicting a resident for nonpayment of rent that became due between September 1, 2020 and January 31, 2021 if the tenant provides a Declaration of COVID-19 related financial distress and pays 25% of the rent that became due during this period. These protections are in place until February 1, 2021. The Act allows landlords, starting March 1, 2021, to recover the unpaid past rent in small claims court.

The Act is significantly more burdensome for

property owners. If landlords want to pursue an eviction, they must first provide a special notice to tenants who have failed to pay rent that was due since March 1, 2020. The notice must contain very specific language that informs the tenant that the Act can potentially protect tenants who have experienced COVID related financial distress from being evicted during the protected time period. It also must include a description of what constitutes “COVID related financial distress” and a statement that the landlord cannot evict under any circumstances prior to giving the tenant 15 days’ written notice to pay or surrender possession. A deficiency within the 15-day notice provide by the property owner can slow down and/or prevent eviction.

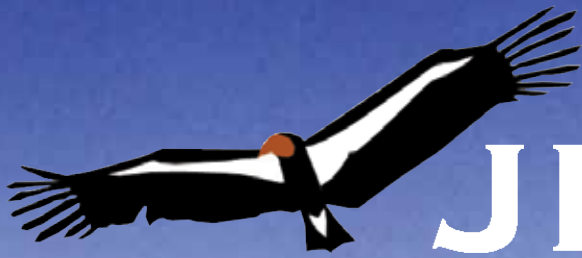
If the cause for eviction is not failure to pay rent due to COVID-19 financial related hardships, or the tenant fails to comply with the provisions under this Act, landlords can pursue evictions beginning on October 5, 2020 when courts are no longer prohibited from issuing summons in unlawful detainer actions.

Santa Barbara County Supervisors Vote in Favor of You Paying More New Taxes

The Santa Barbara County Board of Supervisors recently voted 3-2 in support of Proposition 15, a tax initiative that would amend current tax provisions



Continued on page 33



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established under Proposition 13. Known as the California Schools and Local Communities Funding Act of 2020, Prop 15 would tax commercial and industrial properties in California based upon their current market value, rather than their purchase price.

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

Prop 15 would repeal a major portion of Prop 13 by raising property taxes on businesses and agriculture.

Prop 15, if passed, is estimated to increase state property tax revenue by a whopping \$7.5 to \$12 Billion (with a B) annually. Revenue will first be distributed to the state to supplement decreases in revenue from personal income tax, then to counties to cover the costs of implementing the measure. Of the remaining funds, approximately 40% would then be allocated to schools, which is where the measure gets its misleading name.

Local Congressional candidate Andy Caldwell has been instrumental in sounding the alarm that Prop 15 will make harder for small business to keep their doors open and will increase the cost of living for consumers.

Local Rent Control Initiative on Statewide 2020 Ballot – If Passed, The Current Housing Crisis Will Get Worse

If passed, Proposition 21, known as the Local Rent Control Initiative, would replace the Costa-Hawkins Rental Housing Act (Costa-Hawkins).

Costa-Hawkins, established in 1995, provides several important limitations on how the state and local governments control rents that are charged by landlords. Some of the notable provisions of Costa-Hawkins allow landlords to raise the rent to the market rate once a unit is voluntarily vacated (vacancy decontrol), prevent local governments from establishing rent control on units built after February 1995, and exempt single-family homes and condominiums from local rent control laws.

Prop 21 will severely alter these protections. It will allow local governments to establish rent control on residential properties over 15 years old and allow local limits on annual rent increases to differ from the statewide limits already imposed. Prop 21 will also prohibit property owners from resetting rental rates when tenants vacate the property.

More regulations are not the answer to California's housing crisis. This will lead to some rental properties being taken off the market and others being sold to large corporations, ultimately increasing the demand for affordable housing. Increased regulations will also discourage owners from investing back into their property, driving down the re-sale value, tax revenue, and the tenant's living experience.

A Message of Support from America to Law Enforcement

If you are a Law Enforcement Officer and need a break, you can come park outside our house. If you are thirsty, we will bring you a drink. If you are hungry, we will fix you something to eat and serve you a good strong cup of coffee. If you are hot, we will invite you inside to cool off. If you need to talk, we will listen. If you need to pray, we will kneel with you. We only ask that you don't lose faith in Americans. We are NOT all against you. Look around and see the good people that are here for you. We are not as loud and obnoxious as these media seekers, but we are just as strong. Some of you are parents, children, spouses, friends, and we personally know how good your heart is. God bless you and your family. Thank You all for all you do to keep us and our families safe! May God protect you as you risk your lives to serve and protect us. We stand in support of our good men and women in blue.



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These are my PERSONAL ballot recommendations on the 2020 Ballot Propositions

Only two recommended Yes votes on Prop 20 and 22. The rest are NO.

Proposition 14 (Bonds) Vote NO

Whenever you see the word "bond", think debt. Good research attracts investors. There is no need for CA taxpayers to keep footing these bills to fund another \$5.5 in bonds for stem cell research.

Proposition 15 (Taxes) Vote NO

This bill will kill what is left of mom and pop, brick and mortar businesses who are already dealing with the internet, coronavirus, and the high cost of doing business. And, while this ballot measure takes away the financial protections of the original Prop 13 from commercial, retail, industrial and agricultural buildings, the proponents have already stated they are coming after homeowners next!

Proposition 16 (Affirmative Action) Vote NO

Only in California would we consider legalizing racial discrimination against some people to hypothetically cure it for others. This ballot measure would repeal Proposition 209 (1996), which prohibits the state from considering race, sex, color, ethnicity, or national origin in public employment, education, or contracting.

Proposition 17 (Suffrage) Vote NO

This ballot measure would allow felons who are still on parole to vote.

Proposition 18 (Suffrage) Vote NO

This measure would allow 17-year-olds who will be 18 at the time of the next general election to vote in primaries and special elections.

Proposition 19 (Taxes) Vote NO

It allows seniors to keep the benefits of Prop 13 from one property to another (which they can already do in SB County when buying a property of equal or lesser value). However, the expanded transfer benefits tradeoff isn't worth it because Prop 19 will increase property assessments on cer-

tain property following intergenerational transfers (parent to child) where beneficiaries do not reside on the property (i.e., most of the farms that produce our food). This ballot measure will harm family farms and food production.

Proposition 20 (Law Enforcement) Vote YES

This is an important proposition that reverses two of the worst previous propositions in the history of this State, namely Propositions 47 and 57, which downgraded numerous violent felonies to misdemeanors.

Proposition 21 (Housing) Vote NO

This rent control measure will seriously harm the rental market by dissuading new rental property construction and discouraging homeowners from renting their property.



Proposition 22 (Business) Vote YES

This bill repeals parts of AB 5, the bill that wiped out 1 million independent contractor jobs in the gig economy, specifically, in this case, drivers for services such as Lyft and Uber. This is a good start. I wish we would repeal AB5 in its entirety.

Proposition 23 (Healthcare) Vote NO

This is an attempt by unions to destroy this vital medical sector because they couldn't get the workforce to unionize. It will drive up costs and/or put some of dialysis clinics out of business altogether.

Proposition 24 (Business) Vote NO

This is an example of piling on to small businesses. California already has a consumer privacy act on the books.

Proposition 25 (Trials) Vote NO

This would use a computer assessment to determine whether somebody can be bailed out of jail. Eligibility for bail, and its amount, has been determined by judges based on standard practices and the arguments of defense attorneys and prosecutors for years. Having a computer do it is a bad idea.



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MANDATORY ONE YEAR LEASE

City of Santa Barbara



In the City of Santa Barbara, a one-year lease must continually be offered year-after-year, even if the tenant has rejected the one-year lease offer in the past.

'[One Year Lease Rejection Form](#)' available on SBRPA Website Member Legal Forms

On September 9, 2019 the City of Santa Barbara enacted an ordinance that requires landlords to offer written one-year leases to tenants. If your property is in the City, and is a single family home, you can give notice you are not renewing. However, if it is **multi-family** you must either offer a lease again, or offer MEDIATION. This is a brief breakdown of the ordinance. To view the full ordinance, view the Santa Barbara Municipal <http://qcode.us/codes/santabarbara/>, Code Chapter 26.40. If you have questions whether this law applies to you, please consult your attorney.

WHAT IS THIS ORDINANCE AND WHO DOES IT APPLY TO?

This Ordinance requires landlords in the City of Santa Barbara to offer a one-year written lease to all tenants. The landlord's signing of a lease which has a minimum term of one year shall be considered an offer in writing.

The following do NOT need to offer a one-year lease:

- A single-family dwelling.
- Rooms or accommodations in hotels or boarding houses which are lawfully rented to transient guests for a period of less than thirty days.
- Dwelling units in a condominium, community apartment, planned development or stock cooperative, or in a limited equity stock cooperative as defined in the California Business and Professions Code.

WHAT HAPPENS IF THE TENANT OR THE LANDLORD DON'T WANT A ONE-YEAR LEASE?

Rejection by prospective tenant or tenant - The rejection must be in writing (signed and dated by tenant). Rejection forms can be found on the SBRPA website.

NON-RENEWAL OF LEASES BY LANDLORDS

If the landlord does not wish to continue the rental relationship, then at the time the landlord delivers notice of such termination, the tenant shall be offered a one-session conciliation meeting (non-binding) with the landlord using the Santa Barbara Rental Housing Mediation Board, if available, or a qualified mediator of mutual choice and provided at mutual expense.

To obtain SBRPA forms, go to www.sbrpa.org, MEMBERS ONLY → Member Legal Forms & Info



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