

April 2022

SANTA BARBARA RENTAL PROPERTY

news

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

*“Where flowers bloom so does hope.”
– Lady Bird Johnson*



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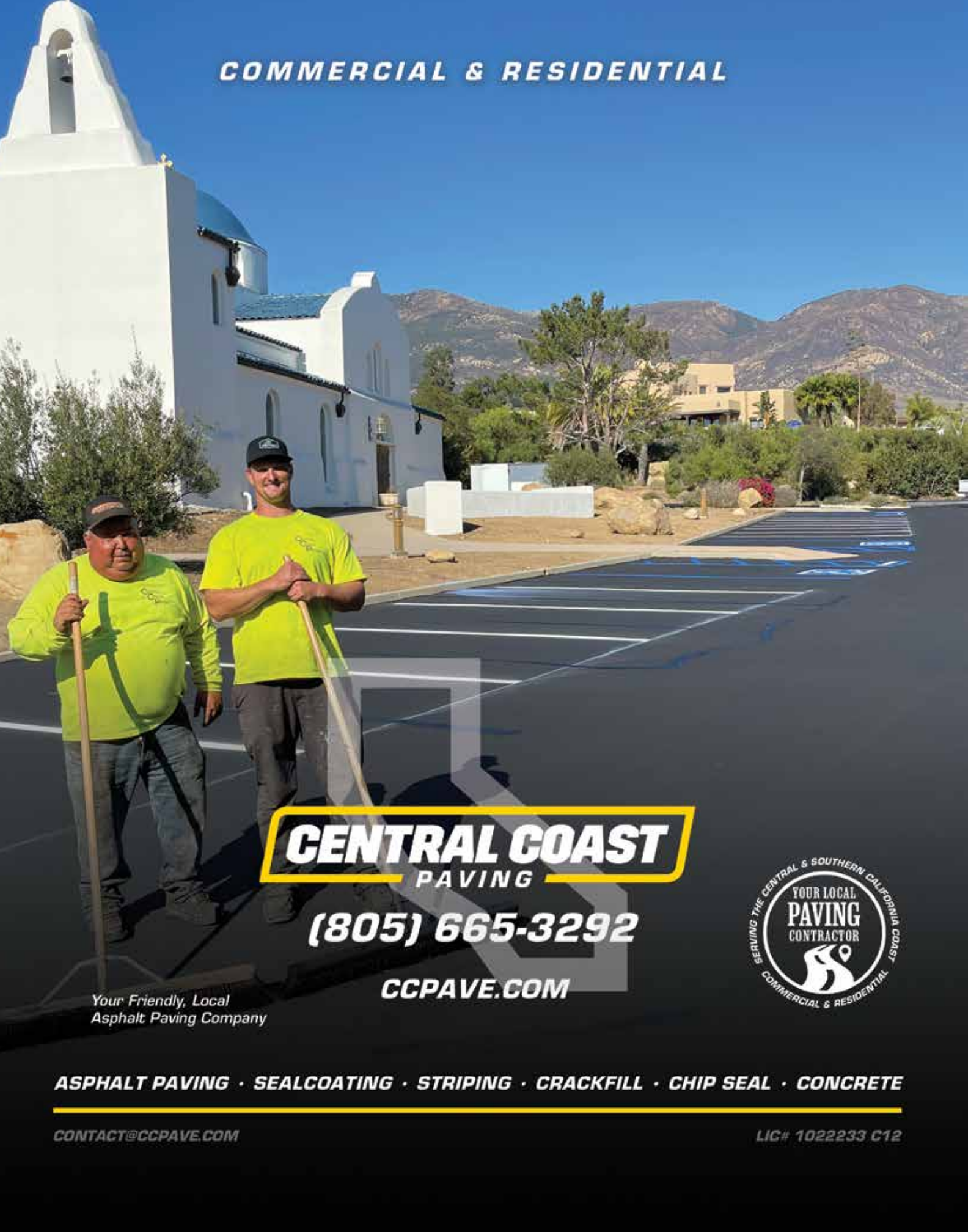
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President's Message



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

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

By the time you read this, we will know whether the "recovery" period of the COVID-19 pandemic has ended. It is supposed to end on March 31, 2021.

But, as we have seen over and over during this unprecedented pandemic, the tenant protections have kept getting extended.

As I write this, there is a movement afoot in Sacramento to enact AB832 which would extend the tenant protections against evictions for another 5 months. That would mean that it would end on August 31st, 2022. There is some talk of more state funding and pre-emption by the state would be part of it. That means that local government could not enact stricter regulations.

Also being considered in this session by the Legislature are the following:

AB1771. This Bill would require a 25% transfer tax on properties sold within 3 years of being purchased.

AB1738 which would require EV charging stations for existing rental property buildings. This is very problematic because the electrical grid may not support it for the area and/or the building electrical system may not support it.

AB2383 would prevent you as landlords from considering a criminal record when looking at a rental applicants. This has already been enacted in some local areas in California and I have heard from representatives there that those areas are a magnets for criminals who cannot find rental housing in the areas where a landlord may consider a criminal background.

AB2469 – This Buffy Wickes Bill would require a state-wide rent registry so that you would have to give all your information to this entity and it would be public information regarding your rents, your vacancies, your tenants, etc.

AB2713 – Another Buffy Wickes Bill (recall that she replaced Housing Chair David Chiu when he left the Legislature to become City Attorney for San Francisco) that would "clean up" the existing law to state that if a landlord used the "just cause/no fault" reason that he or she or a close relative wanted to move into the rental unit (provided your rental agreement specifically provides for this reason) then the person would have to live in the rental unit for at least THREE YEARS or face penalties

for evicting the previous tenant.

There are several lawsuits going on throughout the state including Santa Barbara Rental Property Association's lawsuit against the City of Santa Barbara for the 3 times the rent relocation cost. If you wish to assist in the lawsuit, please consider making a donation to the Legal Action Fund on the SBRPA website under the drop down menu "Contribute".

We will keep you informed of the progress of ours and the other lawsuits as the litigation progresses.

Things are moving very fast these days regarding new laws or ordinances; so, please check your emails and look on the SBRPA website since we cannot always wait to inform you by including information in our print version of the magazine.

Thank you for your membership.

Happy Easter.

Betty L. Jeppesen

President



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SBRPA Calendar



Online Learning and Webinar Recordings



APRIL 2022						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
27	28	29	30	31	1 EARTH FOOLS	2
3	4	5	6	7	8	9
10 PALM SUNDAY	11	12	13	14	15 GOOD Friday	16
17 HAPPY EASTER	18	19 NAA Webinar: Formal ESG Program	20	21 NAA Webinar: Rethink Pet Restrictions	22 GREEN DAY	23
24	25	26 SBRPA Webinar: Answers to Housing	27	28 NAA Webinar: High Perf. Teams	29 AIBOR DAY	30

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.

<https://apartmentalize.naahq.org/>

NAA's Webinars

See page 18 for details on the April Seminars:

- 04/19/2022 Why You Need a Formal ESG Program: Moving Forward in a Changing Regulatory Environment
- 04/21/2022 Rolling Out the Welcome Mat: Rethinking Pet-Related Restrictions
- 04/28/2022 Interrupting Unconscious Bias to Create High Performing Teams

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

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 23 for more information.

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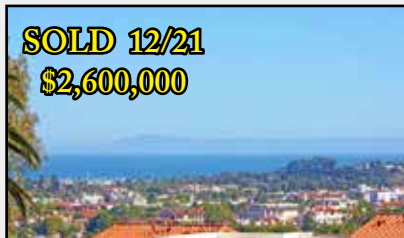
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CalRHA Legislative Updates



Kate Bell, KateBellStrategies.com

3/17/2022

SACRAMENTO – Today, AB 2050, Ellis Act reform was reintroduced by Assemblymember Alex Lee. AB 2050 would curb property speculators who misuse the Ellis Act from evicting buildings full of rent-controlled residents, many who have lived there for decades. The reform to the Ellis Act would ensure that this type of eviction cannot be used until after five years of property ownership.



*CA Assemblyperson
Alex Lee*

The bill is jointly authored by Assemblymember Wendy Carrillo (D-Los Angeles), principally co-authored by Assemblymember Ash Kalra (D-San José), and co-authored by Assemblymembers Richard Bloom (D-Santa Monica), Mia Bonta (D-Oakland), Adrin Nazarian (D-Van Nuys), Phil Ting (D-San Francisco) as well as Senators Ben Allen (D-Santa Monica) and Henry Stern (D-Los Angeles).

“Protecting our affordable housing supply is one of the important keys in preventing homelessness,” said Assemblymember Alex Lee. “Our broad coalition supports our sensible reform to install guardrails to defend against displacement from corporate real estate speculators while continuing to respect the rights of small-scale landlords.”

The Ellis Act is a 1985 California state law that allows landlords to evict residential tenants when exiting the rental business. While the Act was originally intended to protect small mom and pop landlords who could no longer maintain their rental properties, the Ellis Act's loopholes have been used to acquire rent control housing, evict tenants, and sell the property for a higher profit.

Studies show that the vast majority of Ellis Act evictions occur within the first five years of an owner purchasing a property, indicating that these property owners had no intention of being in the rental business in the first place. There has even been a trend of “serial evictors” who evict tenants from multiple buildings to convert the units to other uses such as condominiums and

tenancies-in-common, and then acquire new rental properties for the same purpose.

Small “mom and pop” landlords, may qualify for an exemption from AB2050 if they meet all of the following:

- Operate the property under their name as a natural person OR manage the property with an LLC in which there is no more than four members, and all members are natural persons OR they hold the title to the property as a trustee in which all beneficiaries are natural persons
- Natural person(s) are the sole beneficial owners of the property, with the exception of a person who holds title to the property as a trustee
- Natural person(s) who own the property each directly or indirectly own four or fewer residential units in the aggregate, not including the owner's principal place of residence including those who operate a Limited Liability Company (LLC) to conduct rental business

“Any effective effort to address our affordable housing crisis must prioritize preserving our existing affordable housing along with producing new affordable housing for we will never solely build our way out of our affordable housing emergency,” said Larry Gross, Executive Director of the Coalition for Economic Survival. “The Ellis Act undermines meaningful efforts to do so, and the passage of AB 2050 must be seen as a crucial component to meeting the state's affordable housing needs.”



*Larry Gross
Exec Director, Coalition
for Economic Survival*

“We came closer in 2021 than ever before to ending speculator evictions under the Ellis Act,” said Randy Shaw, Executive Director of the Tenderloin Housing Clinic. “By amending the bill to address member concerns we are hopeful that the legislature will restore the original intent of the Ellis Act by passing AB 2050.”

AMENDED IN ASSEMBLY MARCH 17, 2022

CALIFORNIA LEGISLATURE—
2021–2022 REGULAR SESSION

ASSEMBLY BILL NO. 2050

An act to amend Section 33080 of the Education Code, relating to state educational agencies. An act to add Section 7060.8 to the Government Code, relating to residential real property.

LEGISLATIVE COUNSEL'S DIGEST

AB 2050, as amended, Lee. ~~State educational agencies: purpose.~~ *Residential real property: withdrawal of accommodations.*

Existing law, commonly known as the Ellis Act, generally prohibits public entities from adopting any statute, ordinance, or regulation, or taking any administrative action, to compel the owner of residential real property to offer or to continue to offer accommodations, as defined, in the property for rent or lease.

Existing law authorizes any public entity that has in effect any control or system of control on the price at which accommodations are offered for rent or lease to require by statute or ordinance, or by regulation, that the owner notify the entity of an intention to withdraw those accommodations from rent or lease, and to require that the notice contain specified statements.

This bill would, when a public entity has a price control system in effect, prohibit an owner of accommodations from filing a notice with a public entity of an intention to withdraw accommodations or prosecuting an action to recover possession of accommodations, or threatening to do so, if not all the owners of the accommodations have been owners of record for at least 5 continuous years, with specified exceptions, or with respect to property that the owner acquired within 10 years after providing notice of an intent to withdraw accommodations at a different property.

This bill would require an owner of accommodations notifying the public entity of an intent to withdraw accommodations from rent or lease, as provided, to identify each person or entity with an ownership interest in the accommodations, as provided. That information would be available for public inspection. The bill would prohibit an owner or any person or entity with an ownership interest from acting in concert with a coowner, successor owner, prospective owner, agent, employee, or assignee to circumvent these provisions. The bill would provide specified, nonexclusive remedies for a violation.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

~~Existing law states that each child is a unique person, with unique needs, and that the purpose of the educational system of the state is to enable each child to develop all of their own potential.~~

~~This bill would make nonsubstantive changes to this provision.~~

DIGEST KEY

Vote: majority Appropriation: no Fiscal Committee: ~~no~~-yes Local Program: no

BILL TEXT

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1.

Section 7060.8 is added to the Government Code, to read:

7060.8.

(a) When a public entity that, by a valid exercise of its police power, has in effect any control or system of control on the price at which accommodations are offered for rent or lease, all of the following shall apply:

(1) An owner of accommodations shall not file a notice with a public entity to withdraw accommodations pursuant to this chapter, prosecute an action to recover possession of accommodations pursuant to this chapter, or threaten to do either of these things, unless all the owners of the accommodations have been owners of record for at least five continuous years. If an owner of record is not a natural person, then all persons or entities with an ownership interest in that entity shall have held that interest for at least five continuous years. The five-year ownership requirements in this paragraph shall not apply to an owner of accommodations that meets all of the following requirements:

(A) The owner of record is a natural person, a limited liability company in which there are no more than four members and all of the members are natural persons, or a natural person who holds title to the property as trustee in which the settler and all beneficiaries are natural persons.

(B) All natural persons referenced in subparagraph (A) are the sole beneficial owners of the accommodations, with the exception of a person who holds title to the property as trustee.

(C) The owner of record and all natural persons referenced in subparagraph (A) each directly or indirectly own four or fewer residential units in the aggregate, not including the owner's principal residence.

(2) If an owner of accommodations, including a person or entity with an ownership interest in the accommodations, files a notice of intent with the public entity to withdraw accommodations under this chapter, and the owner subsequently acquires a new property containing accommodations within 10 years of that filing, the owner shall not withdraw accommodations pursuant to this chapter, prosecute an action to recover possession of accommodations pursuant to this chapter, nor threaten to do either of these things, with respect to the later acquired property.

(3) An owner of accommodations, or any person or entity with an ownership interest in an entity that owns the accommodations, shall not act in concert with a coowner, successor owner, prospective owner, agent, employee, or assignee, to circumvent the limitations of paragraph (1) or (2).

(4) An owner of accommodations notifying the public entity of an intention to withdraw accommodations from rent or lease shall identify each person or entity with an ownership interest in the accommodations, and if any entity is not a natural person, identify all persons or entities with an ownership interest in that entity. This information shall not be confidential and shall be available for public inspection.

(b) A person or entity that violates the provisions described in paragraph (1) or (2) of subdivision (a) is liable to the tenant or lessee for actual damages, special damages of not less than two thousand dollars (\$2,000) for each violation, and reasonable attorney's fees and costs in an amount fixed by the court. The remedy provided by this section is not exclusive and shall not preclude either the tenant or lessee from pursuing any other remedy provided by law.

SEC. 2.

The Legislature finds and declares that housing, including maintenance of accommodations, is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Section 1 of this act adding Section 7060.8 to the Government Code applies to all cities, including charter cities.

~~*SECTION 1. Section 33080 of the Education Code is amended to read:*~~

~~*33080.*~~

~~*Each child is a unique person, with unique needs, and the purpose of the educational system of the state is to enable each child to develop all of their own potential.*~~



The California Rental Housing Association (CalRHA) represents over 18,000 members totaling more than 419,000 units, made up of small, medium and large rental housing owners throughout the State of California. Our purpose is to advocate in the best interest of the rental housing industry and collectively address industry needs.

CalRHA is affiliated with the National Apartment Association (NAA) and the following local associations:

- Apartment Association, California Southern Cities, Inc. (AACSC)
- Apartment Association of Greater Los Angeles (AAGLA)
- Apartment Association of Orange County (AAOC)
- East Bay Rental Housing Association (EBRHA)
- Nor CAL Rental Property Association, Inc. (NCRPA)
- North Valley Property Owners Association (NVPOA)
- San Diego County Apartment Association (SDCAA)
- Santa Barbara Rental Property Association (SBRPA)

The website (<https://cal-rha.org/>) is a great place to find updates on the latest lawsuits on eviction moratoria, rent registries, and key California mandates; rental property news from around the state; and links to rental assistance relief.

Over the past few years, CalRHA has grown to become a trusted voice in Sacramento for rental housing providers thanks to your generous support. We've defeated a barrage of bad legislation and advanced policies that alleviate the burden on our industry, but the pandemic has heavily shifted political focus. Today, we're seeing more laws imposing costly requirements while violating our rights as rental property owners.

As the fight escalates, through the remainder of the year, we ask you to consider donating to the CalRHA Political Action Committee Fund and/or the CalRHA Litigation Fund. Every dollar donated to these separate funds will be used to educate lawmakers about the impacts to our industry, and to advance CalRHA's lawsuit against illegal legislation. We look forward to working together to protect our industry and affordably house Californians. Thank you for your continued support.



WELCOME NEW MEMBERS

LEIGH ANN ROBINSON, MICHAEL LAWSON,
ILEANA MCDYER-SIERRA, GARY HULSEY, ELIZABETH LOOMIS
PEDRO AGUILERA, JOHN MORAIS, DOUG STEINRIEDE,
TRISHA BUCKLEY, MELISSA & CHRISTIAN BONILLO

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2022 Apartment Industry Policy Priorities



National Apartment Association



2022 Apartment Industry Policy Priorities

Rental housing is a robust, diverse industry that provides a home for one-third of the nation, supports 17.5 million jobs and generates over \$3.4 trillion in economic activity. The policy challenges facing the industry, especially in the age of COVID19, are equal in scale and scope – touching every sector of the industry from new development to property management – and encompassing firms of all shapes and sizes. As their advocates, we focus on issues that reduce operational risk and enable efficient operations, preserve housing affordability and ensure the continued viability of rental housing providers for the long-term.

For 2022, the industry's priorities reflect the near-term concerns of the housing crisis exacerbated by the COVID-19 pandemic and the broader need to maintain the health and competitiveness of the rental housing industry for the longterm. We urge Congress and the Administration to:

- Support credible and proven policies to address **housing affordability and stability** including **financial assistance for renters**, while opposing approaches that undermine the effective operation and financial health of rental housing – such as rent control and eviction measures that unduly burden necessary operations.
- Maintain and expand **tax policy** that preserves and encourages investment in multifamily housing.
- Promote strategies that reduce **barriers to new construction and rehabilitation** to address housing supply shortages.
- Ensure dedicated **assistance** is available for renters and property owners to maintain the stability of America's renters and the housing industry at large.
- Increase funding and improve the **Section 8 Housing Choice Voucher Program** to enable greater private housing provider participation and expand affordable housing options for low- and moderate-income Americans.
- Support funding for unmet **infrastructure** needs that directly impact housing.
- Expand **operational risk coverage** as it relates to cybersecurity, liability, pandemics and reauthorize and reform the **National Flood Insurance Program (NFIP)**.
- Ensure federal **fair housing** policy protects equal opportunity in housing while supporting housing providers' ability to develop, own and operate their properties without undue risk and compliance uncertainty.
- Enact a federal **data privacy**, security and breach notification standard that pre-empts the patchwork of state laws that leave consumers vulnerable and impose burdensome compliance obligations.
- Accelerate **broadband deployment** and modernization in multifamily communities across the country, protect the current facilities-based partnership model that encourages digital infrastructure expansion, and enable consumer access, affordability, and connectivity.
- Ensure the continued ability by Fannie Mae, Freddie Mac and the Federal Housing Administration to provide adequate **capital financing** to the apartment industry.
- Preserve necessary **resident screening** tools and ensure that consumer reporting reforms do not make screening impracticable or hinder apartment providers from properly managing risk.
- Pursue **labor and immigration policy** that ensures an adequate workforce supply for the multifamily industry.
- Pursue innovative, cost-effective **energy efficiency strategies** that incentivize sustainable and resilient communities.



April Webinars

Tuesday, April 19, 2022

Why You Need a Formal ESG Program: Moving Forward in a Changing Regulatory Environment



Talk about Environmental, Social and Governance (ESG) issues has escalated rapidly in the past year. Learn from two experts how regulators and investors are addressing ESG in the rental-housing industry; how to evaluate the most popular ESG frameworks; plus an efficient and effective approach to developing your own ESG program.

Sign up at

<https://www.naahq.org/why-you-need-formal-esg-program>

Thursday, April 21, 2022

Rolling Out the Welcome Mat: Rethinking Pet-Related Restrictions



Pet restrictions regarding breed, weight and age aren't always necessary, and they're likely impairing your ability to attract and retain residents. A panel of experts will detail the benefits experienced by operators who reduce or eliminate restrictions, such as increased renter demand, increased renewal rates and sharp upticks in pet revenue.

Sign up at

<https://www.naahq.org/rolling-out-welcome-mat-rethinking-pet-related-restrictions>



Thursday, April 28, 2022

Interrupting Unconscious Bias to Create High Performing Teams



Discover practical strategies to interrupt implicit biases in the workplace.

Sign up at

<https://www.naahq.org/interrupting-unconscious-bias-create-high-performing-teams>

Go to the NAA website for more information on upcoming webinars as well as links to past webinars

<https://www.naahq.org/education-careers/online-learning/webinars>

You may also wish to review the COVID specific offerings

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

Rental Owner Updates

2/23/2022 CURTAINS FOR CLOSET DOORS

A landlord shares below what she recently discovered that will add to the overall look of her rentals: "I hate swinging doors. They take up so much space and we have small places.



Bi-folds are also terrible. They're always getting broken and falling off. Sliding barn doors only work in certain spaces. The same is true for pocket doors.

In our small cottages we have been using curtains on closets for years, but ready-made curtains only come in 63" or 84" inch lengths. Shower curtains can be bought in 78" length but either they look cheap or they are super expensive, and they need hooks which tend to look cheesy too.

Closet door heights are usually 80". With a tension rod that means about 79" inches needed for a curtain. The other day, for no good reason I searched 79" curtains and lo and behold, they do make them. They even say 'Closet' in the title! I simply never searched on them before. They were \$29 each."

3/4/2022 DOG-PROOF YOUR RENTAL PROPERTY

If you allow dogs, how do you "dog proof" your rental property or minimize repairs needed? Two tips shared by landlords include:

1. Remove all carpet.
2. Conduct home inspection of applicant's current home BEFORE accepting them into yours. (Do this plus fully screen each applicant).



NOTE: You can read more stories and tips from landlords at www.mrlandlord.com/landlordforum/

3/15/2022 ARE YOU CHARGING FEES?

A landlord shared in a discussion last week on the Q&A the following observation:

If you are not yet aware, some big hedge fund billionaires are buying up rental houses. Two are working in my small town. This is changing the face of renting houses. One has over 35,000 homes nationwide. The other has thousands and buying 1000 each week....



He then went on to share how one of these companies are charging the following fees to residents, just to name a few:

- Application fee: \$75 per person
- Animal Registration Fee: \$350 each animal
- Animal rent: \$50 each animal
- HVAC filter fee: \$15 per month

What's the point being made? I believe that the landlord is simply pointing out that some of the "big" players in the rental industry are charging fees and they're charging larger than the amount most mom and pop landlords are charging. And while the idea of charging fees or large fees may not currently be part of your business model, it may be worth considering charging a fee for some of the services that you do provide as long as any fees (or the amount) stays within your state laws.

RECOMMENDED RESOURCE OF THE WEEK

There is a great little book on the subject of Fees that I would recommend all mom and pop landlords read. It's called **THE FEE BIBLE**. It shares *step-by-step instructions for over 60 different services and fees for landlords and property managers* to consider utilizing with rentals. Each chapter includes:

- How much to charge
- Pros and Cons
- How to explain the service or fee to tenants
- What needs to be included in the lease.

Landlording Lessons

DON'T BE QUICK TO PUT THE BLAME ON "PITA" RESIDENTS

A lot of landlords are quick to call residents a PITA (Pain in the Butt) if they try calling the landlord repeatedly after hours, even when residents are calling about an emergency. Many, if not most landlords turn off their phones at night to avoid being bothered with late night calls.



One such landlord who had his phone off at night, greatly irritated the resident who was calling about an emergency, and in so doing also stirred additional ill-feeling from the landlord regarding an upcoming rent increase along with complaints about overall condition of the property and lack of improvements since moving. Not having someone available to receive an emergency call can not only create great frustration for a resident, but depending on the actual problem at hand, could end being very frustrating and costly for the landlord. In addition, lack of landlord responsiveness and property improvements are two of the biggest reasons residents do not renew their lease, and pushback against rent raises.

MrLandlord Editor's Note: I'm going to go counter to some of the thinking common to landlords. In my opinion, landlords should always be prepared to have SOMEONE receive emergency calls late at night. To simply turn your phone off is NOT the answer.

1) You are running a business, whether you have one rental or 100. You need to have a phone number a resident can call in the middle of the night and reach a live person. It does not have to be your number. And there's ways to do this VERY cost effectively.

2) The rent raising strategy I suggest, gives residents the opportunity to pushback. In fact, I want residents to feel they play an active role in the major decision affecting their rentals.

3) I'm sure you've heard me talk about anniversary gifts. By doing small improvements to your rentals each year, it greatly lessens the feeling among residents that no improvements have been done.

I encourage landlords not to fall into the trap/mindset that so many landlords are quick to do and call your residents a PITA, when they continue calling you when you are not quick to

respond. PITA is a much OVER-USED excuse among landlords, as they try to put blame on the resident. If the truth be told, a lot of the times when we start calling residents a PITA, if we had operated our rental business in a different manner, the situation which we are now accusing the resident of being a PITA, would not have occurred.

Instead of calling residents, PITA, look for ways you can run your business differently that would have your residents and rental circumstances producing different results. Sure there are a few PITA residents, but if we are really honest with ourselves, they should be a very small percentage if we are doing effective screening.

Most people are good people (again if you do proper screening). Just like you, they want to be treated fairly and they want to win in life just like you want to be treated fairly and win in life. My management system is based on that belief, so I build in to it ways for residents to feel like they are being treated fairly, even special and a winner, even in challenging situations, like annual rental increases and maintenance emergencies.

Don't be like most landlords and always quick to call a resident a PITA. Instead look in the mirror and see what YOU could have done differently. Stop using PITA as an excuse. No more excuses for our own ineffectiveness in running our rental business.

DON'T DENY, ASK THEM TO PROVE IT!

Listen up New Landlords. People who fill out applications will put down ANYTHING needed to get into your rental property. Verify!

- Pay Stubs
- W2's.
- Wg's
- Award letters from Social Security
- Award letters from Welfare
- Bank statements showing deposits.



Never accept their word for how much they make. I had an unmarried couple apply. Together their stated income would qualify. So I called her up and told them I would need verification of income. She started telling me that her award letter didn't reflect her actual amount on her check – that her check was more – Yeah right. She said that her check was direct deposited so she couldn't show me the

check. And that he didn't have pay stubs because his pay was put directly on a Walmart card. Do I smell a fib here?

There was dead silence when I told her to bring me her bank statements showing the deposits for her checks and that he must get some proof of the amount he was paid. Told her that when she got the proof of income she could contact my property manager and I would proceed with processing her application.

Do not deny people. Throw it back on them to provide the proof that they meet your criteria. I told them that when they got verification of income, and my property manager brought it to me that I would proceed with processing their application. If they do come back with verification of income, I will proceed with credit checks, background checks, etc. That is if the rental property is still available.

Many landlords are not aware that more than half of all evictions are with renters who were accepted unknowingly with application fraud. More and more rental applicants are falsifying rental documents and using them to apply to your rentals.

Landlord Warning

EVERYBODY SAYS LLC GIVES PROTECTION...

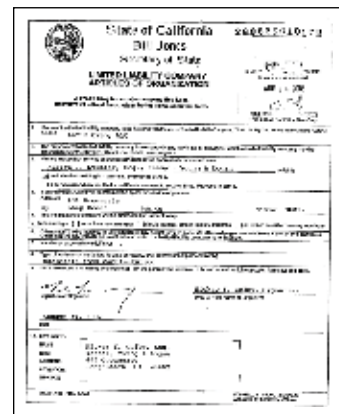
*For landlords, the LLC is often your best bet for asset protection. However, the problem is that without a lot of fine tuning and really understanding what an LLC is doing, even an LLC won't really give you much cover. To get the protection of an LLC, you've got to go a lot further than just filing papers with the state and calling yourself an LLC. It's unfortunate, but that's probably exactly what many landlords have done. **In this special Update issue**, I've asked my friend and attorney Lee Phillips to share an experience he had with one of his clients regarding LLCs.*

My name is Lee Phillips. I have worked with Mr. Landlord for over 25 years. My background includes serving as an attorney and as a United States Supreme Court Counselor and Federal Tax Court Attorney, but asset protection and making more money are my passions.

A large ad agency in Los Angeles contacted me awhile back. The owners operated for years as a partnership. They knew they were personally liable—all their personal assets were at risk for everything that happened in the agency. They finally woke up and realized that they had a good business and they needed to get some protection.

It's the smart, successful people that try to protect themselves. When you put asset protection measures in place, you've got to remember that you're not only protecting yourself, you are protecting your family and their lifestyle.

By the way, it doesn't matter if you are in landlording, real estate investing, or have a business or corporation. I will tell you that you need to change it to an LLC. An LLC is literally going to give you twice as much asset protection as you get from a corporation.



Anyway, the ad agency partners had a popular legal internet site form an LLC for them. Most internet sites charge \$300-500 for filing the papers with the state and then an extra \$500 or so if you want an operating agreement. The problem is that internet sites are always pitching to the lowest common denominator. It's one size fits all for them.

This ad agency got the internet LLC, and a year later they got sued. When they got into court, the people suing them argued that the court should set aside the LLC and let them sue the owners and get their personal assets in addition to the company assets.

It took 15 minutes of arguing for the court to agree to set aside the LLC and all its protection. There is about a 90% chance the owners would have been in exactly the same position if a lawyer had done the LLC for them. The internet sites and even 90% of lawyers only get you halfway there.

When the ad agency owners talked to me, the only request they had was "Let's do it right this time."

I actually made them listen to audio instructions I prepared to help people make their LLCs work for them. Funny thing: if you make your LLC work for you, you'll get more money and be protected when there's a disaster. Yet, everybody that gets an LLC, it's just a piece of paper in a file cabinet or binder.

It doesn't have to be that way. There is a LLC course I developed that walks you through how to get the asset protection an LLC can give you. Plus, it shows you how to make more money in your LLC. The piece of paper is the first step, but there's a lot more to it. It's not hard, especially when I explain it in plain

English. You can't afford to pay the lawyer to explain it to you, and the internet sites don't explain it either. So, 90% of the time it turns out to be a mess.

90% of the people who get an LLC don't get protected and they don't make any more money. They could, but they don't. People will assure me that their lawyer did a great job or they'll tell me that they've studied everything on the internet, but the proof is in the pudding. They aren't protected when they need it and they don't make more money.

I redid the paperwork for the LA ad agency, and once those guys listened to the tutorial, they were home free. It's been smooth sailing for them ever since. I'll assume you're either planning on getting an LLC or you have an LLC. I'll assume you have filed your LLC with the state, but you may or may not have an operating agreement. If you do have an operating agreement, you do not know how to use it to make more money and how to get more asset protection.

Management tips provided by landlords on MrLandlord.com. To receive a free Rental Owner newsletter, call 1-800-950-2250 or visit our nationwide Q&A Forum, LandlordingAdvice.com where you can ask landlording questions and seek the advice of other rental owners 24 hours a day.



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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)

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.

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.

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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



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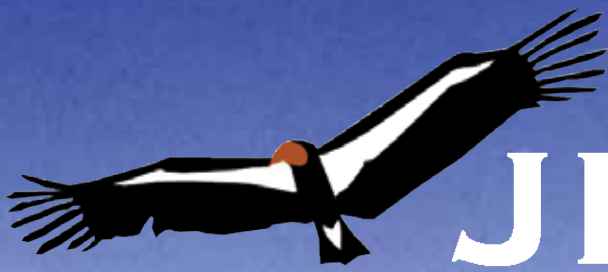
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~ Bob Hart, Santa Barbara Association of Realtors

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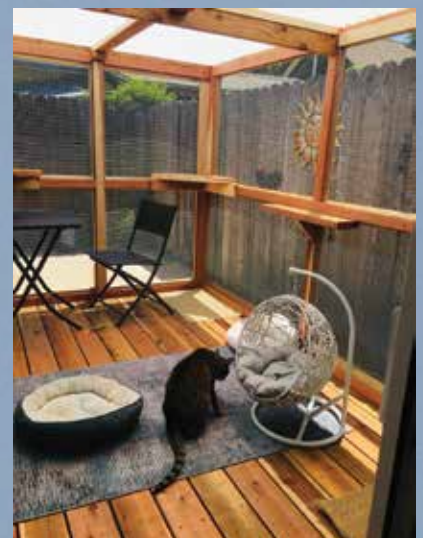
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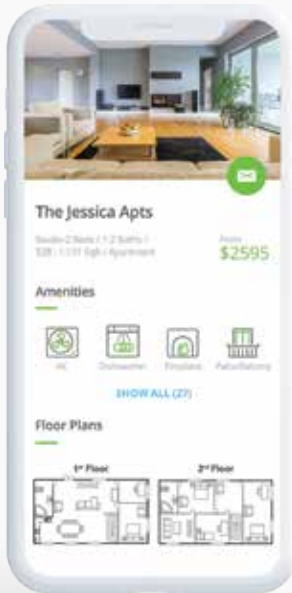
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Santa Barbara Happenings



Terry A. Bartlett – Reetz, Fox & Bartlett LLP

Keep Local Black Gold in the Ground: Santa Barbara County Supervisors Deny Oil Trucking Permit

The Santa Barbara County Board of Supervisors, in a split voted, denied ExxonMobil's permit request for a restart of its Santa Ynez Unit. Since ExxonMobil has an existing vested right to operate the Santa Ynez Unit, what they need is a permit to temporarily use public roads to transport the oil out of Santa Barbara County until a replacement pipeline is available. The proposed route would be from Las Flores Canyon in southern Santa Barbara County north to the Santa Maria Valley and Kern County. The restart would also bring back high-paying jobs and millions of dollars of local spending.

With gas prices at an all-time high because of government restrictions on energy production, the benefit of local production means less reliance on foreign supplies from bad actors like Russia and other overseas producers with few, if any, environmental or safety concerns.

Mike Stoker Announces Run for California's 37th Assembly District Seat

Former Santa Barbara County Supervisor Mike Stoker announced his run for California State Assembly. Just one day after this announcement, Gabe Escobedo suspended his campaign, leaving Stoker to run against Gregg Hart. In addition to his time served as County Supervisor, Stoker served as chairman of the California Agricultural Labor Relations Board, and served as the Region 9 administrator for the Environmental Protection Agency. Stoker intends to vigorously oppose every proposal to increase taxes in the state.

The primary election will be held on June 7, 2022. Stoker and Hart are expected to face off on November 8, 2022 for the Assembly seat.

Santa Barbara Native Michelle Weslander Quaid Runs for U.S Congress

On March 10, 2022, Santa Barbara resident Michelle Weslander Quaid announced her candidacy for the

24th Congressional District seat. Quaid is running as an independent and will be up against current representative Salud Carbajal.

Quaid's background is in government, serving as a senior executive in defense intelligence then Intelligence Community Deputy Chief Information Officer. She then worked for Google Inc. before founding her own company in 2015.

Quaid's principles include individual liberty, limited government, a secure southern border, support for first responders and veterans, fiscal responsibility and lower taxes, excellence in education, and energy independence.

Santa Barbara County Superior Court Lifts Order Suspending Trials

On March 14, 2022, the Santa Barbara County Superior Court Order suspending trials came to an end. This order applied to both criminal and civil jury trials. Several cases have been awaiting their time in court ever since the Court initially suspended trials in 2020.

Santa Barbara City to Resume Cruise Ship Program

Since March of 2020, Santa Barbara's cruise ship program has been stalled due to the "no sail" order issued by the CDC. Now, two years later, the City Council has moved to end the ban.

Prior to the ban, the cruise ship program generated hundreds of thousands of dollars in direct revenue annually and millions of dollars in tourist spending. The Waterfront Department already has 31 calls scheduled for 2022, and 27 scheduled for 2023. According to City officials, without these visits, the waterfront department would need to make up for the lost revenue, which could mean higher parking prices and/or slip fees.

Santa Barbara County Tax Revenue Projections

Santa Barbara County is projecting a \$2.7 million increase in property transfer taxes over what was

Continued on page 33

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forecasted in the 2021-2022 budget. Bed taxes are projected to be \$2.6 million higher than what was expected last June, likely due to the public's long delayed urge to travel. The County is also projecting a year-end surplus of \$2 million in sales tax compared to forecasts.

Santa Barbara County to Expand Cannabis Industry

The Santa Barbara County Board of Supervisors voted to remove processing buildings from the acreage caps on cultivation. Currently, cannabis cultivation is capped at 1,575 acres outdoors in North County and 186 acres in greenhouses in Carpinteria Valley. Removing processing buildings from the caps will free up additional acres for cultivation and likely increase the number of stand-alone processing buildings. The City of Carpinteria opposed this amendment, citing previous issues with size and odor control.

The Board of Supervisors hope this will increase cannabis tax revenue, which is projected to be \$6 million less than what was forecasted in the 2021-2022 budget due to locally-grown cannabis being moved elsewhere for processing. Additionally, none of the six storefront locations in the County's unincorporated areas are up and running yet, as they are still in the process of getting their zoning permits and business licenses. Only one is expected to open by July of 2022.

In the same breath, the Board of Supervisors unanimously approved a 25,000 square foot processing building at Glass House Farms in the Carpinteria Valley. The processing building will be equipped with 19 carbon filters to decrease the smell of cannabis.

Get Your Cowboy/Cowgirl On: Santa Maria Elks Rodeo Ready to Ride in June

The 79th Santa Maria Elks Rodeo will return June 2nd-5th at the Santa Maria Elks/Unocal Events Center.

This year, there are three candidates seeking the Elks Rodeo queen crown. The crown is given to the top fundraiser. The campaign kicks off April 16, 2022 and lasts 12 weeks. Typical fundraisers include golf tournaments, raffles, and dinners. The 2021 Elks Rodeo queen raised \$550,000. All money raised goes towards scholarships, youth recreation, and other community programs.

Santa Maria has also been asked to host the

California Circuit Finals Rodeo semi-annual conference and the Miss Rodeo California Clinic. These events will bring representatives from other Rodeos in the state and new visitors to Santa Maria.

Santa Barbara Unified School District Forced to Adjust to State Mandated Pre-K

As part of the California Comeback Plan, Governor Newsom signed legislation that requires all public schools, by 2025, to implement universal transitional kindergarten (or Pre-K). The legislation calls for a 12-to-1 student to adult ratio (compared to the current 24-to-1 ratio) and expands the eligibility for 4-year-olds who have missed the cut off for kindergarten. All this while teachers and district staff across the country have been leaving their positions since the start of the pandemic, resulting in a national shortage of teachers.

Accessory Dwelling Units Continue to Grow in Tri-County Region

According to data from the Department of Housing and Community Development, accessory dwelling units ("ADUs"), often referred to as "granny flats" are growing in popularity, with 952 units permitted for construction in 2020 in Ventura, Santa Barbara, and San Luis Obispo counties. In 2016, only 74 units were permitted. ADUs are independent living facilities on an existing parcel. This increase is likely be attributable to the 2020 ADU laws, allowing the construction of ADUs inside existing multifamily buildings. This includes the conversion of garages and storages rooms, for example, into housing. The 2020 law also prohibits any lot size requirements when building ADUs.

ADUs can also be a source of additional income for property owners, or extra space for a parent or child in college. The increased density, however, also results in less parking and more congestion.

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- Regular site inspections

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- 24/7 on call maintenance team
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- Credit and background check
- Employment verification
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- Prior eviction check and
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LIABILITY

- We confirm you have adequate insurance
- Current lawyer endorsed leases
- Mold, and lead disclosures used
- Conduct any necessary evictions

OUR RESULTS

- Annual portfolio occupancy rate consistently over 98%
- Consistently lowest maintenance expenses in the industry
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Cardholder Name _____ Billing Zip _____

Signature _____ Exp Date _____

Business Partner Directory

Welcome to **SBRPA's Business Partner Directory**, our Vendors & Supplier listing. This is a special member group created for our Vendors and Suppliers. You get a free listing in the Business Partner Directory on our website, and your page will include a description of your business, your logo and contact information, as well as a link to your own website, LinkedIn/Facebook URLs and Twitter/Instagram handles. To join, please fill out an online application (<https://www.sbrpa.org/membership-information>) or call the office to have one emailed to you. For more information about our Business Partners, contact:Lori Zahn Chair, SBRPA Business Partnerships Cell 805.451.2712



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Coastal Housing Partnership hosts a Rental Listing Site for Landlords/Property Managers. This site is FREE for local landlords to post their residential rental listings in Santa Barbara County and Ventura Counties. Feature your property to over 45,000 local employees and 60+ companies. List your property with confidence on the rental listing site that boasts a dynamic tenant pool. The site can be accessed only by the employees of our member companies. Go to <https://rentals.coastalhousing.org/> for more info and to register for the site.

Michele Herrera

Loan Advisor, NMLS #321843

805.680.0066



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