

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

Rent Control or a bomb?



see page xx for answer

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123 West Padre Street, Suite D
Santa Barbara, CA 93105

Office Hours:
By Appointment Only

www.sbrpa.org
Phone: (805) 687-7007
Fax: (805) 687-9708

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President's Message



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

March, 2022-Will the COVID-19 "Recovery Period" end on March 31st?

First, let's talk about AB838. This Assembly Bill sponsored by Laura Friedman (Dem.-Glendale) on February 17, 2021 exactly one year ago as I write this, was passed on September 28, 2021.

What will this Bill do?

State Housing Law, a violation of which is a crime, establishes statewide construction and occupancy standards for buildings used for human habitation. Existing law authorizes a city or county to designate and charge a specific department or officer with the enforcement of the State Housing Law, California Building Standards Code or any other rules and regulations for the protection of the public health, safety and general welfare.

Existing law deems a building, portion of building or premises where a building is located to be a substandard building if any one of specified conditions exists to the extent that it endangers the life, limb, health, property, safety or welfare of the public.

AB838 will beginning July 1, 2022, REQUIRE a city or county that receives a complaint of a substandard building or a lead hazard violation, (from a tenant, resident or occupant or an agent of a tenant, resident, or occupant, except as specified,) to inspect the building, portion of building or premises.

- It will REQUIRE the city or county to advise the owner or operator of each violation and of each action that is required to be taken to remedy the violation and schedule a re-inspection to verify correction.
- It will REQUIRE a city or county to provide free, certified copies of an inspection report and any citations issued to the complaining tenant, resident, occupant, or agent and to all potentially affected tenant, resident, occupant or agent.

The Bill further PROHIBITS the inspection or report from being subject to "unreasonable conditions." Unreasonable conditions include: 1. any requirements that the person complaining first make a demand for correction upon the owner of the property 2. That the tenant be current in the payment of rent, 3. That the tenant otherwise be in compliance with their rental agreement and 4. That the tenant,

resident or occupant not be involved in a legal dispute with the owner of the property.

Thus, the tenant can be in default of rent payments; be in violation of any provisions of the rental agreement such as illegal sublet; can have sued the owner or the owner could have filed an unlawful detainer against the tenant, resident or occupant. And, the tenant, resident or occupant does NOT have to give the owner fair warning that there is something that needs to be corrected and allow the owner to make such correction before the tenant makes a complaint to the city or county.

AB838 imposes a state-mandated local program.

What about the issue of the 2% rent cap being investigated by the City Council?

The 2% rent cap is not currently active. The City Council instructed the City Attorney to bring back a "scope of work" for a proposed \$200,000 study to assess the impact of the rent cap. SBRPA will be emailing members when it is brought back to the City Council for discussion so that you can attend the meeting and voice your opposition. In the meantime, you can find more information regarding the rent cap on the SBRPA website under "Member Legal Forms".

Will any of the onerous provisions against landlords brought about due to COVID-19 ever end?

- We have been through the "protected period" (which was from March 1, 2020 through August 31, 2020.)
- Then, we had the "transition period" (for a year from September 1, 2020 through September 30, 2021.)



THE LAW OFFICES OF
BETTY L. JEPPESEN

21 EAST CANON PERDIDO STREET, SUITE 207
SANTA BARBARA, CA 93101
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President's Message from page 5

- Now, we are in the "recovery period" (from October 1, 2021 through March 31, 2022.)

That is supposed to be the end of certain of the tenant protections under COVID-19 mandates. The forms are supposed to be changed accordingly. We shall see.

Since the laws are changing so frequently, please be sure to check that you are using the most current forms under the Members' Section on the SBRPA website.

Remember that we still have the state-wide rent control ordinance in Civil Code section 1946.2 regarding "Just Cause" and "rent caps" for those properties that are not exempt. Remember to have in your rental/Lease Agreements whether your property is exempt. These provisions are in place until 2030, unless extended.

Let's hope that there is light at the end of the tunnel.

Happy St. Patrick's Day.

Betty L. Jeppesen

President

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SBRPA Calendar



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NAA's Apartmentalize

JUNE 22-24, San Diego

Get ready for NAA's annual Apartmentalize where where the industry's thought leaders, trendsetters, and innovators come together to share ideas and solutions.conference. See ads and article, page 19.

NAA's Online Learning with Visto

Visto, brought to you by NAAEI and Grace Hill, is an online learning platform offering an assortment of online courses and recorded webinars that can be taken anytime, anywhere. Most of these courses count for continuing education credits (CECs) needed for credential renewals and are offered year-round. To view a list of credentials and courses approved for CECs, For more information, go to: <https://www.naahq.org/education-careers/online-learning>

NAA Seminars & Recordings

For a listing of previous seminars and links to their recordings, go to: <https://www.naahq.org/education-careers/online-learning/webinars>

If you need assistance, please reach us by email: admin@sbrpa.org or by phone: 805-687-7007

Welcome New Members

Frank Guzman, Sharayne Merritt, Das Debarshi, Margaret Jette, William Jean, Esteban Lopez, Melody Delshad, Ingrid Steele, Amanda Hoeningman, Tony Weldon, Teddy Grossini, Sharon Chessmar, Carrington Pyle, Debbie Shaw-Booth, Debra Grigsky

2022 MARCH

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
		1 Mardi Gras	2	3 Ash Wednesday	4	5
6	7	8	9	10	11	12
13	14	15 Death & Taxes 12:00-1:00	16	17 Supply Chain	18	19
20	21	22	23	24	25	26
27	28	29 COVID Evictions 12:00-1:00	30	31		

SBRPA Event: DEATH AND TAXES– How to Avoid at Least One of Them
03-15-2022, Tue., 12:00 noon

In this world, nothing is certain except death & taxes. Benjamin Franklin, 1789.

Join us and learn about real estate taxes, presented by Randall Fox, Esq., Reetz, Fox & Bartlett LLP. Register online at www.sbrpa.org. See page 13 for more information.

SBRPA Event: Evictions Coming out of COVID & Other Issues You are Discovering
03-29-2022, Tue., 12:00 noon

Led by SBRPA President Betty Jeppesen and Jim Cole, Esq., this meeting will cover how to handle evictions now that the moratorium has ended. Register online at www.sbrpa.org. See page 45 for more information.

SBRPA Event: Answers to Your (Housing) Problems

04-26-2022, Tue., 12:00 noon

Termination of Tenancies, Security Deposit Issues, Unlawful Detainers and the Eviction Process. G. Michael Brelje, Esq., Senior Attorney at Rogers, Sheffield & Campbell, LLP, will discuss these and other topics at this event. Register online at www.sbrpa.org. See page 50 for more information.



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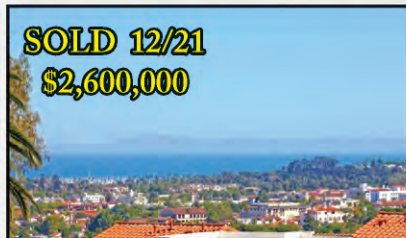
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CalRHA Legislative Updates



Kate Bell, KateBellStrategies.com

February 2022

Legislative Update

With the first month of the year under our belt, CalRHA has already had a few legislative victories. We were able to kill a few high priority two-year priority bills that needed to have passed their house of origin by January 31st.



Image: LATimes.com

- AB 854 (Lee) - Ellis Act: Withdrawal of Accommodations - DEAD.** AB 854 would have prohibited property owners who have owned rental accommodations for less than five years from using Ellis Act to withdraw rental accommodations and would have prevented someone who used Ellis Act from being able to do so again for 10 years. Fortunately, CalRHA and the opposition coalition were able to hold this bill on the Assembly Floor. It didn't have the votes to pass so didn't come up for a vote on the final day.
- AB 1241 (Jones-Sawyer) - Ban the Box for Rental Applications - DEAD.** Due to CalRHA and other opposition, the bill wasn't able to move out of committee in January. The author pulled it from its scheduled hearing.



CA Assemblyperson
Alex Lee



CA Assemblyperson
Rudy Salas

On the proactive side, CalRHA's sponsored bill, AB 916 (Salas), passed the Assembly unanimously. We were able to negotiate language with the Chairs of the Housing and Local Government Committees in order to gain their support of the bill. AB 916 streamlines bedroom construction by eliminating public hearings. Additionally, AB 916 increases ADU height limits

from 16 feet to 18 feet on parcels that are multistory and multifamily. We are grateful to SPUR, YIMBY, and others who joined CalRHA in support of the bill.

Rent Assistance Update

As of February 1st, the state has given out over \$1.9 billion in rent relief, out of the nearly \$7 billion requested. Clearly the program is underfunded and federal money will not be enough to cover the need. Therefore, CalRHA has been in conversations with Legislative Leadership and the Administration regarding the potential to use state money to help fund the program. For more information on the rental assistance program, please visit Housing is Key. (<http://HousingIsKey.com>)

CA COVID-19 RENT RELIEF

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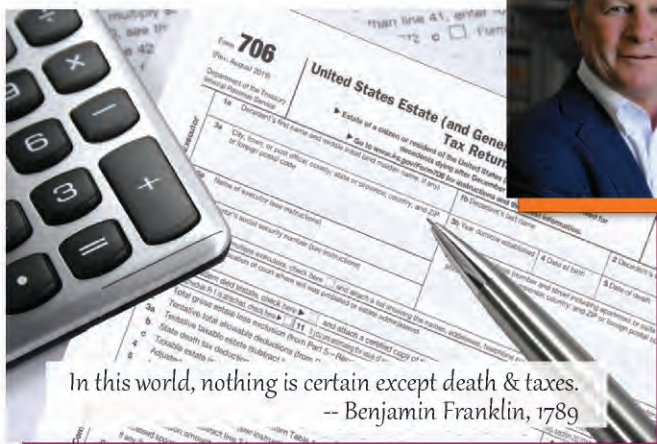
How to Avoid at Least One of Them

March 15, 2022 • Tuesday 12:00 noon

Presented by:
Randall Fox, Esq., Reetz, Fox & Bartlett LLP



Due to continuing COVID restrictions we are offering our classes and seminars via Zoom. Zoom link information will be provided at registration (www.sbrpa.org)



In this world, nothing is certain except death & taxes.
-- Benjamin Franklin, 1789



Randall Fox is experienced in real estate, land use and zoning law; business and corporate law; estate planning and trust administration; and complex business litigation. He has been with the firm since 1978 and is known for his strategic thinking, quality execution, and ability to get things done.

Randy has over 40 years' experience as an attorney with a client base that ranges from small investors, start-up businesses, family businesses and nonprofit entities, to large landowners, corporations and the FDIC. He was an instructor in real estate law at Santa Barbara City College and has been a panel attorney for the California Association of Realtors since 1990.

He has served as a member of the Chancellor's Council at the University of California Santa Barbara, a trustee and past Chairman of Laguna Blanca School, a director and past Chair of the Rehabilitation Institute at Santa Barbara, and a past director of the Goleta Valley Chamber of Commerce, Zona Seca, and past trustee of the Santa Barbara Historical Museum. Fox currently serves as a trustee of the Santa Barbara Maritime Museum and of Exploring Solutions Past: The Maya Forest Alliance.

Many property owners may be surprised to realize that, even with a moderately healthy return of approximately 7 percent annually, your net worth could easily double in ten to twelve years! However, without proper planning Uncle Sam can demand a hefty chunk.

Currently, the estate tax exemption is \$12.06 million per person in 2022 (which covers a substantial amount of real estate assets) but is scheduled in 2025 to **automatically** be reduced.

This reset will return the estate and gift tax exemption amount to \$5 million, as it was in 2016 (though it will be indexed for inflation, resulting in an exemption amount of approximately \$6.6 million in 2026).

If the estate tax exemption amount is halved in 2026 and increases only with inflation at a historic rate of approximately 2.5 percent per year, clients could very quickly find themselves at risk of paying significant estate taxes (currently at a 40 percent rate) if they are still in the mindset of having a \$12.06 million estate tax exemption (\$24.1 million for married couples) available when they pass away in the next one to two decades.

Let's talk about techniques to reduce these potential taxes from become a reality for your estate.

Members Free, Non-members \$75

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INTRODUCTION: Proposition 19, Death to Taxes

We, California's small property landlords, serve a vital function for the state by helping to facilitate affordable housing. But we're under attack in ways you may not know. Recent changes to the state Constitution will likely force many of us out of business when family properties transfer from one generation to the next.

Why? Proposition 19. Previously, under the state constitution, property transfers between parents and children, and sometimes grandparents and grandchildren, were excluded from reassessment. These family members could transfer a home of any value and up to \$1 million in assessed value of other property, such as a small business or rental property.

Now, because of Prop. 19, only a principal residence that the inheriting child occupies as his or her permanent primary residence is eligible for an exclusion from reassessment. Unless the new owner can move in within one year, the property is reassessed to market value. Business properties and rental properties lose the protection entirely.

Prop. 19 passed very narrowly after a costly ad campaign that emphasized its benefits for seniors, wildfire victims and disabled homeowners while completely avoiding the issue of the effect on inter-generational transfers. And if it was mentioned, it was explained away as closing "loopholes exploited by East Coast investors, celebrities, and wealthy trust fund heirs." The reality though, is it's an extremely regressive tax that hurts normal middle-class Californians and their families – really any property owner with children.

Our family is one of those. We've owned and operated a duplex for 35 years in San Francisco. We're good landlords and have wonderful tenants. The issue is that our property taxes will rise roughly 300 percent when the property now transfers from one generation to the next. Our tenants are at roughly 50 percent and 75 percent of current market rents due to the constraints of rent control. We raise the rents the allowable amount every year, and yet still find ourselves way under market. We've always been OK with this, due to the equalizing effect of a stable tax base through Prop. 13. The knowledge that this stable tax base could be passed onto future generations had always kept us in good stead.

Prop. 19 changed that. When your primary operating expenses rise 300 percent (property tax) while your income remains flat (rent), you're probably going out of business. We will likely be forced to sell. To make matters worse, this may incentivize some small property owners to find creative ways to displace their low-rent tenants. Neither option sounds particularly attractive.

The good news is that a solution may be on the ballot in 2022! The Howard Jarvis Taxpayers Association has filed an initiative to repeal the changes that Prop. 19 made to the intergenerational transfer and restore the law back to the way it was before. To further protect families, the measure adds an adjustment for inflation to the exclusion from reassessment for a limited amount of other property in addition to the primary residence. The first \$2.4 million of assessed value of a rental property, such as a duplex, would be excluded from reassessment when passed from parent to child.

To get this initiative on the ballot, HJTA needs our help. We have until mid April to collect the signatures that we need to get it on the ballot in November. We have a tremendous amount of momentum, but still need your support! Find out how at: [HJTA.org/RepealTheDeathTax](https://www.hjta.org/RepealTheDeathTax).

Please feel free to use me as contact as well:

Vaughn McGuire
(503) 977-6518



“REPEAL THE DEATH TAX” INITIATIVE WILL PROTECT APARTMENT OWNERS AND TENANTS

by Jon Coupal



California now has a death tax on property, and many Californians are just finding out about it.

Previously, a primary residence and up to \$1 million of assessed value of other property could be transferred from parent to child without reassessment, so the property tax bill stayed the same.

No more. Effective on February 16, 2021, property transferred between parents and children is now reassessed to market value upon transfer, with only limited exceptions.

The new law is the result of a little-known provision in Proposition 19, which passed narrowly in November 2020 after a costly ad campaign touting its benefits for wildfire victims and seniors.

UGLY SURPRISE FOR APARTMENT OWNERS

Repeal the Death Tax! The fine print of the measure held an ugly surprise, especially for apartment owners and their tenants. Multi-family housing transferred from parent to child will be reassessed to current market value, no exceptions.

That means a parent who hoped to leave income property to the next generation will also be leaving them a new, much higher property tax bill, effectively an estate tax that has to be paid every year.

That's a nightmare scenario for families that inherit older buildings, especially in cities where tenants pay below-market rents under longstanding rent-control ordinances. Now, the Proposition 13-limited base-year property tax assessment is lost at the moment of transfer, replaced by a new base-year assessment. The new tax bill will be 1% of the current market value, plus charges for local bonds, taxes and fees. That sharply higher cost could push many apartment owners so deep into red ink that they choose to get out of the business of providing housing.

For that reason, Proposition 19 was a bad deal for tenants, too, especially those who live in older buildings that will be inherited by the children of a longtime owner. Under Proposition 19, high taxes resulting from intergenerational transfers will put

upward pressure on rents and turn rental housing into a dismal game of musical chairs as affordable units are withdrawn from the market.

The taxpayer protection that Proposition 19 took away was put into the state constitution in 1986.

Legislature wrote a constitutional amendment to create the parent-child exclusion from reassessment and passed it unanimously in both houses. It was Proposition 58 on the ballot, and it was approved by more than 75% of voters statewide.

Ten years later, Proposition 193 extended the same rules to transfers of property between grandparents and grandchildren if the children's parents were deceased.

Proposition 19 took that away, too.

EXCLUSIONS

Now, only a parent's primary residence that becomes the permanent primary residence of the child within one year is excluded from reassessment, with a \$1 million cap on the additional value that may be excluded. Assessors will have to reassess all property that is inherited and then apply the limited exclusion for qualifying primary residences.

The only other exclusion from reassessment is for family farms. All other property, including small business properties and rental housing, is now reassessed to full market value upon transfer from parent to child or grandparent to grandchild.

It's hard to imagine anything more callous than the government sending a giant tax bill to a bereaved family, but thanks to Proposition 19, many California families will have that unfortunate experience.



SIGN THE INITIATIVE TO PROTECT FAMILIES!

HJTA is sponsoring an initiative that will restore Proposition 58 and Proposition 193 to the state constitution. The **Repeal the Death Tax Act** would enable parents or grandparents to transfer a primary residence of any value to their children or grandchildren without triggering reassessment. The initiative also excludes up to \$2.4 million of assessed value of other property from reassessment when transferred to the next generation.

That figure is the inflation-adjusted value of the \$1 million exclusion that was in 1986's Proposition 58, and it would be adjusted annually for the cost of living, capped at an increase of 2% per year to match the growth in taxable value under Proposition 13.

We are collecting signatures right now. The initiative needs 997,139 valid signatures of registered voters by mid-April in order to qualify for the November 2022 ballot.

The official petitions are available in all AOA offices, at the HJTA offices and by mail. Find your local AOA office at <https://aoausa.com/contact-us/> or call HJTA at 916-444-9950 or 213-384-9656. To request the petition online and have it mailed to you, go to <https://HJTA.org/RepealTheDeathTax> and click "Get the Petition." Complete instructions will be mailed with the petitions, or visit <https://reinstate58.hjta.org/volunteer-center/> to download the instructions and find other helpful information.

Also, at the **Repeal the Death Tax** website, individuals and groups can sign up to join the coalition, donate online or by mail, download flyers and FAQs, and find the latest news and information about the campaign.

This is a grassroots initiative and we welcome everyone's help to get this on the ballot. It's vital to protect California families from being taxed out of their own property. This is the spirit of Proposition 13.

*Reprinted with permission of AOA (Apartment Owners Association of California, Inc.)
Jon Coupal is President of the Howard Jarvis Taxpayers Association – California's largest grass-roots taxpayer organization dedicated to the protection of Proposition 13 and the advancement of taxpayers' rights. For more information, visit www.hjta.org.*

New on the Market: 7 Units in San Miguel

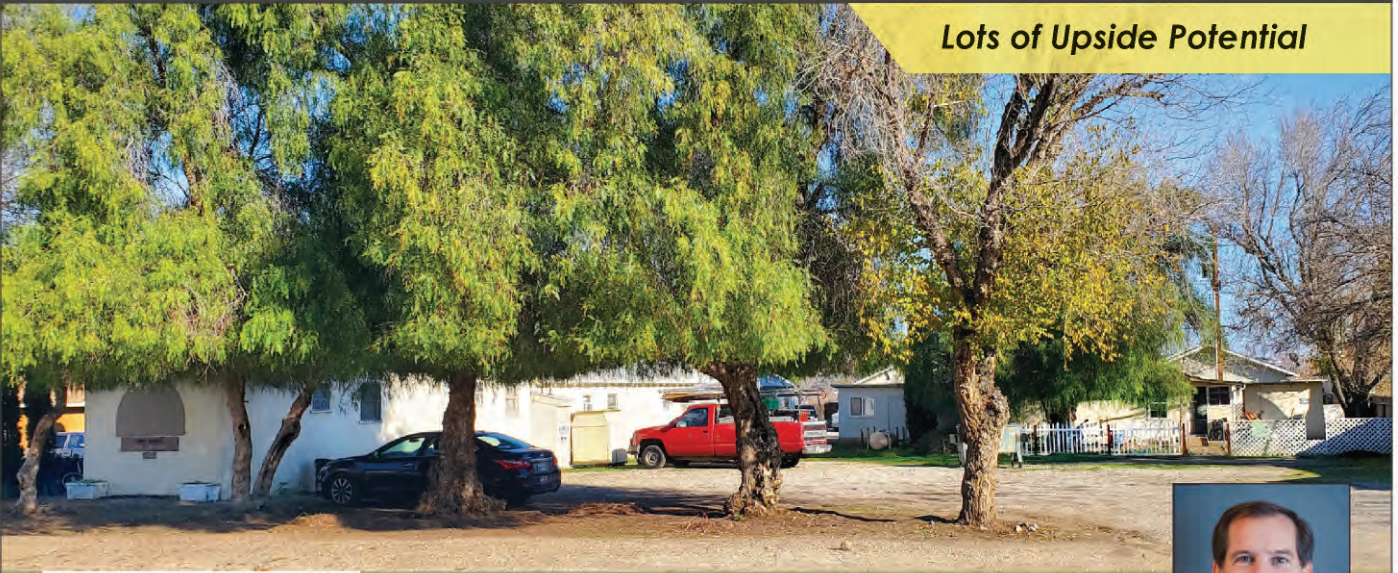
(1) 1/1 & (6) Studios

\$775,000

GRM: 9.3

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DEAL STORY



PROPERTY FACTS

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Units: 3 Units
Price: \$2,775,000
COE: 1/9/2022

THE STORY

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from Santa Barbara's native expert

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Christos Celmayster

Partner

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6 E Valerio St	5
1124 Castillo St	5
1904 San Pascual St	4
1232 Laguna St	3
242-246 Puente Dr	3
1815 San Andres St	3
536 W Pedregosa St	3
1369 Danielson Rd	2
802 N Voluntario St	2
806 N Voluntario St	2

RENT CONTROL in Santa Barbara?



It is unknown what caused the damage to the building in the image shown here. However, “Assar Lindbeck, a Swedish economist who chaired the Nobel prize committee for many years, once reportedly declared that [rent control is 'the best way to destroy a city, other than bombing.'](#)¹ With ongoing discussions taking place in Santa Barbara related to Rent Caps and Rent Control, here is a compilation of some relevant documents for our members:

- Letter from Radius Commercial Real Estate & Hayes Commercial Group to the Santa Barbara Mayor and City Council Members, dated January 14, 2022
- “Rent Control is Not the Answer: Never has Been, Never Will Be” by Dr. Peter Rupert, Community Policy Research Economic Forecast Project, dated January 31, 2022
- Excerpt of Section 3 from the “City of Santa Barbara 2021 Rent Survey for the South Coast, Final Report” prepared for the City of Santa Barbara, Community Development Department, by Robert D. Niehaus, Inc., dated 18 May 2021.
 - Table 3-1: Median Rent by Housing Type and Number of Bedrooms South Coast Region, 2012-2021
 - Table 3-2: Median Rent and Sample Size, by Area and Number of Bedrooms, Apartments
 - Table 3-3: Median Rent and Sample Size, by Area and Number of Bedrooms, Condos
 - Table 3-4: Median Rent and Sample Size, by Area and Number of Bedrooms, Duplexes/ Townhomes
 - Figure 3-4: 2021 Median Rent for Two-Bedroom Units of All Housing Types, by Area

¹ Excerpt from [Bloomberg Opinion](#), “Yup, Rent Control Does More Harm Than Good”, by Noah Smith January 18, 2018



Hayes Commercial Group

222 E. Carrillo St., Ste 101
Santa Barbara, CA 93101
(805) 563-2111



Radius Commercial Real Estate

226 E. De La Guerra St, Ste 100
Santa Barbara, CA 93101
(805) 965-5500

January 14, 2022

Santa Barbara Mayor and City Council Members
735 Anacapa St.
Santa Barbara, CA 93101
(805) 963-0611

The Honorable Randy Rowse
Honorable Council Member Alejandra Gutierrez
Honorable Council Member Mike Jordan
Honorable Council Member Oscar Gutierrez
Honorable Council Member Kristen Sneddon
Honorable Council Member Eric Friedman
Honorable Council Member Meagan Harmon

Dear Mayor Rowse and Council Members,

This letter is written following in-depth research and thoughtful consideration, and with great respect for each of you dedicated to serving our city.

We have great concern for the damage the proposed rent cap could have on our entire Santa Barbara community. We urge the council to carefully evaluate the impact of adopting a policy that has proven so detrimental around the nation.

As Santa Barbara's leading real estate professionals, more than anyone we want to see abundant, clean and safe rental opportunities in our city. Our clients, employers in our community, want to see more workforce housing. That is why we are strongly opposed to the current city proposal to cap housing rentals at a draconian rate of 2 percent that has proven around the country to be counterproductive.

This measure does not address the affordability of workforce housing in Santa Barbara, and in fact experience over and over shows a cap like this will instead lead to a substantially reduced supply of rental units. At the same time, it will result in property owners with less capital who are unable to make necessary repairs.

History and experience are great teachers. Similar measures enacted in cities across the nation prove that this type of measure ultimately decreases units as it increases rent, while seeing many properties redeveloped with higher-end units or converted to owner-occupied condos.

The reasons are found in economics 101 as rental caps are proven, by a broad, bipartisan body of economic research, to radically discourage new rental properties and make future investment impossible.

This is best evidenced by the recently enacted rent cap in St. Paul, Minnesota, where investors and prospective developers looked to move to other cities with regulations that allowed a fair return. In Santa Barbara, that would essentially mean anywhere else compared to what - at 2 percent - would be one of the most severe rent cap in the country.

Current local landowners will be forced to allow units to fall into disrepair, as they will not be able to secure the capital to invest in maintenance and repairs. Evidence tells us that existing properties will be less and less habitable as owners will have no other choice but to leave residents to deal with serious maintenance issues on their own.

Additionally, the traditional Santa Barbara mom and pop owners will sell to eager, out-of-town investors who are incentivized to redevelop units into higher-end rentals or as low maintenance properties.

Contrary to the goal of more affordable workforce housing, a 2018 study found that redevelopment and new construction rentals during a period of rent control in San Francisco attracted residents with at least 18 percent higher income. That will likely take place in many places in Santa Barbara.

This aggressive ordinance also goes well beyond what has been heralded as the radical 5 percent rent cap that the state of California has enacted.

Governor Newsom, a well-known tenant advocate, has come out publicly against more aggressive rent cap proposals citing serious concerns that anything further will

drive rental costs up as he heeds caution to review the impacts of the current, enacted legislation.

Why should Santa Barbara jump ahead with an unproven, risky ordinance that far outpaces what one of the most tenant friendly states has advocated for, when the outcome is questionable at best and, at worst, will result in the exact opposite effect of rising rent costs?

The solution to scarce, high-cost housing, is more, better-quality housing. And of course, it is not free, yet it can be abundant if we provide an economic environment where investment can make housing plentiful.

We depend on employers to fuel our economy, but they are unlikely to relocate and invest in a place without housing, which is Santa Barbara's fate should this ordinance be enacted. Additionally, with this measure, Senate bills 9 and 10 calling for additional density to our single-family neighborhood becomes more and more attractive, meaning this action could change the very culture of our city.

Instead, there are real, effective solutions that help hardworking Santa Barbara families pay rent, while also not reducing the supply of rental properties, or implementing an unproven, risky ordinance.

Just as Santa Barbara has done with low-income housing assistance, we can once again make significant progress in providing affordable housing to our residents. Using the public-private partnership model, we can create a housing stock which can provide financial help for those struggling to cover the entirety of their rent.

Additionally, there are private sector models that can offer real workforce housing solutions as well. For example, Radius, in conjunction with its business partners, constructed and provided employees' quality housing within and nearby the company's office building downtown Santa Barbara. To create more units, Radius also worked with the city to lift parking requirements, and also included charging stations for electric vehicles.

Housing like this reduced costs, commuter times and transportation expenses. If this measure had been enacted prior, that project likely would have not earned funding. These are the types of successful private sector solutions that the city can replicate to expand and improve workforce housing options.

Through innovative solutions, built upon previous progress, we can find solutions to help those in need, and avoid the pitfalls of knee jerk, gimmicky regulations that ultimately hurt the very people intended to help. Together, with the civic leaders of the City of Santa Barbara, we can make housing affordable and bountiful for residents now, and for generations to come.

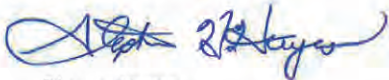
If you want a real solution to affordable housing issues, we ask that you join us in opposing this dangerous measure, and working with the private sector to create better, more accessible and affordable housing for the hardworking individuals and families of Santa Barbara.

We are confident that Santa Barbara can once again be a model for the nation and create more and more affordable workforce housing. A rent cap does just the opposite.

Respectfully yours,



Steve Brown
Co-Founder of Radius



Steve Hayes
Managing Partner of Hayes Commercial Group



Steve Ellis
Co-Founder of Radius



Christos Celmayster
Partner of Hayes Commercial Group



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~ Bob Hart, Santa Barbara Association of Realtors

For 35 years, Coastal Housing Partnership has helped local employers attract, hire and retain valued employees by providing a suite of housing benefits. More than 60 local employers are members of Coastal Housing Partnership and employ over 45,000 local workers.

RENT CONTROL – Rent Control is Not the Answer

"Rent Control is Not the Answer: Never has Been, Never Will Be", by Dr. Peter Rupert, Community Policy Research Economic Forecast Project, dated January 31, 2022

1 Executive Summary

We must have strong minds, ready to accept facts as they are.

—Harry Truman

Unfortunately, many of our political leaders today shy away from facing certain facts and rely on wishful thinking. One such fact is that rent controls have never succeeded in providing housing relief or those most in need. Never. And, more often than not, actually exacerbate the problem.

Basic economic theory provides enough insight to give policy makers ample reasons to stay far away from such an instrument of destruction. Supply and demand alone tells us there will be a housing "shortage" if rents are fixed or capped at a level (or rate of growth) below the unfettered market price. The evidence against rent control is overwhelming. Many countries around the world introduced what were thought to be temporary emergency rent controls after WWII that would be removed once the world recovered from the war. Unfortunately, many of the controls were never repealed. Some were removed decades later. No matter the country or the time span, the outcomes were always the same. Housing shortages became even worse. Those most in need, typically lower income families, often did not get the benefits. The housing stock deteriorated because building owners had no incentive to perform routine maintenance. In addition, all of the various implementations, including only capping existing units, are all subject to the laws of economics and end up with the same dire outcomes.

Are there better alternatives that do not distort the incentives of either side of the market? Of course. In the long run, build more housing. That is certainly complicated with housing regulations and zoning. In the

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shorter run provide direct payments to those in need of housing, augmenting the Section 8 policies already in place. Provide better transportation alternatives to decrease the commuting time and cost to those who live farther away from their place of work where rents are cheaper.

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2 Introduction

Gunnar Myrdal, 1974 Nobel Laureate (joint with F.A. Hayek), an important architect of the Swedish Labor Party's Welfare State, had the following opinion of rent control and those who implement it:

Rent control has in certain western countries constituted, maybe, the worst example of poor planning by governments lacking courage and vision.

—Gunnar Myrdal, in *Rent Control: Myths and Realities*, Fraser Institute, 1981

And this from another Swedish economist

In many cases rent control appears to be the most efficient technique presently known to destroy a city— except for bombing.

—Asser Lindbeck, in *Rent Control: Myths and Realities*, Fraser Institute, 1981

The book referenced above, [Rent Control: Myths and Realities](#) contains a series of articles describing the effects of rent control policy in six countries. In an attempt to show the impact of rent control, each chapter starts with a picture of buildings that have been devastated...and the caption under each asks, "Bomb damage or rent control?" You are asked to decide which. Spoiler alert: for the picture below the answer is rent control, South Bronx, New York.

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7: Bomb Damage or Rent Control? See page 321 for the answer.

An essay by Nobel Laureates Milton Friedman and George Stigler also condemns rent control policies. As is well known, it is pretty rare to get economists to agree on anything and the fact that the two Swedish economists and the two Chicago economists agree on rent control policy is a near miracle, they are as far apart on the political spectrum as can be.

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3 Some Evidence

Housing affordability is the lowest it has been since the Great Recession. according to [First American Title](#) . Obviously this will lead to an increase in the call for housing/rental assistance. In light of at least a century of damning evidence against rent controls it is striking that policy makers cling to such a spectacularly bad idea.

The Friedman and Stigler chapter in the book starts with the 1906 San Francisco earthquake. Roughly half of the housing stock was destroyed and, while many left the city, it is estimated that the remaining houses had to house about 40% more people. Friedman and Stigler go on to say that the newspapers of the day had no mention of a housing shortage...rents were allowed to rise and the price mechanism was used to ration housing. Fast forward 40 years after WWII. Rent controls were administered as the current housing stock had to house about 10% more people, much less than that after the earthquake. The result was a "chronic housing shortage of epic proportions."

Several cities in Massachusetts, Boston, Cambridge and surrounding areas, imposed rent control for nearly 30 years. In 1998 [The Economist](#) published an article describing the short and long term effects. So what happens when rent controls end? The transition is rough in the short term, but expected. Rents in the controlled sector rise. Many people are forced to move. Evictions rise as those living in the rent controlled areas are no longer able to afford the higher rents. Here is where a targeted policy of rental assistance to those displaced can soften the effects in the short run. But a study in Cambridge also found that

Yet the Cambridge study also showed that, when rent control ended, investment in housing and repairs went up. It showed, too, that

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although many people left, most stayed put, and that the number of non-white tenants in formerly regulated units has actually doubled.

More recently, The Economist published an article in March, 2021, claiming [After a year, Berlin’s experiment with rent control is a failure](#) , after just one year! Here is a quote from the article:

But the problem, entirely foreseeable and foreseen, is that the caps have made the city’s housing shortage much worse: the number of classified ads for rentals has fallen by more than half. Tenants, naturally enough, stick to their rent-capped apartments like glue. Landlords use flats for themselves, sell them or simply keep them empty in the hope that the court will nix the new regulation. Meanwhile, rents and sale prices in the still-unregulated part of the market, and in cities close to Berlin, such as Potsdam, have risen far faster than in other big German cities.

RENT CONTROL – Rent Control is Not the Answer

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4 Effects of Rent Control

A simple supply and demand that you learned in your introductory economics course provides the main insight. The figure below shows the quantity of apartment units on the horizontal axis and the per unit rent on the vertical axis. In an unfettered rental market the equilibrium rent is given by R_E and the equilibrium quantity by Q_E ; note that this is the point where demand intersects supply and therefore there is no “shortage” of apartments: the demand for housing equals the supply of housing. Suppose, however, that even though there is no shortage of housing, rents are considered “too high.” Policy makers impose a rent ceiling so rents cannot be above the specified level, R_C . Landlords are now willing to only supply Q_S apartments given the lower rent they receive. At this lower rent, the demand for apartments is Q_D . So what just happened? Two things. First, there is a reduction of the number of apartments available, $Q_E - Q_S$. Second, there is now a shortage of apartments of $Q_D - Q_S$!

This economic rationale has nothing to do with greedy landlords! Roughly half of the apartments for rent are properties with 1-4 units and 35% of all apartments are properties with just 1 unit, typically run by the owner, according to a rental survey from the [National Association of Realtors](#).

How do apartments simply disappear? Many are removed from the market when the rent no longer covers the cost of operation. They might be re-purposed and sold as owner-occupied condos. If the units stay unoccupied, they quickly fall into a state of significant disrepair. Over the longer term fewer apartments are built and city-wide rents will actually rise, undermining the initial intent of rent control.

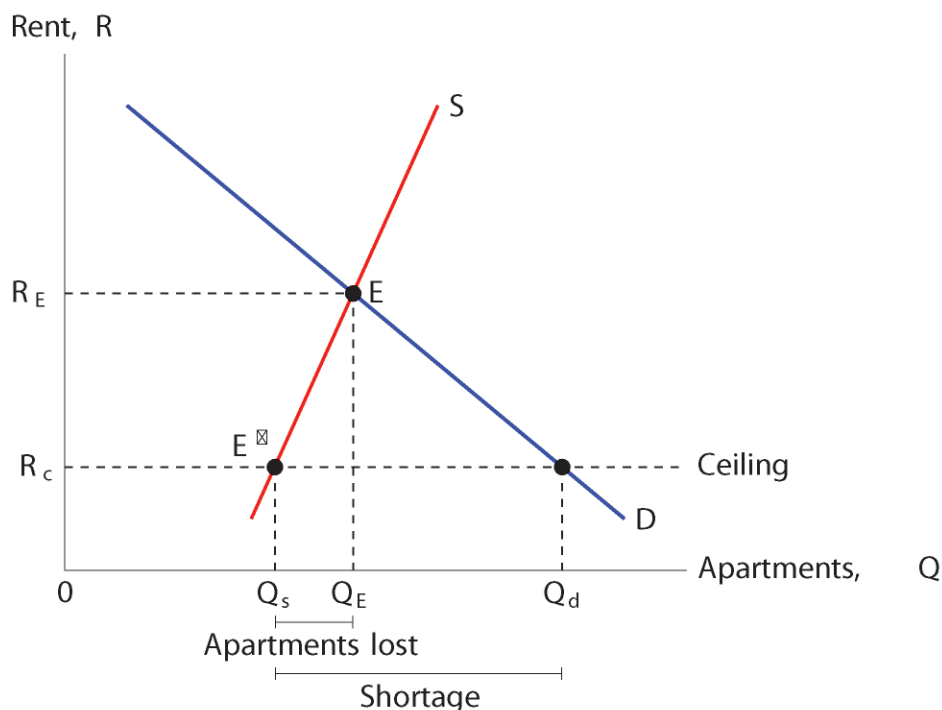
Where did the apartments disappear to? Many are removed from

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the market as the rent does not cover the costs of operation. The landlords might end up living in them or leave them unoccupied. They might be sold as condos, if allowed. And over the longer term, fewer apartments will get built.

A more subtle and complex issue is who ends up living in the rent controlled units? We have all heard stories of rich people actually living in them. For example, the former mayor of New York, Ed Koch, kept his rent controlled apartment in Greenwich Village while living in Gracie Mansion. Imagine you are the landlord. How would you determine who gets the apartment? Recall that there is a long line of individuals seeking the lower rent apartment. Some rich, some poor. Some employed, some unemployed. Maybe you allocate it to a friend or family member.



In the conclusion to the 1981 book, the final analysis is well laid

RENT CONTROL – Rent Control is Not the Answer

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out. The dismal results of rent control will appear...“no matter what the motivation: housing deterioration, haphazard income redistribution, racial discrimination, tax base loss, reduction in labor mobility—and a worsening, not an improvement, in the initial housing shortage (if indeed there ever was one).”

So, what is going on to lead to such a disastrous outcome? First, if building owners cannot get market rents they often either move into the unit or take it off the market altogether. So the supply of housing units falls. Below is a copy of some data from the 1981 book referenced above. Sweden implemented rent controls in 1942 (eventually repealing them in the 1970's). The supply of available units fell to 0 and the applicants without housing swelled appreciably. This is the eventual outcome from such policies. Full stop.

RENT CONTROL – Rent Control is Not the Answer

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Part Three—Practice of Rent Control

TABLE 2
DEVELOPMENT OF HOUSING SHORTAGE
IN MALMÖ, 1940-1977

Year	Vacancies	APPLICANTS	
		Total	Without a Dwelling
1940	1,144	—	58
1941	1,047	—	129
1942	593	—	138
1943	165	—	205
1944	44	301	247
1945	41	390	288
1946	22	323	221*
1947	8	539	418
1948	—	2,409	1,698
1949	—	6,693	3,472
1950	—	9,939	4,803
1960	—	24,901	4,254
1970	—	34,478	10,660
1975	3,802	23,902	8,590
1977	4,200**	30,225	12,682

*In 1946 all "old" applications were deleted from the records and a new "purge" is going on in 1975.

**Preliminary

Source: Reports of the Dwelling Exchange Office.

TABLE 3
AVERAGE WAITING PERIOD FOR
DWELLINGS IN STOCKHOLM

Year	Months	Year	Months
1950	9	1954	26
1951	15	1955	23
1952	21	1956	30
1953	24	1957	35
		1958	40

Source: Reports of the Dwelling Exchange Office. The series was not continued after 1958.

RENT CONTROL – Rent Control is Not the Answer

“Rent Control is Not the Answer: Never has Been, Never Will Be”, by Dr. Peter Rupert, Community Policy Research Economic Forecast Project, dated January 31, 2022

A 2019 [Freakonomics](#) titled, Why Rent Control Does Not Work gives some more recent evidence on the topic as well as rehashing some of what is said here. The show featured Rebecca Diamond and Ed Glaeser, two economists who have worked on the causes and effects of rent control. Diamond and coauthors use a unique data set to look at the effect of a change in rent control laws in San Francisco in 1994 and are able to quantify the effects:

We exploit quasi-experimental variation in assignment of rent control to study its impacts on tenants, landlords, and the overall rental market. Leveraging new data tracking individuals’ migration, we find rent control increased renters’ probabilities of staying at their addresses by nearly 20%. Landlords treated by rent control reduced rental housing supply by 15%, causing a 5.1% city-wide rent increase.

The Diamond et. al. paper does find some benefits to rent control for those who are already in the rent controlled apartments. In particular they find that while it does help low income residents already in the apartments, that effect is short-lived since it makes it more difficult for the next low income tenant that wants to live in the city. The host of [Freakonomics](#), Stephen Dubner, sums up what Diamond finds, “You find evidence that rent control increases gentrification, one component of which is the displacement of low-income tenants.” This certainly plays against all the talk of increasing diversity!

5 Conclusion

So, if all of the economic theory and data point to the disastrous effects of rent control, why does it persist? First, imagine a politician, even armed

RENT CONTROL – Rent Control is Not the Answer

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with the evidence, saying they are against rent control, what would happen to them? Second, rent controls are simple to implement. Taxes do not have to be raised. Building regulations don't have to be changed. Just a vote of the local political entity. However, like many other policies, easy to implement but nearly impossible to remove.

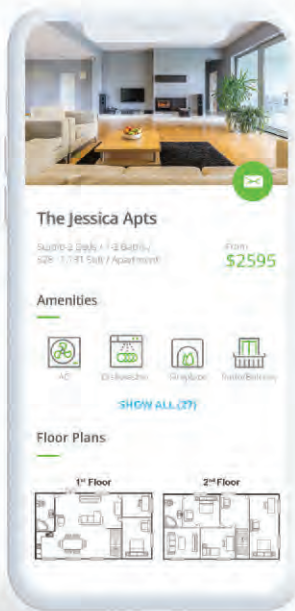
It is also pretty clear by now that the large public housing programs were also largely a failure. The focus should be on building housing that will encourage diversity. Building low income (affordable?) housing does the opposite. Building housing that people want to leave as soon as their incomes rise does not promote a diverse neighborhood. Giving direct payments to renters allows a rich set of diversity of incomes, race, occupations, etc. Rent control works to undermine the goals of fairness and equity. Indeed, *The Death and Life of Great American Cities* by Jane Jacobs highlights the importance of diversity, not just for its own sake but to engender innovation and prosperity.

It's time to actually face the facts. Rent controls do not work. Over a century of evidence from cities around the world points to disastrous outcomes. Our community deserves better. There are better alternatives. Let's take the time and effort to find those alternatives so that our community members in need can be safely housed. Our policy makers should be taking the long view of what our cities will look like 5, 10 or 15 years from now and it is clearly evident that rent control should not be in any policy design.



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RENT CONTROL – Table 3-1

“City of Santa Barbara 2021 Rent Survey for the South Coast, Final Report” prepared for the City of Santa Barbara, Community Development Department, by Robert D. Niehaus, Inc., dated 18 May 2021.

3. RESULTS

Table 3-1 presents median rents in the South Coast region by housing type and number of bedrooms over the last decade, including the results of the 2021 survey. Note the bottom section of the table also presents the number of listings (sample sizes) that were surveyed each year.

Table 3-1: Median Rent by Housing Type and Number of Bedrooms, South Coast Region, 2012-2021

	2012	2013	2014	2015	2016	2017	2018	2019*	2020	2021
ALL HOUSING TYPES										
0 BR	\$1,150	\$1,150	\$1,150	\$1,288	\$1,438	\$1,495	\$1,553	\$1,520	\$1,638	\$1,695
1 BR	\$1,470	\$1,375	\$1,477	\$1,650	\$1,695	\$1,750	\$2,253	\$1,875	\$1,925	\$2,000
2 BR	\$2,000	\$2,200	\$2,332	\$2,500	\$2,500	\$2,550	\$2,701	\$2,695	\$2,950	\$2,800
3 BR	\$2,475	\$3,100	\$3,200	\$3,950	\$3,300	\$3,700	\$3,669	\$3,900	\$4,473	\$3,993
4+ BR	\$2,695	\$4,998	\$4,000	\$4,000	\$4,195	\$5,000	\$3,590	\$5,100	\$6,800	\$5,000
APARTMENT										
0 BR	NSD	\$1,150	\$1,100	\$1,275	\$1,438	\$1,495	\$1,456	\$1,500	\$1,638	\$1,695
1 BR	\$1,425	\$1,325	\$1,400	\$1,600	\$1,695	\$1,700	\$1,748	\$1,863	\$1,925	\$1,984
2 BR	\$1,940	\$2,123	\$2,295	\$2,400	\$2,325	\$2,450	\$2,525	\$2,563	\$2,800	\$2,748
3 BR	\$2,095	\$2,938	\$3,080	\$3,895	\$3,040	\$3,140	\$3,838	\$3,425	\$4,900	\$3,950
4+ BR	NSD	NSD	NSD	\$3,995	\$3,138	\$4,500	\$3,290	\$4,698	\$7,650	\$4,750
CONDO										
0 BR	NSD	NSD	NSD	NSD	NSD	NSD	\$3,195	\$2,800	NSD	NSD
1 BR	\$1,875	\$2,075	\$1,625	\$1,700	\$2,500	\$2,375	\$2,250	\$2,150	\$2,525	\$2,275
2 BR	\$2,100	\$2,200	\$2,812	\$2,500	\$2,700	\$2,700	\$2,550	\$2,850	\$3,000	\$3,075
3 BR	\$2,350	\$2,750	\$2,947	\$3,063	\$2,987	\$3,400	\$3,500	\$3,150	\$3,675	\$3,750
4+ BR	NSD	\$2,490	\$4,000	\$2,690	\$4,000	NSD	\$3,590	\$3,700	\$5,000	\$3,800
DUPLEX/TH										
0 BR	NSD	NSD	NSD	NSD	NSD	NSD	\$1,411	NSD	NSD	NSD
1 BR	\$1,695	\$1,250	\$1,570	\$1,650	NSD	\$2,250	\$2,314	\$1,850	\$1,825	\$2,095
2 BR	\$1,950	\$1,418	\$2,350	\$2,400	NSD	\$2,700	\$2,853	\$2,823	\$3,200	\$2,835
3 BR	\$2,475	\$2,400	\$2,995	\$2,995	NSD	\$3,150	\$3,200	\$4,099	\$5,500	\$3,600
4+ BR	NSD	NSD	\$3,995	NSD	NSD	NSD	NSD	NSD	\$10,000	\$4,500
HOUSE										
0 BR	NSD	NSD	NSD	NSD	NSD	NSD	\$1,650	\$1,520	NSD	NSD
1 BR	NSD	\$3,200	\$2,100	\$2,100	\$2,500	\$2,450	\$2,256	\$1,750	\$1,873	\$2,025
2 BR	\$2,495	\$2,750	\$3,200	\$3,350	\$2,900	\$3,000	\$3,425	\$3,200	\$3,195	\$2,923
3 BR	\$2,650	\$3,400	\$3,750	\$4,200	\$3,600	\$4,000	\$4,869	\$3,950	\$4,425	\$4,250
4+ BR	\$2,750	\$5,000	\$4,000	\$4,440	\$4,450	\$5,175	\$5,375	\$5,625	\$6,800	\$5,975
NUMBER OF LISTINGS										
Apartment	147	556	342	426	493	646	457	318	172	459
Condo	15	126	55	81	38	50	73	37	25	30
Duplex/TH	8	65	62	4	0	27	62	39	18	74
House	30	142	86	131	206	216	271	117	80	101
ALL	200	889	545	642	737	939	863	511	295	664

Notes: *Data for 2019 collected in July; all other years' data collected in April. NSD=No Sample Data; TH=Townhouse.

RENT CONTROL – Table 3-2 through 3-4

"City of Santa Barbara 2021 Rent Survey for the South Coast, Final Report" prepared for the City of Santa Barbara, Community Development Department, by Robert D. Niehaus, Inc., dated 18 May 2021.

Table 3-2 through Table 3-5 present, for each housing type, a breakdown of median rent and number of listings/observations (obs), or sample size, by area and number of bedrooms.

Table 3-2: Median Rent and Sample Size, by Area and Number of Bedrooms, Apartments

APARTMENT	0 Bedroom		1 Bedroom		2 Bedroom		3 Bedroom		4+ Bedroom	
City	Median Rent	Obs	Median Rent	Obs	Median Rent	Obs	Median Rent	Obs	Median Rent	Obs
Santa Barbara	\$1,695	12	\$2,000	115	\$2,688	110	\$3,800	21	\$4,150	2
Goleta	\$1,495	3	\$2,250	48	\$2,783	32	\$3,620	19	\$4,500	1
Isla Vista	NSD	0	\$1,765	33	\$2,900	23	\$6,600	19	\$8,250	3
Carpinteria	NSD	0	\$2,000	1	\$2,295	3	\$3,500	3	\$4,700	2
Montecito	\$1,750	4	NSD	0	NSD	0	NSD	0	NSD	0
Summerland	NSD	0	\$1,985	1	\$2,348	4	NSD	0	NSD	0
South Coast Total	\$1,695	19	\$1,984	198	\$2,748	172	\$3,950	62	\$4,750	8

Note: NSD = No Sample Data.

Table 3-3: Median Rent and Sample Size, by Area and Number of Bedrooms, Condos

CONDO	0 Bedroom		1 Bedroom		2 Bedroom		3 Bedroom		4+ Bedroom	
City	Median Rent	Obs	Median Rent	Obs	Median Rent	Obs	Median Rent	Obs	Median Rent	Obs
Santa Barbara	NSD	0	\$2,625	2	\$3,075	14	\$3,500	5	NSD	0
Goleta	NSD	0	\$2,050	3	NSD	0	\$3,200	1	\$3,800	1
Isla Vista	NSD	0	NSD	0	NSD	0	NSD	0	NSD	0
Carpinteria	NSD	0	\$1,950	1	NSD	0	\$5,125	2	NSD	0
Montecito	NSD	0	NSD	0	NSD	0	NSD	0	NSD	0
Summerland	NSD	0	NSD	0	NSD	0	\$6,500	1	NSD	0
South Coast Total	NSD	0	\$2,275	6	\$3,075	14	\$3,750	9	\$3,800	1

Note: NSD = No Sample Data.

Table 3-4: Median Rent and Sample Size, by Area and Number of Bedrooms, Duplexes/Townhomes

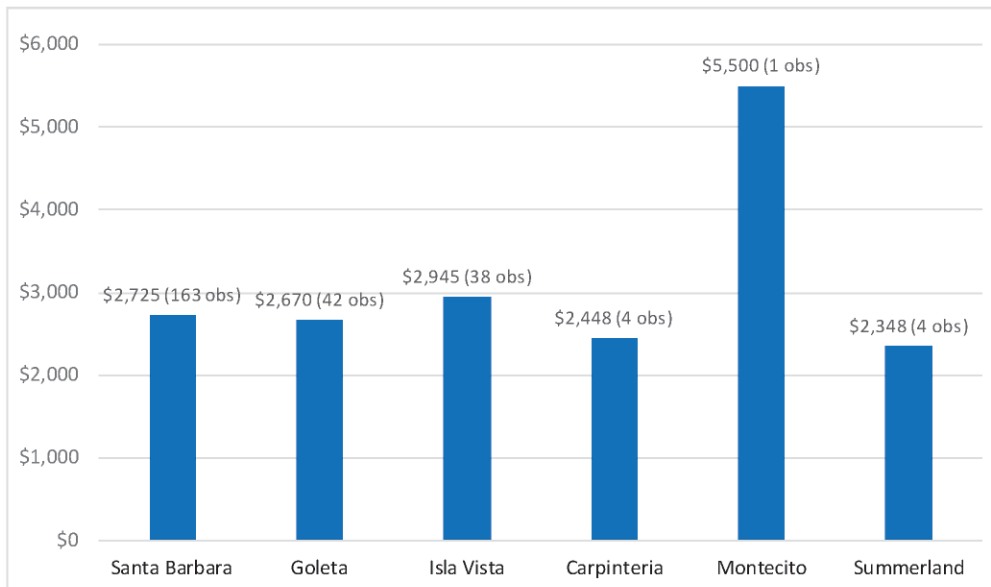
DUPLEX/TH	0 Bedroom		1 Bedroom		2 Bedroom		3 Bedroom		4+ Bedroom	
City	Median Rent	Obs	Median Rent	Obs	Median Rent	Obs	Median Rent	Obs	Median Rent	Obs
Santa Barbara	NSD	0	\$2,100	9	\$2,713	18	\$3,550	4	NSD	0
Goleta	NSD	0	\$2,080	3	\$2,325	9	\$3,125	3	\$4,500	3
Isla Vista	NSD	0	NSD	0	\$2,970	14	\$4,330	4	\$8,750	2
Carpinteria	NSD	0	NSD	0	\$3,000	1	\$3,300	3	NSD	0
Montecito	NSD	0	NSD	0	NSD	0	\$5,900	1	NSD	0
Summerland	NSD	0	NSD	0	NSD	0	NSD	0	NSD	0
South Coast Total	NSD	0	\$2,095	12	\$2,835	42	\$3,600	15	\$4,500	5

Note: NSD = No Sample Data.

RENT CONTROL – Figure 3-4

“City of Santa Barbara 2021 Rent Survey for the South Coast, Final Report” prepared for the City of Santa Barbara, Community Development Department, by Robert D. Niehaus, Inc., dated 18 May 2021.

Figure 3-4: 2021 Median Rent for Two-Bedroom Units of All Housing Types, by Area



Note: “obs” is number of observations (rental listings) in the sample.

Monsters under the Bed?

Or are they just Dust Bunnies?

Evictions Coming Out of COVID

& Other Issues You Are Discovering



Betty Jeppesen



Jim Cole

**Tuesday, March 29, 2022
12:00 noon**

So, now the Eviction Moratorium is over, and you need to take action with your rental properties. Or can you?

Landlords seeking evictions will need to take extra steps. Renters can still use state law to help prevent an eviction, and some local laws may offer even stronger protections.

Under state law, landlords cannot move forward with evictions between Oct. 1 and March 31, 2022 if the tenant has a rent relief application under review. You can file eviction cases, but tenants can use a pending rent relief application to defend themselves in eviction court.

To get answers to your questions, join us for a presentation and discussion led by SBRPA President Betty Jeppesen and Jim Cole, Esquire.

Go to <http://sbrpa.org/events> for registration & more information.

NOTICE: 2022 Increase in maximum applicant-screening fee to \$55.58

Each December, the state of California adjusts its cap on applicant-screening fees based on changes to the Consumer Price Index. This year's adjustment is an increase of \$2.25, for a total maximum fee to applicants of \$55.58.

The applicant screening fee can only cover the expenses you actually incur in the process of screening -- such as credit reports or time spent by you or staff.

Monthly Management Tips

3 RENTAL UNITS FOR THE PRICE OF ONE!

A landlord asked other real estate investors on our Landlord Forum: *What have you all been finding as good investments over the past year or two? The inventory for (bargain) Real Estate purchases is very low. Leads have all but dried up.*



Well, as a "creative" real estate investor, this is when being able to see greater POTENTIAL for a property can make you tens (if not hundreds) of thousands more. One successful real estate investor responded as follows:

"We bought one (property) straight off the MLS. It was marketed as a Single Family House but we could see that it was easily convertible to a triplex. Some Realtors still don't understand that ADUs (Accessory Dwelling Units) are legal in our area."

This investor will now end up with 3 rental units for the price of one, because they were able to creatively see far more potential in the property than the average real estate buyer.

10 CHARITIES THAT OFFER FURNITURE DONATION PICK UP FOR FREE

Donating to a charity is a fantastic way to give back to the community. According to TurboTenant, donating large furniture items isn't as difficult as you might think. No, you don't need to call someone with a large pickup truck again. Instead, get in touch with one of the 10 charities listed below that will come and pick up household items for free or at an extremely reduced rate. If you're a landlord dealing with tenant abandonment and you have a legal right to dispose of the property, save yourself a headache managing the tenant's abandoned belongings. Contact and donate to one of the ten organizations below and they will remove it for you.

1. Habitat for Humanity
2. Salvation Army
3. GreenDrop
4. Pickup Please
5. The Arc
6. AMVETS
7. The Furniture Bank Network
8. Donation Town
9. Housing Works
10. PickupMyDonation

DO YOU ALLOW DOGS?

This question is often asked by either new landlords or ones that are having a hard time renting their property. Landlords are often quick to share their reasons why they do NOT accept dogs, but some share why they do. I wanted to highlight a unique response from one particular landlord who explained why he now gladly rents to a particular sub-market of special dog owners.

"Dogs and their owners were always troublesome, so I educated myself and found a sub-market renting to 'special' dog owners.

Case in point, my four-plex had front and back doors with the garages in the back yard taking up half of the rear yard.

The other half was a grass area. Grass makes me no EXTRA INCOME, so the gardener and watering expenses were a negative.

One day while working on another client's apartment building I noticed a single dog run at the rear of the property that did NOT connect to any rental home, but the landlord charged an extra \$200 a month for the dog run and allowed that resident to have a dog. This was a light-bulb moment.

I then designed on paper my grass area with 3 dog runs and a 4th area for people with tables. I connect one dog run to a resident that had a back door on the side walkway, not used by anyone because the driveway was on the other side.

I then connected another dog run to the resident who's back door is next to the grass area. Two dog runs.

So I advertised an apartment with an attached dog area and maintained yard. I was only asking \$400 above market at that time. I had a dozen responses. I chose a woman who works long hours and needed a place for her dog to lay in the sun, poop, and get fresh air whenever necessary. I had installed a dog door in the rear apartment door. Rent as an apartment was \$1250 at the time, I ended up getting \$1,700. I had my gardener picking up the poop when he does the trimming once a week.



She was the best resident, loved her dog more than her ex-husband. I also went to her current apartment and had a look to see if she kept the place well. So it's just the dog and the owner. I rented 2 other apartments out the same way in that property."

INVOICE FORMER RESIDENTS

One of the top concerns to rental property owners is being able to collect money due you from former residents. One successful landlord recently shared a new twist on a collection tip he has used successfully to collect money from residents that left owing him money.

"I send out my invoices for past due balances to former residents. I always give them the option of a 20% discount with a one time payment. A 10% discount over two months, or in full over three months. They get to choose their plan. I have sent invoices for a number of years for balances due upon move out. I think I'm going to add to this strategy."

They get to choose their plan. I have sent invoices for a number of years for balances due upon move out. I think I'm going to add to this strategy."



With the company "Square" (a financial services company) an entrepreneur can send invoices digitally, recurring monthly automatically (after they move out) until it's paid. Just let it hammer their inbox. I might even set it up on a weekly or biweekly basis. I will probably just send it with the 20% discount right in the description of the Square invoice and just set it on automatic recurring."

MrLandlord Editor's Note: The Pennsylvania landlord sharing this strategy has sent his "payment plan" invoices before going to court for several years and says he has had great success.

Rental Owner Updates

BACK UP HEAT

Have you already experienced a phone call this winter from one of your residents informing you that their furnace or heating system is not working? As a landlord, do you offer a "back-up" heat option for the resident until whatever the main problem is fixed? Here's what one landlord has done in regards to back-up heating options that seems to be working.

"I keep a ready supply of space heaters handy and drop them off until the problem is fixed, then I go pick them back up as time permits. This creates an extra stress and time hassle factor, though. So a few years ago I started installing baseboard electric heaters in bedrooms whenever I had extra space in the electric panel. It's not enough to heat the whole house to toasty warm, but it's enough to 'limp along' to where I don't have to drop off space heaters. Seems to have worked well."

I also have a few places that are electric only (furnace, heat pump, or baseboard). And if they have gas service, I install one of those "blue flame" ventless fireplaces that run around \$200-\$300 for a unit that will heat up to 600 sq ft. Residents are instructed that this is not a primary heat source and it should be used as a supplement to keep electric costs low as they are 99% efficient (they have to burn clean since they are ventless), but it also serves as a back up if electric power goes down due to snow / ice / tree limbs / someone plows their car into an electric pole, etc. They work without electric power as there is just a gas valve and a sparker to light the pilot flame."

TEXT MESSAGES FOR COURT

Since more and more communication between the landlord and resident is being done by text, one of the questions now being asked is, "How do I save and/or print text messages so that they can be used in court?" As many of you know, when a landlord has a question, the absolute best free resource available to you is the MrLandlord Q&A forum, where questions are asked and answered 24 hours a day, 7 days a week.

Several landlords on our forum suggested taking a screen shot of the phone, emailing it to yourself, and then printing it out. There were also a couple of other innovative suggestions which are shared below:

"The problem with screen shots...is that if the text message strings are extensive then they don't fit on one screen so you end up screen-capping multiple pages which is hard to follow. There are a number of apps that can save text message strings to a PDF or in other formats. I find PDFs most useful because my JP allows us to send them via email to the court to be entered into evidence. You can also save the PDF on your phone or computer to print later if you need it. Pinit is one of the apps I've heard of but I'm sure there are lots of others."

"I have an Android phone and I have a program called Legal Text Collector that saves conversations to a file which I can send to my computer or directly print from my phone. I print all my text conversations and attach it to file when the Lease ends."

"On an iPhone, click to open iMessages. Click on a conversation, go to the menu, and select 'open conversation in separate window,' then print that window. But instead of printing, select "print to PDF" to dump it to a PDF file. You can also select 'show times' to list the times each text was sent."

Landlording Lessons

I ADMIT, I MADE A MISTAKE! – ALWAYS RUN THE REPORT!

I admit that I used to make a serious mistake that would put a lot of what I had at risk. I used to not do credit checks. Now after doing them for several years, I will NEVER accept a tenant without first seeing their credit report. The potential resident's credit report has so much information about them that you are not seeing when you don't run a credit report. It's not just a question of whether they have good credit or not.

You can see WHO they are paying and not paying and what is causing the credit to be bad. As you probably know from a landlord's perspective, all creditors are not as critical as others. You can see past addresses that you may not see otherwise on the application. You can compare recent payment history, judgments, older payment history, and if the credit problems are recent ones on the credit report.

On a credit report you can see if the social security number even matches the applicant. You can get a glimpse of the type of lifestyle payment choices that affect the applicant's debt and how much debt they may have. This may be hidden from you otherwise--and so much more.

There are many times that I have been extremely thankful and relieved that I ran a credit check on an applicant. I probably would have accepted the applicant as a resident had I just gone with other free information that was available to me.

All I can say folks, is I hope the best for those of you who continue to play Russian roulette with your rentals. But honestly, for less than ten bucks (the cost of a credit report), it really does not make sense that you are taking the extra risk of not seeing a credit report before accepting any applicant.

You all know as well as I do that it only takes one wrong selection of a resident and that can cost you thousands if not tens of thousands of dollars. And yet some of you don't think it's worth the ten dollars to run a credit report. Come on. When I used to not run a credit report it was because I was naive and simply didn't know better or it was because credit reports were not as easily accessible as they are now. The excuse that says that because your competition is not doing them means you don't have to is NO excuse. Even if you don't want to charge the applicant, still run the credit report.

DON'T ACCEPT ANY EXCUSES – OFFER SOLUTIONS!

One of the biggest mistakes new landlords make--and sometimes some of us who should know better--is to accept any excuses for non-payment of rent. Handle all nonpayment cases the same, whether it's a good or bad excuse. Do not accept any excuses - offer solutions!



If you start "judging" whether or not a resident's excuse is worthy of giving them an extended period of time to come up with the money, you will encourage them to come up with worse excuses the next time. In addition, you dig yourself into a deeper and deeper financial hole if they don't come up with the money after the extended time period, and you have delayed in starting the eviction procedures.

Let your residents know right from the beginning what your procedures are when payment is not received and that there are no exceptions. I even have a list that can be shown to the resident at move-in that gives examples of excuses that residents have tried to use in the past to no avail. This adds a little bit of humor to a very serious discussion, but it also clearly lets the new resident know that there is no need to offer excuses for nonpayment of rent. Then of course you must strictly enforce those procedures.

"But Jeffrey, what do you do, especially in these times? Don't you want to work with residents in 'some' way who are having a hard time? If I took a totally no-excuse approach, I would not have any tenants!"

I hear you and I'm fully prepared to work with residents by offering them several contact names and phone numbers of agencies and churches who may be able to offer them assistance. When doing so, I still start the eviction process and should the resident come up with ALL the money (including court costs, attorney fees, etc.) by the time of the court date, to that extent we will work with them.

I'll also admit this: If a resident who has paid on time for over a year and otherwise been an excellent resident, and they give me an excuse, I still won't judge their excuse, or delay the legal proceedings. But I will listen to their proposed plan for getting caught up and offer suggested solutions. AND if they have never lied to me up to that point, I will waive or suspend the late fees and court costs, and get them to sign a promissory note, and work with them.

RAISE THE RENTS, EVEN ON GOOD RESIDENTS (JUST NOT AS MUCH)

DO YOU RAISE THE RENTS ON GOOD RESIDENTS?

The typical response from most landlords is to only raise rent at turnover and leave good residents alone (even if rents are currently below other competitors' rates). The main fear is that good residents may move and a small increase is not worth the risk of losing a good resident. The average landlord does not increase the rent each year. They also do not improve the property each year either. I would challenge landlords to make small increases every year but also improve the property each year. Your good residents will stay even longer, and your cash flow and property value will continue to increase every year. People who really like their property will not leave over a small increase, especially if your rents remain very competitive. I'd like to share a comment from a couple of successful landlords that was posted on the popular MrLandlord.com Q&A forum recently that is an example of what I am suggesting:

"In the last 20 years, I have only had two or three tenants out of hundreds who moved due to a small rent increase. Where large increases are merited, they should be implemented, but at minimum each year I try to implement small increases. A \$15/month increase is \$180/year. If you have 10 tenants that is \$1,800/year lost if you don't raise rents. If you have 50 tenants like myself, we're talking about \$9,000/year. If you don't raise rents, I urge you to test the waters as you might be rewarded significantly." -- Dan Arnold, Author of Making Millions, One Deal at a Time

"I wish I would have raised the rent \$10 a month each year as I have some tenants paying the same rent for 6-7 years and the inside of the apartments would have to be totally re-done due to wear and tear." -- North Carolina Landlord

"I agree, landlords need to raise rents a little each year. If you don't and then realize years later that the rent you are collecting is not covering the expenses, then you feel the need to have a large rent increase. A small increase is easier for tenants to digest rather than a large increase." -- Paul J.



Further Note from Jeffrey: Some of the landlords are concerned that it doesn't make sense to do upgrades which simply covered the rent increase or even came up short of the annual increase. The bigger picture is that by doing upgrades, you increase the odds that residents will stay longer. Because if you lose a resident, on average the vacancy will cost you between \$800 to \$1800. An upgrade that may cost you even \$100 to \$200 may still be well worth implementing if it helps you keep a resident and not have a vacancy that costs you \$1,000 or more.

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For full articles and to receive a free newsletters, call 1-800-950-2250 or visit their nationwide Q&A Forum, LandlordingAdvice.com where you can ask landlording questions and seek the advice of other rental owners 24 hours a day.

Jeffrey Taylor
Founder@MrLandlord.com

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ANSWERS TO YOUR (Housing) PROBLEMS

Termination of Tenancies, Security Deposit Issues, Unlawful Detainers and the Eviction Process

April 26, 2022 • Tuesday 12:00 noon

Presented by:

G. Michael Brelje, Esq., Rogers, Sheffield & Campbell, LLP



Due to continuing COVID restrictions we are offering our classes and seminars via Zoom. Zoom link information will be provided at registration (www.sbrpa.org)

Join SBRPA for a discussion with an expert:

G. Michael Brelje, Esq., Senior Attorney at Rogers, Sheffield & Campbell, LLP

TOPICS INCLUDE:

What are a landlord's rights and responsibilities at this time? How do I legally terminate a tenancy? What is an Unlawful Detainer and the eviction process like these days?

What type of eviction cases are landlords finally able to bring forth against their tenants? What is the best course of action for collecting past due COVID-19 rental debt?

What security deposit implications and issues are there?

How to deal with difficult tenants that won't communicate and won't pay rent, or that are committing other "at fault" breaches of their lease.

What if your tenant has been untruthful about COVID-19 impacts? What are YOUR options today? Should YOU proceed with an eviction at this time?

And, much, much more . . . including Q&A to follow the presentation.

Members Free, Non-members \$75

Go to www.sbrpa.org and click on the Events tab to register. If you need assistance contact the office at 805-687-7007 or admin@sbrpa.org



Mr. Brelje is an experienced and respected civil litigation trial attorney, who specializes in the areas of real estate transactions and disputes, construction, landlord/tenant, and trust administration and estate related issues. He began his legal training as a law clerk while attending college and law school. After graduating with honors from the University of California at Santa Barbara in 2003 with bachelor's degrees in Communication and Sport Management, Mr. Brelje obtained his Juris Doctor from the Santa Barbara College of Law in 2008. Mr. Brelje is admitted to practice before all Courts in the State of California and is a member of the State Bar of California, the U.S. District Courts for the Central and Eastern Districts of California, and the Supreme Court of the United States.

Mr. Brelje is also an active member of Santa Barbara legal community. He previously served on the Board of Directors of the Santa Barbara County Bar Association for several years and is a current member, and was the former president of the Santa Barbara Barristers. As a contributor to the Santa Barbara Rental Property Association, he has lectured on, and authored numerous articles related to, Real Property law, Civil Litigation, and Landlord/Tenant relations and legal issues.

During his tenure, Mr. Brelje has worked on numerous complex civil and appellate cases in the areas of legal research, discovery, motions, trial and appellate preparation, and law and motion and trial appearances. He has also made oral arguments in the California Court of Appeal on behalf of his clients. Mr. Brelje focuses his practice in the areas of general and complex civil litigation, real estate law, landlord/tenant issues, construction law, trust administration and estate litigation, and condominium law.

Santa Barbara Happenings



Terry A. Bartlett – Reetz, Fox & Bartlett LLP

Santa Barbara City Council to Fund Rent Control Analysis

Data from the South Coast Rental Housing Survey Report shows the 2021 average cost of a 1-bedroom is approximately \$2,000, \$2,800 for a two-bedroom, \$3,993 for a three-bedroom, and \$5,000 for a four-bedroom. The South Coast averages Santa Barbara, Goleta, Isla Vista, Carpinteria, Montecito and Summerland.

Homelessness

The Santa Barbara County Board of Supervisors approved a lease agreement and services agreement with the Good Samaritan Shelter for managed homeless housing. The project consists of 33 prefabricated modular housing units to be located at 1016 Santa Barbara Street downtown for “individuals experiencing homelessness” and will cost a whopping \$3.5 million. Each unit will include a bed, desk and chair, heating and air conditioning, lighting and electricity, a window, and a lock for the door. Bathrooms will likely be communal.

Redistricting in South Coast Cities for Future Elections

Local cities are now beginning the process to finalize new district boundaries for the City Council elections. In Santa Barbara, three maps were presented to the City’s Independent Redistricting Commission. Each option kept the Eastside in District 1, the Mesa in District 2, the Westside in District 3, the Rivera in district 4, upper State in District 5, and the downtown area in District 6. The Commissioners will continue to meet during February and March, and are expected to select a final map on April 12, 2022.

The City of Goleta reviewed over 50 draft maps submitted by the public and Goleta’s Public Engagement Commission recommended four maps to the City after assessing factors including age, income, homeownership, language, and education. The Goleta City Council is expected to select a map during the March 1, 2022 City Council meeting.

The Carpinteria City Council will also be reviewing

draft maps in the next few weeks and is expected to hold a final hearing in March.

If you are interested, participate! It is these seemingly small decisions that have huge real-world impacts.

Santa Barbara’s Commercial Real Estate Sales Hit Record High for 2021/Leasing Not So Much

In a recent report released by Santa Barbara’s Hayes Commercial Group, commercial sales for the fourth quarter of 2021 reached a record high totaling \$770 million. Notable sales contributing to this total include the sale of Hotel Santa Barbara for \$41.9 million, Hotel Indigo for \$18.7 million, the previous Nordstrom building for \$13 million, and the Macy’s building and surrounding parking areas for \$63 million. It is rumored that the Nordstrom building will be converted to office space.

Leasing volume is still trailing pre-pandemic numbers. Only eight retail leases were signed on State Street, which is the lowest number in the last ten years. Storefront vacancies have again topped 10%. No doubt Santa Barbara retail downtown has hit the skids.

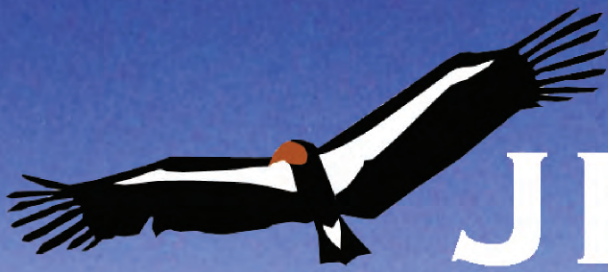
Rancho Estates Mobile Home Park in Goleta Sold

The Rancho Estates Mobile Home Park in Goleta was recently sold to a Southern California investment group.

The Rancho Estates Mobile Home Park has previously been the center of debate surrounding rent control laws. After the Court ruled that the Park must uphold rent control laws, the previous owners decided to subdivide the property under California’s condominium conversion rules. Any subdivision sales are limited in a development agreement the previous owners reached with the City of Goleta.

It is expected that the new owners will encourage resident ownership of the divided lots. Park residents will have the option to purchase the lot under their homes at a discounted priced with some financing assistance from ownership. Recent

Continued on page 53



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home sales show values around \$300,000. Current Park rents run between \$400 and \$800 a month. The property will remain under both City and State rent control rules and the subdivision project likely eliminates any talk of closing the park.

Election Coming for a Congressional State Assembly Seat and for Santa Barbara 2nd District Supervisor

The redistricting on State and County levels resulted in a new State Assembly District which includes all of Santa Barbara County. Gregg Hart has indicated he will run for the new Assembly seat and if he prevails, the 2nd District Supervisor seat will open.

The 2nd County Supervisorial District now includes almost all of the City of Santa Barbara, Isla Vista and parts of Goleta. Laura Capps appears to be the only candidate to express interest in running. Capps is currently serving her second term on the Santa Barbara School Board. The deadline to file for the Supervisorial seat election is March 11, 2022.

California Looks to Decrease Retail Theft but It Looks Like a Long Road

In 2014, Proposition 47 changed California law for the worse. Advertised to voters as "The Safe Neighborhoods and Schools Act," Proposition 47 reclassified certain theft and drug possession offenses from felonies to misdemeanors. Under Proposition 47, shoplifting and certain petty theft under \$950 became classified as misdemeanors and not vigorously prosecuted as crimes. To no surprise, retail theft has increased in response. Retailers are shutting down or leaving the state because they can't afford to pay theft insurance anymore and are tired of watching their merchandise walk out the door.

Assemblymember Jim Patterson hopes to change these laws. He introduced Assembly Bill 1599 to overturn some of the Proposition 47 provisions. If Assembly Bill 1599 makes its way through the Assembly, it would qualify as a referendum for the ballot and require a majority vote from the citizens in order to be approved statewide.

Santa Barbara Unified School Board Election Districts

In a 4-0 vote, the Santa Barbara Unified School District's Board of Trustees approved a map that will keep a 5-member board. The new map was created to transition from at large elections to trustee-area elections. The map will be utilized in November board elections.

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