

June 2021

# SANTA BARBARA RENTAL PROPERTY news



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



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# President's Message



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

The funding for rental assistance through the United Way reached its capacity in May for those who had not yet applied. However, it was announced almost immediately thereafter that new federal funding would be available to the tune of 5.2 billion dollars.

Governor Newsom then proceeded to roll out a robust budget for the coming year.

Here are the highlights:

## HOUSING

California's statewide housing shortage has been decades in the making—long before the COVID-19 Pandemic. In recent years, the state has made significant investments to bolster much-needed affordable housing production through tax credits, housing-related infrastructure grants, and financing loans. The pandemic further exacerbated the statewide housing shortage and impacted housing affordability.

The May Revision promotes and maintains stable housing through additional and expanded rental assistance, foreclosure prevention, and down payment assistance investments. Moreover, to continue the momentum on housing production, the Administration also proposes innovative ways to further plan, produce, preserve, and enhance the state's supply of long-term affordable housing.



Santa Barbara Affordable Housing Project  
Noozhawk image

The following May Revision concepts build upon the \$750 million in investments proposed in the Governor's Budget, for a total 2021-22 housing package of \$9.3 billion.

## HOMEOWNER AND RENTER RELIEF

The pandemic brought unprecedented challenges for renters and homeowners. To provide much-needed economic relief and recovery, the state has sought to maximize federal funds and enact laws benefiting renters, small landlords, and homeowners.

In August 2020, the Governor signed Chapter 37, Statutes of 2020 (AB 3088), providing eviction protections for renters through March 1, 2021. To protect homeowners struggling to pay mortgages, the Administration also worked with financial institutions to provide a 90-day grace period of mortgage payments with no negative credit impacts, relief from fees and charges, and a 60-day moratorium on foreclosure sales. The Governor later extended these protections by supplementing up to 18 months of mortgage forbearance provided by the federal government for homeowners experiencing financial hardships in paying federally-backed mortgages.

Building on those measures, the May Revision proposes the following additional augmentations to provide additional relief.

## CALIFORNIA'S COVID-19 RENT RELIEF PROGRAM

In January 2021, the COVID-19 Tenant Relief Act, Chapter 2, Statutes of 2021 (SB 91) was signed, creating the California COVID-19 Rent Relief Program. This program provides up to \$2.6 billion in federal rental assistance to those facing financial hardships as a result of the pandemic and extends the eviction protections through June 30, 2021.







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Subsequent to the state's program deployment in March 2021, the federal American Rescue Plan Act of 2021 (ARPA) provided for an additional \$2.6 billion to California for both state and local entitlement jurisdictions for a total of \$5.2 billion in federal rental relief aid.

The May Revision includes statutory amendments to maximize the use of available federal funds for rental, utilities, and housing-related expenses to help as many Californians as possible stay housed, while bolstering the economic resiliency of those hardest hit by the pandemic.

Additionally, the state continues to utilize \$331 million in National Mortgage Settlement funds for mortgage assistance. The state is also preparing to utilize \$1 billion from ARPA Homeowner Assistance Funds to the California Housing Finance Agency (CalHFA) to provide additional mortgage assistance, principal reductions, and qualified housing-related charges to provide housing stability.

### **EXPANDED HOMEOWNER AND RENTER LEGAL ASSISTANCE**

To further protect homeowners and renters experiencing unprecedented economic hardships, the 2019 and 2020 Budget Acts appropriated \$51 million in grants to community-based organizations that offer eviction and foreclosure counseling, consultation, mediation, training, education, and representation

As homeowners and renters continue to face economic challenges caused by the pandemic, the May Revision includes \$20 million in federal ARPA Coronavirus State Fiscal Recovery Funds for the next three years (\$60 million total) to the Judicial Council to continue providing legal assistance grants to over 100 legal service and self-help organizations.

### **INCREASING HOUSING PRODUCTION**

The May Revision proposes \$1.75 billion one-time federal ARPA funds to help support HCD affordable housing projects. This will help more than 6,300 units of shovel-ready affordable housing move forward quickly rather than accumulating costs while waiting for a potential future tax credit. This effort will be combined with other homelessness proposals mentioned later in this Chapter.

### **ACCESSORY DWELLING UNIT FINANCING**

Accessory Dwelling Units (ADUs) have become an increasingly popular and cost-efficient tool to create needed housing. Chapter 159, Statutes of 2019

(AB 101) provided \$19 million General Fund for CalHFA to finance ADUs for low- and moderate-income households, which is anticipated to begin in July 2021. To foster greater economic recovery and affordable housing, the May Revision includes an additional \$81 million one-time federal ARPA funds to expand CalHFA's ADU program to inject a total of \$100 million in available financing for ADUs. Because ADUs have quicker local approvals, this proposal will further expedite low-cost production and more quickly increase the housing units statewide.

### **SCALING UP DEVELOPMENT ON STATE EXCESS SITES**

The state is committed to expanding and streamlining the development of housing on available excess state sites. To further encourage participation in the state excess lands program, the Governor's Budget proposed trailer bill language to permit phased and commercial development needed to develop more affordable housing.

To keep the momentum going on this effort, the May Revision proposes \$45 million in one-time federal ARPA funds that would scale up excess land development by providing funding for vital infrastructure for viable housing projects.

As this goes to press, it is unknown whether the eviction moratorium will end on June 30<sup>th</sup> as scheduled or whether the Governor will issue yet another emergency executive order extending the time. Many organizations, including SBRPA and CalRHA have written to the Legislators and the Governor's staff as well as lobbied for the end of the eviction moratorium. Since all of this funding is available to renters and the state is opening up again, why is this needed? The eviction moratorium has prevented the eviction of tenants who are disturbing other tenants; tenants who haven't paid their rent even though they have seen no reduction in salaries and have kept landlords from paying their bills.

I will give you just one such story. This involves an 84-year-old man who is in Hospice care. His neighbor is a lady in her seventies. The lady is nocturnal and plays her radio very loudly in the middle of the night. It was even discovered during a maintenance call that she deliberately has her radio facing the wall on the floor so that the sound would go directly into her neighbor's apartment. He has requested that the landlords buy him a bed that would fit in his living room rather than his bedroom so that he can get some sleep. He says he just wants to die in peace.

Please write to your legislators to end the eviction moratorium.





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Image Jake Grella, unsplash.com



# SBRPA Calendar

## In 2021 NAA Upcoming Events

### Apartmentalize+

Tuesday, June 16, 2021 • 2:00 PM EDT

NAA has created a pre-event online event, an afternoon of celebration and inspiration with keynote speaker, Bill Rancic; performance by Second City; and NAA Excellence Awards Ceremony, recognizing the best and brightest in the rental housing industry. The event includes:

- Welcome, Keynote Speaker Bill Rancic
- How to Use Challenging Times to Your Advantage
- Second City Virtual Improv Show
- 2021 NAA Excellence Awards.

Apartmentalize+ is a free, online event to celebrate the industry before getting together in-person at Apartmentalize from Aug. 31 – Sept. 2.

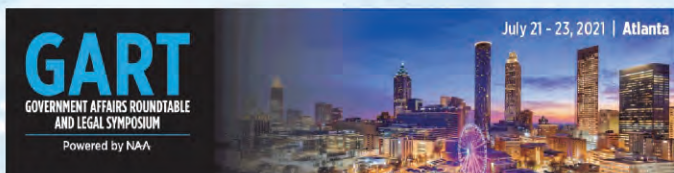
Register on the NAA website: <https://my.naahq.org>

2021 JUNE						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6 	7	8	9	10	11	12
13	14 	15	16 NAA Apartmentalize+	17	18	19
20 	21	22	23	24	25	26
27	28	29	30			

### 2021 Annual Charity Golf Tournament

Friday, October 29, 2021 • Glen Annie Golf Club  
 Registration 9:30 AM • Shotgun 11:00AM  
 2021's YardiStick Putting Contest 9:30-10:45AM

Our golf tournament is back, and our friends at YARDI will be the Title Sponsor again. Please see page 15, or our website for more information.



### GART & Legal Symposium

July 21-23, 2021 Atlanta, GA

The 2021 Government Affairs Roundtable and Legal Symposium (GART), connects and educates government affairs professionals and volunteers, and discusses current rental housing industry issues. See page 11 for details.



Contact Chairperson Danielle Holzer for more Sponsor opportunities and registration info. PH: 805-331-3963 or email [danielleHolzer@dmhproperties.net](mailto:danielleHolzer@dmhproperties.net)

*Please check [www.sbrpa.org](http://www.sbrpa.org) for the most current meeting and event information.*



### Apartmentalize 2021

August 31 – September 2, 2021 Chicago, IL

The Apartmentalize schedule is designed to maximize your connections with other attendees and exhibitors. With interactive sponsored activities, the NAA Exposition and structured networking sessions, Apartmentalize provides countless opportunities to meet and exchange ideas with the best in the industry. See page 11 for more information.



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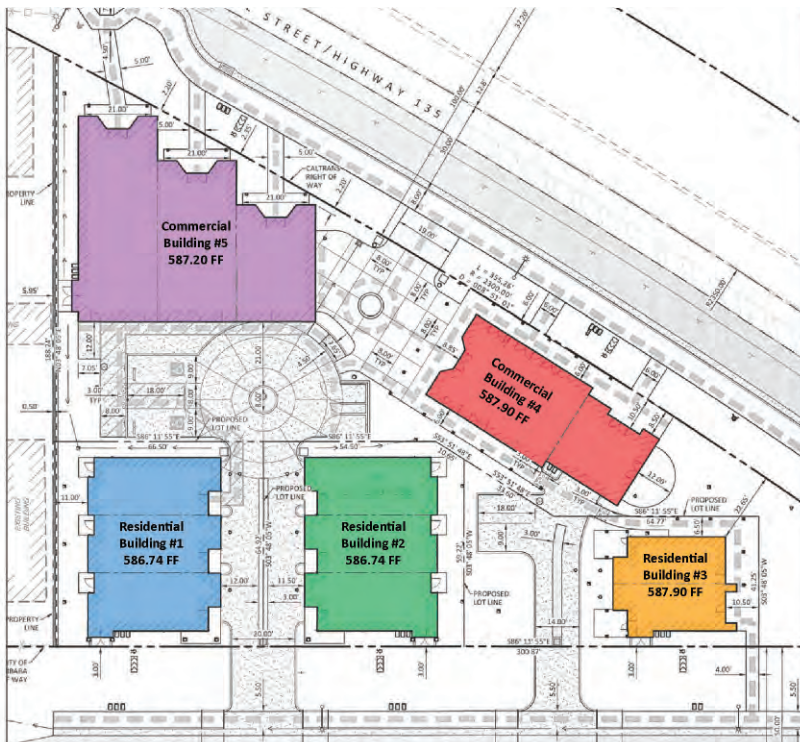
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# NAA Events & Resources



National Apartment Association

The National Apartment Association is a non-profit trade association in the United States of apartment communities, owners and suppliers. These member companies are also part of NAA with their membership at the local level.

## MEETINGS & EVENTS

Upcoming events for 2021 include:

- Apartmentalize+, 6/16/2021, online
- Excellence Awards Ceremony, 6/16/2021, online
- Government Affairs Roundtable and Legal Symposium, 7/21-7/23/2021, Atlanta GA
- NAAEI Affiliate Education Conference, 8/2-8/4/2021, online
- AEX Live, 8/4-8/6/2021, online
- Apartmentalize, 8/31-9/2/2021, Chicago, IL
- Assembly of Delegates, 11/2-11/4/2021, Cincinnati, OH
- NAA Digital, 12/7-12/9/2021, online.

Registration for events available at the NAA website [www.naahq.org](http://www.naahq.org)



### GART & Legal Symposium

July 21-23, 2021 Atlanta, GA

The 2021 Government Affairs Roundtable and Legal Symposium (GART), is NAA's event that connects and educates government affairs professionals and volunteers while discussing pressing rental housing industry issues happening all over the country.

The NAA Legal Symposium, concurrent with GART, 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.

For more information and registration, go to: <https://www.naahq.org/2021-gart>.



## APARTMENTALIZE 2021

August 31 – September 2, 2021 Chicago, IL

In-person meetings, travel and fun are all making a comeback in 2021 and to accomplish all of that, we are postponing the 2021 Apartmentalize to August 31 – September 2, 2021. With an extra 2 ½ months, we know even more of you will be able to reconnect, restart and reenergize at the largest gathering in the rental housing industry.

Top 4 reasons you should attend Apartmentalize:

- Grow your knowledge
- Find solutions
- Reconnect and have fun
- Celebrate and give back.

The Apartmentalize schedule is designed to maximize your connections with other attendees and exhibitors. With interactive sponsored activities, the NAA Exposition and structured networking sessions, Apartmentalize provides countless opportunities to meet and exchange ideas with the best in the industry.

To ensure all precautions and social distancing guidelines are met, next year's event attendance will be capped so reserve your spot today!

For more information and registration, go to: <https://www.naahq.org/2021-apartmentalize>

The NAA website also offers help and support in best practices, surveys, publications, and white papers. An example of available articles:

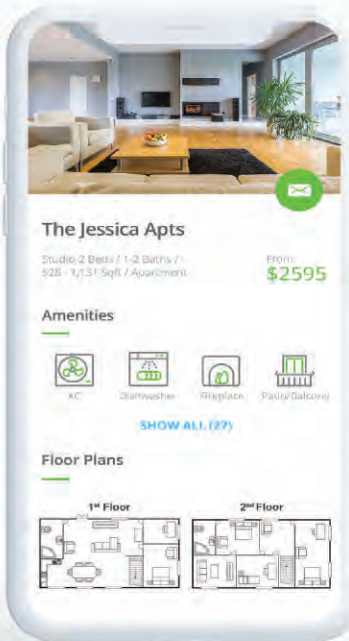
- Best Practices – Multifamily Debt Collections:
- White Paper – Synthetic Fraud: How to Identify, Respond To & Prevent It
- National Survey – Barriers to Apartment Construction Index
- *Units* magazine
- Multifamily textbook publication.

Go to the website to find more details on Advocacy, and Education & Career opportunities .



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Owner payments & reports	✓	✓
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Resident screening <sup>†</sup>	✓	✓
Corporate websites <sup>†</sup>	✓	✓
<b>Property websites<sup>†</sup></b>		✓
<b>Online lease execution<sup>†</sup></b>		✓
<b>Customer relationship management</b>		✓
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May 2021

## EVICITION MORATORIUM UPDATE



California Governor  
Gavin Newsom

On May 5th, a federal judge struck down the national eviction moratorium, but the Biden Administration will be appealing.

Additional details at:

<https://www.nytimes.com/2021/05/05/us/politics/eviction-moratorium-biden.html>

California's eviction moratorium is set to expire on June 30th and CalRHA is advocating on behalf of the industry to ensure that our interests are heard. CalRHA Leadership will be meeting with the Business Consumer Services and Housing Agency and the Housing and Community Development Department on May 12th. We are also engaged with the Governor's Office and key legislators on the issue.

## LEGISLATIVE UPDATE

The legislative deadlines to hear bills in policy committees in their house of origin has passed and CalRHA, along with others in the industry, were able to hold several of the key bills that we were opposing. Several of those bills that will NOT be moving forward this year include:

- **AB 854 (Lee)** – Ellis Act/Withdrawal of Accommodations
- **AB 1000 (Ward)** – Fair employment and housing protections: background check service providers: housing status.
- **AB 1199 (Gipson)** – Homes for Families and Corporate Monopoly Transparency Excise Tax
- **AB 1241 (Jones Sawyer)** – Rental housing unlawful housing practices: applications:



Assemblymember  
Buffy Wicks

The rent registry bill, **AB 1188** (Wicks), was recently amended to now require HCD to retain all data associated with the Emergency Rental Assistance Program (ERAP) and all information associated with local government rental registries for no less than 10 years.

CalRHA remains opposed because recent amendments that try to maintain private information about renters and housing providers are insufficient. Therefore, we are opposing the bill which will be heard in the Assembly Appropriations Committee on May 12th.

Finally, CalRHA is pursuing a balcony repair fix to ensure that inspectors can also perform the repairs for balconies. Our language is included in **SB 607** which is set to be heard on May 17th in the Senate Appropriations committee.

## RENT ASSISTANCE UPDATE

CalRHA continues to work with the Housing Agency and Department to ensure that they are hearing updates from the industry on the statewide and local rent relief programs. For additional information on the state's rent assistance and to apply, please visit

<https://www.bcsh.ca.gov/covidrelief/>

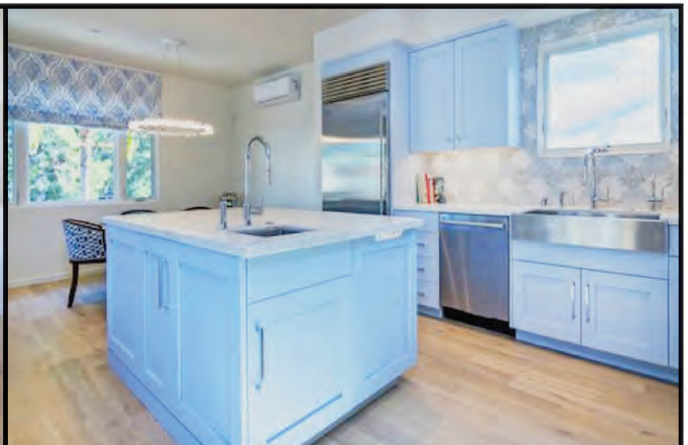
*The SBRPA website has the latest information on Emergency Rental Assistance for Landlords. The County of Santa Barbara ERAP is no longer accepting applications, but the State Emergency Assistance application portal is now accepting applications for Santa Barbara County residents at the State "Housing is Key" website.*  
<https://housing.ca.gov/>



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**Friday, October 29, 2021**  
**Registration 9:30 AM • Shotgun 11:00AM**

2021's YardiStick Putting Contest 9:30-10:45AM

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### All moved in & ready to go

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## 2021 Fall Charity Golf Tournament

to benefit Transition House

Friday, October 29, 2021 • Glen Annie Golf Club



Danielle Holzer

**Thank you Yardi**, our Title Sponsor for the 2021 Tournament!

Contact Chairperson Danielle Holzer for more Sponsor opportunities and registration info. PH: 805-331-3963 or email [danielleHolzer@dmhproperties.net](mailto:danielleHolzer@dmhproperties.net)

As always, we have the best Sponsors for this year's event. Come for a chance to win the Ping Driver in the *Yardi Putting Contest*. Quench your thirst at one of the many refreshment stations: *Battaglia's Biergarten*, *American Riveria's Marvelous Margaritas*, or *Meridian's Oasis Water Hole*. Don't forget to stop by the ever popular *Rollin' Radius Cigar Cart*. A special welcome to WDC Kitchen & Bath Center, this year's Golf Cart Sponsor.



## Transition House

THE WAY HOME



Transition House is dedicated to the solution of family homelessness in the Santa Barbara community. Families with children are offered life tools and residential services designed to alleviate poverty and restore self-sufficiency and dignity. Transition House takes a holistic approach to ending the cycle of poverty and homelessness for Santa Barbara families.

We work with parents on improving money management skills, education, and employment opportunities. Families are given referrals to access additional social services including medical care, clinical counseling, recovery services, quality licensed childcare and public benefits. We offer education and enrichment programs for children, and work with the school district to make sure that school-aged kids have tutoring help, supplies and transportation to get to school.

Families that participate fully in Transition House's array of services are able to return successfully to stable, permanent housing. For more information go to [www.transitionhouse.com](http://www.transitionhouse.com)



All images from [TransitionHouse.com](http://TransitionHouse.com)

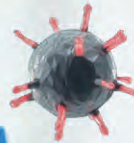




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# Mail Chimp Communications

To help keep everyone updated on the rapidly changing rental housing market, SBRPA is using MailChimp to send members emails. 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](mailto:admin@sbrpa.org). Put **your email address** in the subject line.

- Tue, May 4th 10:00 AM  
**Property Management Seminar**
- Tue, May 18th 9:30 AM  
**Learn about new free rental listing service**
- Tue, May 18th 9:30 AM  
**Learn about new free rental listing service**
- Thu, May 20th 9:30 AM  
**New CDHP Mold Booklets**
- Mon, May 17th 5:51 PM  
**California Budget - Rent & Utility Relief**
- Thu, May 20th 8:48 PM  
**Rental Registry Bill Defeated**

**CalRHA**  
CALIFORNIA RENTAL HOUSING ASSOCIATION

**SBRPA**  
SOUTHERN CALIFORNIA RENTAL PROPERTY ASSOCIATION

## Great News! Mandatory Rental Registry Legislation Defeated

Thanks to your tremendous efforts and that of CalRHA's lobbying team, AB 1188 (Wicks), which would have mandated a statewide rental registry, was defeated today in the Assembly Appropriations Committee. The bill is now dead for the year! Click here for text of bill

Your support of CalRHA is what makes this and other advocacy successes possible. We're continuously working to protect your interests.

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**Public Health publishes Booklet**

Department of Health

California Department of Public Health (CDPH) has produced a Mold Dampness and Mold for Renters English and Spanish versions, including specific health measures to dampness or mold in

Information must be provided by prospective tenants, in accordance with the California Consumer Protection Act (HSC §26148).

Translations of the booklet are available. For more information, contact the Department of Legal Forms: (916) 227-2222

**Force YOU to Stay In Rental Housing - You Are Losing Money!**





Nonprofit Coastal Housing Partnership has launched a rental listing service for local landlords and property managers to advertise their residential listings in Santa Barbara County and Ventura County. Access to this listing site is available to the 45,000+ member employees of 60 local Coastal Housing Partnership employers.

Many Coastal Housing Partnership member employees are very interested in condos, town-homes, and single-family rental units. This platform is proving to be an effective alternative to Craigslist and other non-local sites.

Benefits to landlords include:

- Targeted audience of local employees
- Ease of publishing properties
- Ability to archive property listings for future use
- Personalized help from Coastal Housing staff to list your rental unit(s).

Since 1987, Coastal Housing Partnership has helped local employers attract and retain valued employees by providing their employees with a full range of housing benefits. They are pleased to provide this Rental Search Site to the 45,000 employees of our more than 60 member employers.

Any questions contact Kym Paszkeicz at (805) 450-5698 or [Kym@coastalhousing.org](mailto:Kym@coastalhousing.org).

## List your rental properties for **FREE** to thousands of local employees.

Funded by nonprofit Coastal Housing Partnership

Over **45,000 local employees** from **60+ companies** have **FREE** access to view your properties on Coastal Housing's rental listing service.

**List your properties at [rentals.coastalhousing.org](http://rentals.coastalhousing.org)**

### Questions?

Reach out to us at  
[Kym@CoastalHousing.org](mailto:Kym@CoastalHousing.org)

For over 30 years, **Coastal Housing Partnership** has helped local employers attract, hire and retain good employees by providing a suite of housing benefits. Over 11,000 local employees have become homeowners using the benefits. We are excited to expand our services to include this rental listing site.





# CELMAYSTER LISTINGS UPDATE

from Santa Barbara's native expert

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Partner

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JUST SOLD



## 1815 San Andres St, Santa Barbara

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Christos represented the buyer in this off-market sale of a three-unit property consisting of a 2BD SFR and a duplex of 2 x 2BD.

## CELMAYSTER APARTMENT SALES IN 2021

- 201 Ladera St – 21 Units
- 1904 San Pascual St – 4 Units
- 536 W Pedregosa St – 3 Units
- 1369 Danielson Rd – 2 Units
- 802 N Voluntario St – 2 Units
- 806 N Voluntario St – 2 Units
- 897 Camino Corto – 1 Unit



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- One free listing in the annual SourceBook.
- Opportunity to submit educational articles for publication in the SBRPA Magazine.
- An introduction of your company reps & display materials at membership meetings.
- The opportunity to display your brochures/business cards in the lobby of SBRPA and to have your information included in all new member kits.
- Early bird notification of special events (trade shows, SourceBook, etc.)
- Networking with property management companies at SBRPA meetings.



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Name on Card: \_\_\_\_\_



## SBRPA's Business Partners



June's Featured Partner: Citizen's Business Bank



### **Introducing SBRPA Business Partners.**

This is a special member group created for our Vendors and Suppliers. When you join you get a free listing in the Business Partner Directory on the SBRPA website along with your own page, where there will be a Company Description, logo and contact information, as well as a link to your own website.

Our business partners will also get a feature article in our monthly magazine. See page 22 for an application.



*Stephanie Olson  
Vice-President/  
Center Manager*

### **Why choose Citizens Business Bank?**

While we are newer to Santa Barbara (opening our local office in 2016), supporting the needs of California professionals and businesses has been the single mission on Citizens Business Bank since 1974. By carefully maintaining this focus, we have become the financial institution of choice for many of the best businesses and real estate professionals in the State.

### **How can I help local rental property owners?**

We can help you reduce borrowing cost through competitive loan pricing and expedited underwriting tailoring loan structure to your individual needs. We are able to offer the sophisticated products of the large banks while providing white glove service of a private bank.

### **What types of rental properties do you finance?**

My sweet spot is properties with 5+ units. Santa Barbara and Goleta hosts a unique blend of both traditional and nontraditional multi-family properties which can be difficult to finance conventionally. I have the ability to provide creative and flexible financing to meet the needs of our local real estate investors. In addition, we are able to offer financing on 1-4 units through our home lending department. NMLS #417441.

### **What types of loan terms do you offer?**

We have the ability to offer interest only loans, 5/7/10 year adjustable rate loans, or even 30 year fixed rate on commercial properties. Our rates are very competitive with both national and local banks.

### **How can I help local property managers?**

We have a suite of products that can increase profits by lower operating costs through the use of enhanced treasury management products and fraud prevention tools. My Property Management specialty group works with thousands of companies in California to help them identify and implement robust banking tools to streamline efficiency while also limiting risk with fraud prevention.

We also offer working capital lines of credit to help cover expenses during your busy seasons, such as Isla Vista summer turnover, or just help bridge the cash flow gap during your normal business cycle.

### **Will I be working with someone local?**

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*Business Partner: Citizen's Business Bank (continued)*  
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For any business owner or professional, having your own dedicated banker on call is vital. I would be honored to fill that role.



**About the author**



*I moved to Santa Barbara from San Luis Obispo in 2009 after falling in love with the cities charm and beautiful beaches. I met my husband, Tom, while serving on the board of a nonprofit.*



*These days 3 year old daughter Savannah keeps us on our toes and fills our days with laughter. On the weekends you can find us riding bikes along the beach, hanging out in the local parks, and enjoying great food and libations in the Funk Zone. I hope to see you around town!*



***If you can provide quality services to rental property owners in Santa Barbara County, we need you as a SBRPA Business Partner.***

Plumber, banker, insurance agent, roofer? SBRPA's 1,100 Members are always looking for recommendations on who to use for their 23,000 rental units in Santa Barbara and Ventura County. Thus, we invite you to join SBRPA as a "Business Partner Member".

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- an article in SBRPA's monthly magazine.
- the SBRPA website with a description of your Company, your logo and contact information, as well as a link to your own website. (We can include LinkedIn/Facebook URLs and . . .
- Contact Lori Zahn, Chair SBRPA Business Partnerships at: [lori@beachsidepartners.com](mailto:lori@beachsidepartners.com). Office: 805.626.3150 or Cell.805.451.2712



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# The Attorney's Corner



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

## LEASE REVIEW AND ISSUES TO CONSIDER



While standard and form leases are available, it is important to understand the importance and meaning of the various provisions in a lease. A form lease will (ideally)

address all legal requirements, yet every tenant and property is different. A better understanding of lease provisions will allow landlords to determine if a standard provision should be modified, and the best way to do so. The following lease terms can be reviewed to determine if modifications would be beneficial, whether for clarification, reduced risk exposure, or to facilitate unconventional arrangements.

**Utilities.** Most premises have only one meter for utilities, but are often rented to multiple tenants. If the lease is joint and several, the tenants may not understand joint and several liability, and thus the landlord could recommend they allocate utility costs. With multiple dwelling units on a single-family property, such as where an ADU is built in addition to an existing residence, each unit could have its own meter. ADUs do not require a "new connection" for utilities, and so some may be connected to the main residence's utilities and meter.

**Assignment and Subleasing.** The landlord and tenant must reach a clear agreement regarding the right of the tenant, at a later date to sublease or assign its lease. This is particularly important in light of the popularity of short-term rentals, and the desire to rent out spaces for seasonal periods in a destination town such as Santa Barbara. Prior articles discuss the difference between assigning and subletting, which should be considered as well.

**Authority to Contract.** While most residential tenants sign lease in their individual capacities, an entity or partnership may be a tenant. In such cases it is important to ensure the signing party has authority to bind the entity. However, if a tenant is a trust, and the trustee signs without indicating they are the trustee, the courts will generally enforce the lease against the trust.

**Identify of Tenants.** Often times tenants may not understand the difference between an occupant and a tenant named on the lease, the requirement to notify the landlord if other occupants are going to be at the premises long term (if that is permitted under the lease), and other issues arising out of having unnamed occupants at the premises. Unnamed occupants can be difficult for landlords to deal with if they have acquired tenant rights, and thus clarifying the identify of tenants could save the landlord from difficulty downstream.

**Condemnation.** After natural disasters such as fires, floods and earthquakes, some rented premises may be partially or completely condemned by government authority. Most controversies arise from partial condemnation and whether the tenant is willing to accept a smaller premises. It is important to understand how such an event impacts the parties' rights under the lease.

**Damage and Destruction.** Damage and destruction can be more difficult where there is no government action to condemn the premises. In emergency situations where fire, water and smoke threaten the premises, tenants may not be aware they should call the police or fire department and assume it is a landlord obligation. Similarly, insurance proceeds for damage will differ and thus tenants may wrongfully assume a landlord's policy covers tenant property in the event of destruction. Having a clearly defined set of obligations between landlord and tenant can reduce the risk of disputes due to emergency management and remedies for destruction to premises.

**Description of the Premises.** While many leased premises are uniform or clearly defined, there are plenty of shared houses and properties with multiple dwelling units that may share certain facilities, yards, and parking areas. Rights to these spaces can be clearly designated in an effort to avoid disputes later.

**Insurance and Indemnity.** It is important for landlords to consult with legal counsel and an insurance agent to make sure that they have acquired adequate insurance.

**Lease Term, Options and Starting and Ending Dates.** Sometimes the term of a lease is not clear. Many tenants, and even landlords, are unaware of

*Continued on page 29*





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the lease term (whether fixed term or month-to-month) and how that impacts the ability to modify or terminate a lease, local regulations requiring an offer of a one-year lease in certain jurisdictions, what happens when a lease term expires. These topics should be clearly set forth in the lease and understood by both parties.

As always, it is important to seek independent legal counsel as to your specific objectives and circumstances. If you have questions on these topics and/or need legal advice on these subjects, please call (805) 963-9721 or email David Grokenberger at David@rogerssheffield.com, Michael Brelje at Mike@rogerssheffield.com, or Scott Soulages at ssoulages@rogerssheffield.com.

### SBRPA LEGAL FORMS

Our library of documents includes:

1. Move-In documents
2. Rental Agreement Addendums
3. Move-Out documents
4. Notices
5. Miscellaneous Documents
6. Local Forms & Documents
7. TRA (Tenant Relief Act) Forms
8. Credit Report Forms & Documents



For more info: <https://www.sbrpa.org/legal-forms>

### CREDIT REPORTS

Visit the SBRPA website to learn about Credit reports: from how to become authorized to perform credit reports, to ordering TrendSource inspections, to using on-line screening tools, obtaining credit report documents and forms, and finally, how to interpret credit reports.



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# Santa Barbara Happenings



Terry A. Bartlett – Reetz, Fox & Bartlett LLP

## Vaccinations



We encourage all eligible persons to get vaccinated. Vaccination is driving the COVID-19 positivity rate down and is pushing the virus off the front page

and the entire State toward a needed resurgence of economic activity.

The next step is now to persuade the vaccine hesitant of the long-run benefits of vaccination. Among them (stated generally): You are much less likely to spread the virus; if you get sick you won't die or go to the hospital; and you are making your co-workers safer. You are also helping society and the economy re-open and return to normal.

The number of vaccinated people would be higher if the public health authorities were competent. For example, telling people that they still have to mask and distance even after being vaccinated was a disaster, and the unnecessary pause on J&J vaccinations was a debacle. The good news is that the Centers for Disease Control have now said vaccinated people can resume activities without wearing a mask or socially distancing. One more benefit to getting fully vaccinated.

## Home-Owners in Coastal Zone Re-Gain Control Over Their Property

On May 4<sup>th</sup>, the California Court of Appeals ruled in favor of Coastal Zone property owners' rights to use their property for short-term vacation rentals ("STVRs"). The City of Santa Barbara previously allowed for this use of property, charging a 12% hotel bed tax per rental, before implementing a ban on this activity in 2015. The lawsuit alleged that the ban, which was meant to allow for more affordable housing in the Coastal Zone, is a violation of the California Coastal Act that requires that the general public must have visitor serving uses within the Coastal Zone.

Officials feared that the higher rates charged for STVRs took away local affordable housing options. The City decided to create and implement a ban on STVRs in the Coastal Zone that has now been ruled as illegal.

## Ordinance Awarding Hazard Pay to Grocery Workers Approved by Santa Barbara City Council

In an act of incompetency and at least a year too late, the Santa Barbara City Council passed a law requiring that grocery store employees who worked throughout the COVID-19 pandemic receive "hazard pay," a \$5 per hour wage increase for up to 60 days, to employees of grocery stores who have more than 300 employees nationally and at least one employee locally. Incredibly, the City Council only decided to act now after the COVID-19 virus has been tamed by abundant local vaccinations. This is what passes for leadership at City Hall these days.

## More Local Government Burdens on Housing Development



In another effort to supposedly combat the affordable housing crisis in Santa Barbara, the Santa Barbara City Ordinance Committee supported a 15% inclusionary housing

requirement for housing projects outside of the central business district. This will require property owners with more than 10 residential units to offer 15% of their units at rental rates affordable to households at the moderate-income level (80% to 120% of Area Median Income).

With all of the talk about detrimental government-imposed restrictions and requirements over the past year, what is it that policy makers need to hear to learn that without proper incentive, burdensome requirements will only deter those working toward a solution, further exacerbating the problem? More regulation drives up prices and deters the creation of housing.

*Continued on page 33*



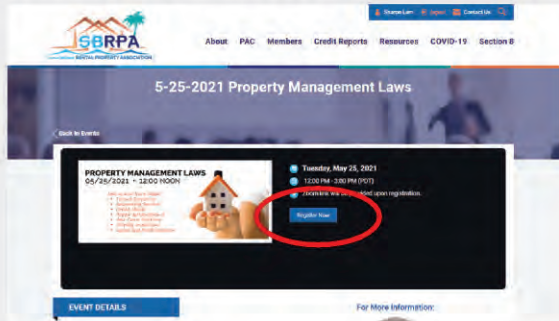
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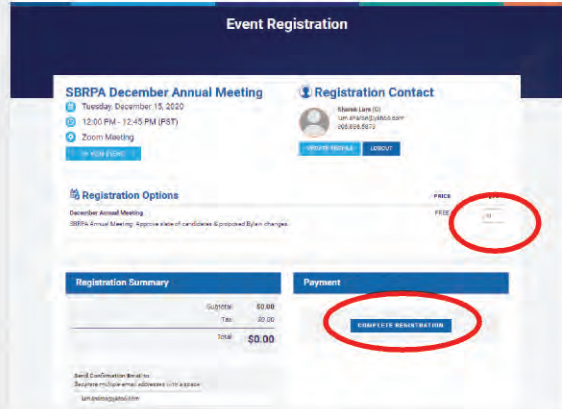
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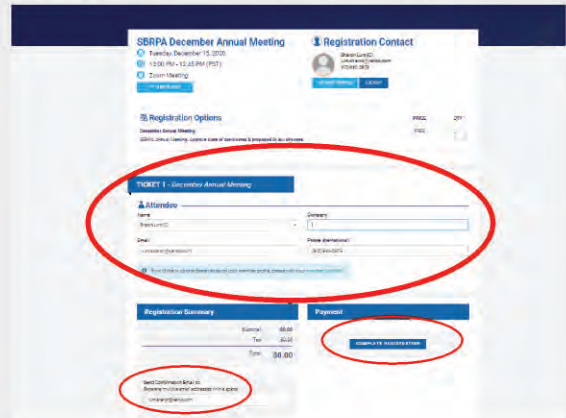
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The Committee Chairman, Mike Jordan, the only one of three to oppose this new requirement, pointed out that creating a 15% inclusionary requirement would further strain developers and make projects infeasible.

In accordance with the recommendation of the City's Planning Commission, Jordan wanted to wait until reviewing the results of an economic feasibility study related to the Average Unit-Size Density program, building standards, and floor-to-lot-area-ratios, which will be completed in October to make a decision.

Jordan is right. It is basic microeconomics that if there is a shortage of a desirable asset, say housing, then the equilibrium of the asset will sit at a higher price point. So, the most effective way to combat this phenomenon, and drive the price point down, is to produce a larger supply, or in other words, provide more housing units. The best part about this process is that it happens naturally, without any government intervention.

So why is it that two thirds of this ordinance committee seem to think that Santa Barbara is some sort of exception to the rules of microeconomics and that disincentivizing (punishing) the developers who aim to solve the problem will somehow fix the shortage of housing in question?

**A Solution to the Problem: Mayoral Candidate Randy Rowse**

A potential light at the end of the tunnel can be seen with the upcoming Mayoral election in November.



Randy Rowse brings a distinguished level of experience to the table, having served on the City Council for almost 10 years, and more importantly, having run local favorite restaurant The Paradise Café for nearly forty years.

Rowse has been described as a moderate and prides himself upon making decisions based on the needs of the people and the local problems at hand without consulting parties to first consider their interests.

Rowse is clear that his campaign is about returning the focus of our City Council to local issues. He points out that the demands of political parties, outside labor organizations, and special interest groups have taken precedence recently on our City Council's agenda and that those interests

do not serve our City. Voters did not hire local representatives to hold forth on the world's problems. Our elected public servants are rightly tasked to shepherd tax dollars prudently and handle the day-to-day concerns of the community.

**California State Legislature Jumps the Gun on Housing Requirements**

The California Senate introduced two potential housing bills (Senate Bills 9 and 10) that threaten the character of all local neighborhoods.

SB 9 would allow two residential units of housing to be built on land currently zoned for a single-family residence with only the ministerial approval of local government. Current Accessory Dwelling Unit ("ADU") laws already allow two ADUs for each single-family residence, allowing one single family lot up to 6 possible units. The City will lose all discretionary control in determining what areas the housing is best suited for. The Eastside, for example, lacks the infrastructure to develop these numbers of units.

SB 10 would authorize local governments to allow up to 10 housing units on a single parcel of land, including areas zoned for single-family homes, as long as the area is considered "transit-rich" or "job-rich."

Both bills, if implemented, will cause high density, crowded housing. Neither of these bills take into account the necessary parking and other infrastructure upgrades. SB 10 is less worrisome because it is an "opt-in" bill, meaning that local governments may choose not to implement the bill. At this time of this writing, both bills are awaiting a hearing with the State Legislature's Appropriations Committee.

**Governor Newsom Turns Tax Revenues into Cash Giveaway**

Amid his impending recall election (or perhaps as a result of it), Governor Newsom announced a new plan that would give two-thirds of California residents an additional cash payment of at least \$600. The funds are available due to a recently discovered tax collection windfall. According to the press release, the State collected more than expected from the its wealthiest residents and that money will now be allocated to residents earning less than \$75,000 annually. \$600 does not go far when you do not have a steady income. No word no new jobs or job training for those out of work.



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### CARPETS/FLOORING

**Jody’s Windows & Floors**  
(805) 637-6343

### CLEANING/MAINTENANCE SERVICES

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Cleaning Services**  
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ing.com  
(805) 683-1915

**Mendez Building Services**  
www.mendezservices.com  
(805) 963-3117

### COIN-OPERATED LAUNDRY

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www.washlaundry.com  
(800) 421-6897

### HEATING/AIR

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Conditioning**  
donsheatingsb@gmail.com  
(805) 683-2233

### INSURANCE

**Bill Terry Insurance**  
www.billterryinsurance-  
agency.com  
richard@billterryinsurance-  
agency.com  
(805) 563-0400

**John E. Peakes  
Insurance Agency Inc.**  
www.peakesinsurance.com  
cpeakes@peakesins.com  
(805) 658-2423

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(805) 218-5251

**Hermosa Painting**  
Bob.ulmer@verizon.net  
(805) 952-3418

### PAVING

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justin@ccpave.com  
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### PRINTING

**Sundance Press**  
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## PROPERTY MANAGEMENT

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danielleholzer@dmhproperties.net  
(805) 962-3707

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www.meridiangrouprem.com  
(805) 692-2500

### **Sandpiper Property Management**

www.sandpiperpropertymanagement.com

## REAL ESTATE

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www.battagliare.com  
steve@battagliare.com  
(805) 688-5333

### **Beachside Partners**

Lori Zahn  
lori@BeachsidePartners.com  
Beachsidepartners.com  
(805) 626-3150

### **Berkshire Hathaway Ken Switzer**

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kswitzer@bhhsca.com  
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### **Coastal Housing Partnership**

rentals.coastalhousing.org  
corby@coastalhousing.org

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sgolis@radiusgroup.com  
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