

Nov 2022

SANTA BARBARA  
RENTAL PROPERTY

# news

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

## **LEGISLATIVE LAND MINES** ***Navigating the Path Through 2023***

*What Lies Ahead? Are there potential "land mines"?*

SBRPA December 13th Members Meeting

**GUEST SPEAKERS:**

Nicole Upano, NAA (National Apartment Association)

Kate Bell, CALRHA (California Rental Housing Association)

Krista Pleiser, SBAOR (Santa Barbara Association of Realtors)

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The Rental Property News Magazine is published monthly by the Santa Barbara Rental Property Association, Inc. Editorial/ advertising offices are located at 123 West Padre Street, Suite D, Santa Barbara, CA 93105. Phone (805) 687-7007. Subscription is included in the annual membership dues.

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## President's Message



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

It is amazing that Thanksgiving is almost upon us.

We can be thankful for all of our new members as well as our faithful continuing members. We appreciate your participation in our fight against unfair practices toward landlords, your contributions to our Legal Action Fund, our Political Fund and our Education Fund, your assistance in writing to the Mayor, City Council and City Attorney and/or attending meetings when critical decisions are on the City Council agenda and for so many other things that you do to help our industry. Keep up the good work.

At this time, we want give a big thank you to one of our highly respected and valued members of the SBRPA Board of Directors, Jim Carillo! Thank you, Jim!! Jim moved to Orange County to reside closer to his family and we will miss him greatly. He was our representative to the National Apartment Association (NAA) for years and he and his staff attended many of the conferences all over the country. He would then report back to the Board many of the things that he learned which were of very significant value to the Board. Jim also had great insight into the solving of problems and excellent recommendations for many situations facing the Board. Jim served on the Board for many years and will leave a huge void. One of the many things for which we can be grateful to Jim is the annual SBRPA charity golf tournament he launched that has provided financial support to various local Santa Barbara charities. We thank Jim for his invaluable contribution to both our organization and to the rental property industry. Godspeed, Jim, in your next endeavor!

The rental property industry has been singled out to provide housing at no compensation for months on end during the COVID-19 pandemic while other industries were allowed to continue their business without such burdens. Many landlords did not receive rent for up to two years until the rental assistance funds finally were distributed PROVIDED that the landlord could get his/her tenant to apply. Because there was an eviction moratorium going on, tenants had no incentive to take the time and trouble to apply. So many tenants told my clients that they didn't feel like applying because they knew they could not get "kicked out" and so it was inconvenient for them to make the effort gather their paperwork to apply. One of the SBRPA members said to me that he knew that housing was a necessity but so is food and he did not see grocery stores and restaurants being forced by the government to provide free food. Good point.

Thankfully, it is now again permissible to issue a 3-day pay or quit notice if the tenant does not pay rent. Do remember that if your contract provides for a "grace period" such as due on the 1<sup>st</sup> and late if not paid by the 5<sup>th</sup> date, then the three day pay or quit cannot be served until the first business day following the last calendar day of the grace period established in the rental or lease agreement. This is so because the rent is not delinquent until then. You may wish to check your rental agreements to see what they contain and either change them at the time of the Lease renewal if it is a fixed-term tenancy or by the service on the tenants of a 30-day Notice of Change in Terms of Tenancy if you are not satisfied with giving the tenant that extra 5 days or other amount of days that you provided to pay the rent each month.

Also be mindful of the fact that while one "Just Cause, No Fault" reason to evict a tenant for non-exempt properties is that the owner or his or her immediate family member wants to reside in the rental premises, this "right" must be actually stated in your written agreement with your tenant. Please refer to California Civil Code section 1946.2. If it is not there, you cannot use that reason. You can, however, insert that provision into your Leases upon renewal or by the issuance of a Thirty Day Notice of Change in Terms of Tenancy for month-to-month rentals.

These days, with the free assistance available to them, tenants are using every possible trick to fight legitimate Unlawful Detainer cases. While I respect tenants' right to legal representation, I do not agree with tenants unfairly using delay tactics against landlords. It is now common for a landlord to pay for representation through the service of the proper notices, the Mandatory Settlement

A graphic for the law firm featuring a wooden gavel resting on a stack of three books. The text reads: THE LAW OFFICES OF BETTY L. JEPPESEN  
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**President's Message** from page 5

Conference (at which a tenant may or may not show up even though it is called "mandatory"), and a Trial before a respected Judge only to find that a tenant has contacted the Court to have an Ex Parte Hearing to Set Aside the Judgment obtained. Following that, the tenant may try yet another Ex Parte Motion to Stay the Execution of the Judgment. These tactics gain the tenant at most another few days but cost the landlord money because the landlord's attorney has no choice but to oppose these motions with Opposition papers, exhibits and witnesses. And, the landlord has to come to court to participate in the hearing. The Court has to take time to read all of the pleadings and to hear the motions and consider the evidence once again. These motions are legitimate in situations where a tenant was not properly served so that he or she did not already have his day in court but in my opinion they are not proper when the tenant absolutely had knowledge of all of the correct steps being taken throughout the legal process. It is also not unheard of for the tenant to thwart a Sheriff's lockout on the basis of one letter in his or her name being incorrect. So, please be careful and read everything twice.

Happy Thanksgiving to all!

Thank you for your membership.

Betty L. Jeppesen

President


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# SBRPA Calendar



## Programs & Events

### Assembly of Delegates

Nov 15-17, Tuesday-Thursday  
Hilton Norfolk The Main, Norfolk, VA

The Assembly of Delegates (AOD) is composed of up to two hundred and fifty (250) delegates from the NAA's ten regions. AOD is NAA's largest business meeting of the year, where all NAA and NAAEI Boards, Committees and Task Forces meet, and the new incoming volunteer leadership is installed.

The 2022 Assembly of Delegates meeting will take place in-person at the Hilton Norfolk The Main in Norfolk, Virginia. NAA is committed to the health and safety of our members and staff and will continue to monitor and follow guidance from health agencies as we look forward to seeing everyone in November!

Pre-Registration to the 2022 Assembly of Delegates is complimentary for all attendees who register by November 9, 2022. There is a \$50 registration fee for registrations received AFTER November 9.

For more information & to register:  
<https://www.naa.org/assembly-of-delegates-2022>



NOVEMBER 2022						
SUN	MON	TUE	WED	THU	FRI	SAT
		1	2	3	4	5
6 End Daylight Savings	7	8	9	10	11 Thanksgiving	12
13	14	15 NAA Assembly of Delegates	16	17	18	19
20	21	22	23	24 Thanksgiving	25 BLACK FRIDAY	26
27	28	29	30			

The Office will be closed Nov 24-25 in honor of Thanksgiving.  
Please call to make an appointment so we can serve you and minimize the number of people in the office at a time.  
  
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### SBRPA Members Meeting

Dec 13th, Tuesday, 12:00 noon to 1:15PM  
Zoom meeting, link info will be provided

LEGISLATIVE LAND MINES – Navigating the Path Through 2023. What Lies Ahead? Are there potential "land mines"? National, State & Local Legislative Experts provide our SBRPA Members with special "Insiders" perspective on what to expect in 2023 and what you can do to help protect your investment in rental property. See page 15.

### SBRPA 2023 Economic Forecast

Jan 24th, Tuesday, 5:00PM to 6:30PM  
Santa Barbara Public Library, Faulkner Gallery  
Enjoy catching up with other members over drinks and appetizers. Dr. Mark Schiepp will deliver his 2023 Economic Forecast. See page 23.

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# CalRHA Legislative Updates



Kate Bell, KateBellStrategies.com

## October 2022 Legislative Update

September 30th was the final for Governor Newsom to act on all legislation. Overall, the Governor signed about 85-86% of the bills that reached his desk. Below, please find the Governor's actions on key bills that CalRHA lobbied/sponsored:



Governor Gavin Newsom

- **AB 916 (Salas)**. CalRHA sponsored bedroom addition bill (Sponsor)
- **AB 1694 (Santiago)**. Adaptive reuse for multi-family (Support)
- **AB 1738 (Boerner-Horvath)**. Electric Vehicle (EV) building standards
- **AB 2011 (Wicks)**. Affordable Housing and High Roads Jobs Act (Support)
- **AB 2139 (Gallagher)**. Local Rebuilding Plans (Support)
- **AB 2221 (Quirk-Silva)**. Accessory Dwelling Unit (ADU) (Support)
- **AB 2234 (Rivas and Grayson)**. Post Entitlement Permits
- **AB 2503 (Garcia)**. AAOC Sponsored bill on "landlord, tenant" terms (Support)
- **AB 2559 (Ward)**. Reusable Tenant Screening Reports
- **AB 2668 (Grayson)**. Planning and zoning (Support)
- **SB 679 (Kamlager)**
  - LA County Affordable Housing (Oppose)
- **SB 897 (Wieckowski)** ADU bill with our negotiated height increase language (Support)

- **SB 989 (Hertzberg)**. Property tax deferral (Support)
- **SB 1017 (Eggman)**. Termination of lease for abuse or violence (Oppose)
- **SB 1157 (Hertzberg)**. Urban water use objectives
- **SB 1477 (Wieckowski)**. Wage garnishment (Oppose)
- **SCA 2 (Allen and Wiener)**. Repeals Article 34 of the California Constitution, which requires development, construction, or acquisition of publicly-funded low-rent housing projects to be approved by a majority of voters in a city or county.

Additionally, the Governor vetoed:



CA Assemblymember  
Kelly Seyarto

**AB 1687 (Seyarto)**. Governor's powers during emergencies

Veto message. To the Members of the California State Assembly: I am returning Assembly Bill 1687 without my signature. This bill provides that the Governor, during a state of emergency or state of war emergency, may only suspend a statute or regulation that is in connection with the specific conditions of the proclaimed emergency. At best, this bill is redundant and therefore unnecessary. The Emergency Services Act already requires any suspension of laws or regulations issued by the Governor during times of emergency or war be directly related to the mitigation of the declared emergency. By imposing duplicative obligations, this bill compromises the state's ability to swiftly respond to the needs of residents in times of crisis. Additional redundant layers of justification, as required by this bill, would only invite frivolous lawsuits. This could delay or derail state emergency response and recovery efforts, negatively impacting the most vulnerable California residents and potentially costing lives. For these reasons, I cannot sign this bill. Sincerely, Gavin Newsom

**SB 1262 Bradford.** Access to court records (Support)

Veto message. To the Members of the California State Senate: I am returning Senate Bill 1262 without my signature. This bill would change superior court rules to allow publicly accessible electronic court criminal indexes to be searched with a subject's driver's license number or date of birth. This bill would override a 2021 appellate court decision and current court rules that strike a fair balance between public access to court records, public safety, and an individual's constitutional right to privacy. While this bill may provide for a more convenient process for companies conducting commercial background checks, it would also allow any member of the public to easily access individuals' sensitive personal information online. For these reasons, I cannot sign this bill.

Sincerely, Gavin Newsom



CA Senator  
Steven Bradford

**SB 1482 (Allen).** EV Charging Infrastructure (Oppose)

Veto message. To the Members of the California State Senate: I am returning Senate Bill 1482 without my signature. This bill requires the Department of Housing and Community Development to research, develop, and consider proposing for adoption mandatory building standards for the installation of electric charging infrastructure for parking spaces in new, multifamily dwellings. I agree with the author's intent to increase access to EV charging technology for Californians living in multifamily housing, which is necessary to increase the number of zero emission vehicles on the road. However, I believe this issue is best addressed administratively in order to balance our charging objectives with our efforts to expand affordable housing. The Department of Housing and Community Development is already working with numerous stakeholders and state agencies in a deliberative public process to aggressively expand mandatory EV charging requirements in new housing developments. This approach allows for other important considerations, such as the cost of affordable housing and feasibility of implementation. For these reasons, I cannot sign this bill.

Sincerely, Gavin Newsom



CA Senator  
Ben Allen

Throughout 2022, CalRHA opposed over 15 bills that never made it to the Governor's desk. Those ranged in topic from rent registry to Ellis Act to Tenant Opportunity to Purchase Act. Although we had a very good defensive year holding bills that would have been detrimental to the rental housing industry, we do anticipate many of those bills will be reintroduced in 2023.

## **INITIATIVES**

Below, please find a summary of ballot measures for California this November. You may also visit the website of the Secretary of State at [www.sos.ca.gov](http://www.sos.ca.gov) for further information.

### **Proposition 1: Constitutional Right to Reproductive Freedom. Legislative Constitutional Amendment.**

Amends California Constitution to expressly include an individual's fundamental right to reproductive freedom, including the right to choose to have an abortion and the right to choose or refuse contraceptives. The amendment does not narrow or limit existing rights to privacy and equal protection.

### **Proposition 26: Allows In-Person Roulette, Dice Games, Sports Wagering on Tribal Lands. Initiative Constitutional Amendment and Statute.**

Also allows sports wagering at certain horse racing tracks and private lawsuits to enforce certain gambling laws. Directs revenues to the state's General Fund, problem gambling programs, enforcement.

### **Proposition 27: Allows Online and Mobile Sports Wagering Outside Tribal Lands. Initiative Constitutional Amendment and Statute.**

Allows Indian tribes and affiliated businesses to operate online/mobile sports wagering outside tribal lands. Directs revenues to regulatory costs, homelessness programs, nonparticipating tribes.

### **Proposition 28: Provides Additional Funding for Arts and Music Education in Public Schools. Initiative Statute.**

Provides additional funding from the state General Fund for arts and music education in all K-12 public schools, including charter schools.

### **Proposition 29: Requires On-Site Licensed Medical Professional at Kidney Dialysis Clinics and Establishes Other State Requirements. Initiative Statute.**

Requires a physician, nurse practitioner or physician assistant on site during treatment. Requires clinics to disclose physicians' ownership interests, report infection data.

Proposition 30: Provides Funding for Programs to Reduce Air Pollution and Prevent Wildfires by Increasing Tax on Personal Income Over \$2 Million. Initiative Statute.

Allocates tax revenues to zero-emission vehicle purchase incentives, vehicle charging stations, and wildfire prevention.

Proposition 31: Referendum on 2020 Law That Would Prohibit the Retail Sale of Certain Flavored Tobacco Products.

A "yes" vote approves and "no" vote rejects a 2020 law prohibiting the retail sale.

**NOTE: Kate Bell will be one of the speakers at the December 13th SBRPA meeting: LEGISLATIVE LAND MINES – Navigating the Path Through 2023. See page 15 for details.**

Terner Center and TechEquity Collaborative. Rising Rents, Not Enough Data: How a Lack of Transparency Threatens to Undermine California's Rent Cap.

The paper explores how rising market pressure, combined with inflation, is pushing a significant share of the rental market to see price increases at levels beyond the limits set by California's rent cap. We find that 60 percent of repeat rental listings posted in the spring of 2022 had an annual price increase above the annual rent cap.

While available data do not allow us to differentiate between rent increases for those households who are eligible for rent cap protections and those who are not, the analysis raises questions about the limitations of current enforcement and education around the rent cap and makes recommendations to better ensure the law is working as intended to stabilize renters.

A copy of the report is available at:  
<https://ternercenter.berkeley.edu/research-and-policy/rising-rents-not-enough-data-rent-cap/>



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# SBRPA DECEMBER ANNUAL MEETING AGENDA

December 13, 2022 🇺🇸 12:00 noon – 1:15 PM



Zoom meeting links and other details will be posted on our website and emailed to members. Contact the office at 805-687-7007 or [admin@sbrpa.org](mailto:admin@sbrpa.org) for assistance. This is a Members Only Meeting, there is no cost to attend.

## **LEGISLATIVE LAND MINES – Navigating the Path Through 2023**

*What Lies Ahead? Are there potential "land mines"?*

National, State & Local Legislative Experts provide our SBRPA Members with special "Insiders" perspective on what to expect in 2023 and what you can do to help protect your investment in rental property.

**MODERATOR:** Betty Jeppesen, Esq. SBRPA Board President

**SPEAKERS:** Nicole Upano, NAA (National Apartment Association)  
Kate Bell, CALRHA (California Rental Housing Association)  
Krista Pleiser, SBAOR (Santa Barbara Association of Realtors)

In addition, SBRPA Members will vote on proposed slate of 2023 SBRPA Board Members.



Nicole Upano serves as AVP of Housing Policy & Regulatory Affairs for the National Apartment Association. In this role, she serves as a key thought leader on housing policy, specializing in fair housing, landlord-tenant, and property operations issues. She helps to shape NAA's federal legislative and regulatory priorities and manages the association's federal regulatory advocacy program. To support NAA's network of state and local affiliates, she also leads a team of subject matter experts that conducts legislative research and analysis on industry policy concerns. Nicole calls Indiana home. She attended Indiana University, earning a B.A. in Political Science and Studio Art with a minor in Art History.



Kate Bell, founder of Kate Bell Strategies, is known as one of California's most effective lobbyists before the Legislature and Administration, with nearly two decades of representing clients in industries such as aviation, cybersecurity, education, business, health, housing, procurement, taxes, and technology. Kate was a partner at Capitol Advocacy, where she led the firm's tax and procurement practices. During her time at the firm, Kate won several multi-million-dollar tax refund claims, negotiated settlements, developed effective policies and new business incentives, and represented clients before the Board of Equalization, California Department of Tax and Fee Administration, Franchise Tax Board, Governor's Office of Business and Economic Development, and the Office of Tax Appeals. Kate provides SBRPA with our monthly updates on Legislative issues.



Krista Pleiser is the Government Affairs Director for the Santa Barbara Association of REALTORS®. For the past 15 years, she has managed the Association's political activities, reviews public policy, and works with elected leaders and government staff in the development of housing policies. She worked for a decade to abolish the "in-person" inspections and ridiculous fees associated with the City of Santa Barbara's Zoning Information Reports. She spearheaded the Thomas Fire and Montecito Debris Flow REALTORS® Disaster Relief Program which helped 52 Santa Barbara County families with housing payment assistance. She is also a co-founder of Smart Coast California that advocates for the collaborative stewardship of the coast and dedicated to community sustainability, property rights and the environment.



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## Proposed slate of 2023 SBRPA Board Members

The proposed 2023 SBRPA slate: Chris Agnoli, Steve Battaglia, Michael Bruce, Nicholas Gonzales, Lydia Perez, Andy Sillers, and Lori Zahn. Members are encouraged to nominate other candidates for the Board of Directors.



*Chris Agnoli*  
*chris@chrisagnoli.com*



*Steve Battaglia*  
*steve@battagliaRE.com*



*Michael Bruce*  
*mikebruce@optonline.net*



*Nicholas Gonzales*  
*ngonzales@hightechlending.com*



*Andy Sillers*  
*andygoleta@gmail.com*



*Lydia Perez*  
*lydia@investecre.com*



*Lori Zahn*  
*lori@beachsidepartners.com*

### WELCOME NEW MEMBERS

ROSIE CALVILLO, LUIS PEREZ,  
INGRID & JIM WATSON,  
KOUROSH KHODABANDEHLOU,  
THOMAS CORTEZ,  
JIM YOUNGSON & GRACE LEBECKA



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FOR SALE	Isla Vista	4 Apartment Units	\$4,500,000
FOR SALE	No. Calif.	Commercial Office	\$2,200,000
IN ESCROW	Gaviota	Development Parcel	\$4,750,000 (Seller)
IN ESCROW	Lompoc	Warehouse + Vacant Lot	\$ 895,000 (Seller)
IN ESCROW	Carpinteria	Mixed-Use Comm. + Hosp.	\$8,950,000 (Seller)
SOLD 2022	Santa Barbara	Commercial Retail	\$2,150,000 (Buyer)
SOLD 2022	Santa Ynez	Commercial Vacant Lot	\$ 900,000 (Seller)
SOLD 2022	Santa Barbara	4 Apartment Units (beach)	\$8,835,000 (Seller)
SOLD 2022	Santa Barbara	Mixed-Use 2 Spaces + SFR	\$4,887,500 (Seller)
SOLD 2022	Santa Barbara	8 Apartment Units	\$5,950,000 (Seller/Buyer)
SOLD 2022	Santa Barbara	5 Apartment Units	\$3,950,000 (Seller/Buyer)
SOLD 2021	Santa Barbara	2 Development Lots	\$2,600,000 (Seller/Buyer)
SOLD 2021	Isla Vista	Development Lot	\$ 750,000 (Seller/Buyer)
SOLD 2021	Santa Barbara	Retreat Compound	\$7,500,000 (Seller/Buyer)
SOLD 2021	Isla Vista	2 Apartment Units	\$1,585,000 (Seller/Buyer)
SOLD 2021	Goleta	2 Commercial Spaces	\$1,168,000 (Seller/Buyer)

**FOR SALE \$6,500,000**



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**FOR SALE \$4,500,000**



Isla Vista adjacent duplexes, 15 bedrooms total  
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805.680.4622 | [KenSwitzer1@yahoo.com](mailto:KenSwitzer1@yahoo.com) | BHHS Commercial Division | DRE #01245644

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## Rental Owner Updates

October 2022

### FINDING UNSKILLED LABOR

A landlord asked the following question pertinent for these times:



image nytimes.com

"I would like to know how YOU go about hiring un-skilled labor in today's climate of a national labor shortage. I want to give an example of a landlord situation that requires unskilled labor and curious how you would handle this.

Let's assume here you have obtained a Writ of Possession after the eviction judge ruled in your favor. Now it is time for you and the sheriff (or constable) to meet at the house for the 'set out'.

The constable tells you that you have only 45 minutes to remove all of your tenant's furniture, kitchen appliances, and other misc. junk out to the street curb. You have 24 hours to locate unskilled labor to do this 'set-out' the following day.

In the above situation, where do you find unskilled labor on short notice to do the above job in just 45 minutes? Please don't tell me this is a job that you, your spouse, and teenage children all do together."

*There were several responses by fellow landlords regarding finding unskilled labor. I'll share a couple of the responses below.*

#### One Approach

"I use day labor workers from the mission but you have to realize there is a risk when you do. In almost all states, you are required to carry workers comp insurance. For all practical purposes, these folks are employees. They meet the definition which includes directing their work, establishing the hours, and providing the tools. If they get hurt, the ambulance chasers will take them on for a cut of what they get which will be a sizeable settlement that isn't bound by the limits of the state's workers comp rules. Your commercial policy will have a liability exclusion for employees hurt on the job, so they will be no help.

So, you can either go through a temp agency that pays the workers comp insurance, an HR place that will take care of the payroll and workers comp requirements for employees, attempt to establish them as an independent contractor (my approach), or just not worry about them getting hurt and risk the peril."

#### A Second Approach

"I have had great success with posting gigs on Craigslist, of all places. I post the job to be done, with pictures. I ask them to respond with how much they'll charge, their qualifications, and their phone number. I post it at most, two days before I need the job done. There are a surprising number of people with legitimate skills who are willing to do a side hustle on their day off."

For more discussion & other approaches, go to:

<https://www.mrlandlord.com/landlordforum/display.php?id=14664049#14664049>

#### **MrLandlord Editor's Note:**

If you only have one or two rentals, I like the idea of hiring workers from a local temp or man-power agency so that the workers fall under the agency's worker's compensation. For those with a few or more rentals, I would encourage landlords to consider hiring at least one part-time employee (even if only a few hours a week) for maintenance that would include repair tasks that are subject to potential injury. Even if you're not required by your state to have worker's compensation coverage, it may still be a good idea to get workers' compensation insurance because of the work that may be needed at rentals. Just like property management errors and omission coverage, (specifically for self-managed properties), a workers' comp policy helps protect you and your business.

If a company doesn't have workers' compensation insurance and a worker is injured on the job, most states will allow the employee to sue their employer by filing a personal injury claim. Not only is this a complex and expensive process, but the employer could be found liable for their injuries and forced to pay a costly settlement. In this scenario, the worker can sue for full compensation, pain and suffering, lost wages, etc. This would open the employer up to far greater losses than if they had just carried a work comp insurance policy with workers' compensation insurance. You don't have to worry about that. In most states, it's the "sole legal remedy" for injured workers. Worker's compensation coverage will pay for medical costs, rehabilitation, and lost wages for injured workers – and in most cases, the employer will also be covered (up to the policy limits) if the employee tries to sue for damages.

## FAIR HOUSING TESTERS ARE NOT A MYTH

*Below is an advertisement to hire part-time testers in 24 Indiana counties. This ad was spotted recently by an Indiana landlord.*



image fairhousingnorcal.org

### NEEDED FAIR HOUSING TESTERS (SECRET SHOPPERS)

"Stated simply, testing is typically sending two individuals with similar profiles and housing needs but with different protected class statuses, such as race, to the same available housing unit to see if they are treated differently because of their protected class status. For example, to determine if people are being discriminated against due to their race by a lender, we may pair a black tester with a white tester and see if they are treated differently.

Testing can occur in the rental, real estate, sales, or lending markets. Without testing, most housing discrimination goes undetected. This position is so critically important to stopping housing discrimination. We are also always in need of more Fair Housing Testers (Secret Shoppers)! Testers are a diverse group of dependable, conscientious people, 18 years and older, who assist those working to eliminate housing discrimination in gathering information about housing practices. They are of various racial and ethnic groups, across genders, and over a broad range of ages with and without disabilities.

Testers take on various roles and profiles. They do not try to trap the housing provider or cause them to discriminate. They perform a task similar to a restaurant critic. They observe and record their experiences. The tester's job is to gather information, much like anyone on a housing search or when seeking a loan, and to observe how a housing provider treats prospective housing tenants, mortgage applicants, or home buyers. After each test, the tester will complete a detailed account of what occurred during the test and submit it to the FHCCI staff.

Testers receive a stipend for their time ranging from \$50-\$200 per test, depending upon the type of test conducted. Related expenses are also reimbursed with prior approval. Due to labor requirements, testers are classified as part-time employees but the time for testing is very flexible based on your schedule and time available. Some FHCCI testers conduct

tests several times a month, while others may only test occasionally as their schedule allows and as we have need for their assistance. Want to get an application to be a Fair Housing Tester? Just email us at -----"

**WARNING TO LANDLORDS:** Treat EVERYONE as if they are a tester. Treat EVERYONE the SAME. That prospect might be earning \$200 to call you or walk into your open house, even without submitting an app.  
-- Brad, Indiana Landlord

After sharing the above ad, it led to a discussion with landlords sharing about possible encounters they have had with testers and additional tips on how to handle inquiries so that you will "pass the test" and not be found guilty of illegal discrimination. See more at: <https://www.mrlandlord.com/landlordforum/disc-play.php?id=14663984#14663984>

### FAIR HOUSING DISCRIMINATION INSURANCE

Did you know that there is Fair Housing Discrimination insurance available for mom and pop landlords? If you are a real estate investor who self-manages your properties, Property Management Errors & Omissions coverage can assist in situations where a tenant alleges that the property manager was negligent or failed to perform duties as promised in the lease.

Most landlords are not covered if an applicant or current resident files a discrimination claim. Ask your insurance provider if you are covered for "tenant discrimination".

### HOW DO YOU ASK?

A landlord asked other rental property owners that visit the applicant's current home as part of the application process, what do you tell them to get access for a home visit?



It should be noted that many landlords think it is important to bring up the subject right on the application. That way many "non-cooperative" applicants will freely pre-screen themselves out and not complete the application.

Following are samples of the wording used on the application by a couple of landlords.

#### Sample #1

"If tentatively accepted, we (management) may, at our discretion, conduct an in-home inspection."

Sample #2

"I understand that in the final stages of processing this application, a home visit may be performed."

**WILL THEY BE COOPERATIVE?**

I have shared for many years that I believe the number one criteria when qualifying rental applicants is their cooperation level. The question is then often asked:



*"How can I tell if a prospective resident is cooperative or not?"*

There is a great discussion this week on our forum on that very topic. Below are a few real life examples shared by a landlord who objectively determines applicant's cooperation.

1. Ad says: *"Please visit my website and fill out our Preview Questions form to get started."*

Prospect emails: *"Is this available? Please call me."*

**They do not follow directions. Not cooperative.**

2. Prospect fills out Preview Questions. Doesn't qualify based on whatever, usually income.

Auto-email tells them that in a very nice way. Prospect emails with an attitude, possibly curses, etc.

**They are confrontational and I haven't even met them yet. Not cooperative.**

3. Ad says: *"Please visit my website."*

Somehow they get your biz phone number. The prospect starts calling and leaving voice mails or texts that say: *"I'm terrible with computers, can you please call me?"*

**This person will require hand-holding forever. No thanks. Not Cooperative.**

There are several more real-life examples of how different landlords share how they can determine if an applicant is cooperative. See discussion at:

<https://www.mrlandlord.com/landlordforum/display.php?id=14668451#14668451>

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“ Steve was very **attentive** and **diligent** during the entire process and we had a successful outcome. **We couldn't recommend him more highly**.” -TS

*Call me to see how I can help with your multi-family investment portfolio.*

## Nominations Open for the Charles V. Eckert III Award for Exceptional Community Service

SBRPA has created an award to honor Chuck, a long time SBRPA member and Director, and a man who provided exceptional service to his community.

SBRPA is now accepting nominees for the award. This year's winner will be honored at the annual SBRPA meeting in January.



*Charles V. Eckert III*



*Executive Director Laura Bode and President Betty Jeppesen hold the Charles V. Eckert III Award perpetual plaque.*



The award will be given annually to a member who exemplifies Chuck's dedication to supporting local groups and his mission to give back to our community. To nominate someone, please provide:

- Member's Name
- Examples of how that person has served the community.

Submissions can be emailed to [admin@sbrpa.org](mailto:admin@sbrpa.org) or mailed to:

SBRPA  
123 W Padre St, Ste D  
Santa Barbara, CA 93105

# LET'S PARTY!!!!

**Come together & drink a toast  
to the  
END of 2022**

**A SPECIAL CELEBRATION ONLY FOR SBRPA MEMBERS**

**Tuesday, January 24, 2023 • 5:00-6:30 pm  
Faulkner Gallery, Santa Barbara Public Library  
40 E Anapamu Street (Public parking lot is next-door)**

**Enjoy catching up with other members over drinks and a feast of delectable appetizers. There will be an induction of the 2023 Board of Directors and announcement of the winner of the Charles V. Eckert III Award for Exceptional Community Service. Then settle in with your glass of wine and listen to our favorite expert deliver his 2023 Economic Forecast.**



**Dr. Mark Schniepp, Ph.D.**

Dr. Schniepp is Director of the California Economic Forecast in Santa Barbara. The company prepares forecasts and commentary on the regional economies of California for a variety of corporate and governmental clients, including: Caltrans, Kaiser Permanente, Exxon Mobil, and the Southern California Association of Governments.

He presents updated U.S. and California economic and demographic information to a number of organizations at over 25 conferences throughout the year. For example, Dr. Schniepp participates with the UCLA Anderson Forecast in the preparation of the annual Orange County Economic Forecast and the San Diego County Economic Forecast, which are held in the spring of each year.

Dr. Schniepp served as senior economist to Kathleen Connell, the California State Controller from 1999 to 2003, Director of the Economic Forecast Project at the University of California, Santa Barbara, between 1985 and 2000. As a past faculty member in the Department of Economics at the University of California, Santa Barbara, he taught intermediate microeconomic and macroeconomic theory, applied regional modeling, applied econometrics, and forecasting, from 1982 to 1991.

Dr Schniepp received his Ph.D. from the University of California, Santa Barbara in 1985. His fields of research for the degree were econometrics, regional economics, and natural resource economics.

**This is a free Members Only Event  
Sign up at [sbrpa.org](http://sbrpa.org) website**

# 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



## Beachside Partners, Inc.

128 E. Carrillo St., Suite B, Santa Barbara, CA 93101 • 805.453.5097

Our approach to real estate is simple; handle all transactions with a dedication and commitment that exceeds all expectations. Beachside partners is on the forefront of what is happening throughout the market and will navigate your real estate investment to a brighter future. We have a track record of offering a full range of real estate solutions and providing successful outcomes for our clients, which has in turn built long lasting relationships. For more info: <https://beachsidepartners.com/>



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Citizens Business Bank is consistently recognized as one of the top-performing banks in the nation and offers a wide array of banking, lending, and investing services through over 50 banking centers and 3 trust office locations serving Santa Barbara County, the Inland Empire, Los Angeles County, Orange County, San Diego County, Ventura County, and the Central Valley area of California. For more info <https://www.cbbank.com/>



## Coastal Housing Partnership Rental Listing Site

P.O. BOX 50807, Santa Barbara, CA 93150 • 805.450.5698

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, Crosscountry Mortgage™

319 East Carrillo St., Santa Barbara, CA 93101 • 805.680.0066



Michele Herrera  
Loan Advisor  
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Michele Herrera has been helping the Santa Barbara community with their mortgage lending needs throughout California for over 28 years. Because Michele began her long career as a loan processor, she is intimately familiar with all the details of the home financing process. With decades of practical experience under her belt, and knowledge of the best lending options available, Michele's clients have the advantage they need to successfully close their loan. RPM gets you Home On Time® whether you're buying or refinancing. For more info: <https://crosscountrymortgage.com/michele-herrera/>





### **Sol Wave Water**

636 Santa Barbara St., Santa Barbara, CA 93101 • 805.845.5443

Welcome to Sol Wave Water. With over 28 years, personally, of experience in all facets of the "water world" we know our industry and the local water. Our mission is to provide you with the best solutions to your water issue, dingy laundry, frizzy hair, spotty glasses and dishes, longevity for your water using appliances and ease of mind. We offer a full line of equipment for sale as well as rentals, 5-gallon bottle delivery, water vending machines, and demo units. If you have a system already, we offer service and maintenance plans including the delivery of salt and potassium if you need. Locally owned and operated, Sol Wave Water, delivers to your home or office. Now offering bottled water in Santa Barbara, Montecito, Santa Ynez Valley and Ventura County! For more info <https://www.solwavewater.com/>



### **WDC Kitchen & Bath Center**

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WDC Kitchen & Bath is a family owned company right in your backyard. Originally founded as Warehouse Discount Center in 1982, WDC has grown to become not only the largest independently owned specialty retailer of its type on the West Coast, but one of the largest in the nation! Currently operating five interactive showrooms in Southern California, and an extensive e-commerce website with an impressive ready-to-ship inventory, WDC is poised and ready to make your dream remodel come true. For nearly four decades, WDC has earned its place as a staple for home improvement professionals and customers alike by focusing on expert service, unbeatable value, and a commitment to supporting the So Cal community we call home. Come and be part of the WDC Family today! For more info <https://www.wdcappliances.com/stores/5/santa-barbara-appliances-plumbing-housewares>



### **Whitestone Industries**

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HayesCommercial.com  
 222 E Carrillo St, Suite 101, Santa Barbara, California



## Introducing The IRO Perspective Column



*NAA's Independent Rental Owner (IRO) Committee has launched a special column, written by IROs to highlight the most prevalent and pressing issues on the ground. Here is the first one!*

### Powered by IRO

Welcome to the IRO Perspective Column, a new endeavor powered by the National Apartment Association's (NAA) Independent Rental Owner (IRO) Committee. Over the coming months, this column will explore specific challenges facing the IRO community, seeking to provide timely suggestions, solutions and opportunities for owners and operators.

The objective of our first column is to introduce you to the expansive and important IRO community, a significant segment of the nation's rental housing providers. We'll also briefly discuss the current work of NAA's IRO Committee and how you can get involved.

### Introducing the IRO Community

There has long been discussion on how best to define an IRO and, for quite some time, that conversation has heavily focused on the number of units in an individual's portfolio. Recently, our committee established a new set of characteristics that better explain and identify IROs – a set that focuses on experience rather than unit count. Here are the key identifiers:

- IROs have their own money invested in their property.

- IROs are actively involved in the management of their properties.
- IROs self-identify based on the above criteria and not by portfolio unit count.

In many ways IROs provide unique value to their communities across the country, thanks to these distinct qualities. In your own community, IROs are your neighbors. They may be restaurant owners, bus drivers, daycare workers, teachers and more, who have all chosen to invest their time and resources into providing rental housing. Day in and day out, they remain active in the management of their apartment homes, their communities and their residents – often in addition to another job. And, importantly, IROs are the owners and operators that account for the vast majority of naturally occurring affordable housing nationwide.

These characteristics also make IROs an important part of the broader rental housing industry. And though IROs are a unique segment, there is still so much that unites them with the industry as a whole. We'll focus more on that in an upcoming column.

### A Place for IROs

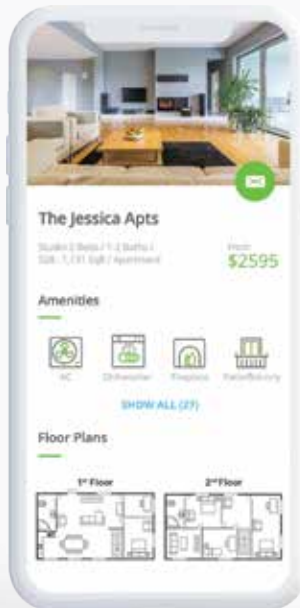
As IROs across the country continue to face unique operational hurdles in the wake of COVID-19, pandemic-related policy and a number of economic challenges, NAA's IRO Committee is hard at work to deliver solutions. Here are a couple of highlights:

- Developing a vast database of resources for IROs on current topics – including emotional support animals, data security and much more on the way.
- Partnering with Yardi Breeze for an annual IRO Summit on September 8, 2022.

For IROs looking to get more involved or to join an engaged and active community of fellow small owners, NAA and its vast network of state and local affiliated associations offer ways for you to make your voice heard. Learn more here – and we look forward to working with you.

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Walk-in payments with PayNearMe	✓	✓
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Live chat support	✓	✓
Renters insurance†	✓	✓
Resident screening†	✓	✓
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Property websites†		✓
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~ Bob Hart, Santa Barbara Association of Realtors

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# Santa Barbara Happenings



Terry A. Bartlett – Reetz, Fox & Bartlett LLP

## **The Problem with the Federal “Inflation Reduction” Act**

Most people understand that getting rich on wages is difficult and wealth is achieved through owning and lending. Savings accounts are not the only way for people to save money.

Increasing value of assets functions as a savings for Americans, but capital gains taxes cut into those savings, which is a detriment to middle-class wealth growth. Capital gains taxes should therefore be cut to zero

The idea that lowering capital gains taxes only helps the super-rich is misguided and counterproductive.

A tax code that punishes success is at odds with human nature because it incentivizes people to shield their income.

The fastest and best way to raise revenue in a market economy is to remove incentives to shelter income.

Edited by us and reprinted by permission of the author Joe Armendariz [joe@armendarizpartners.com](mailto:joe@armendarizpartners.com)

## **Denise Hippach and Stephen Foley Named County Superior Judges**

Gov. Gavin Newsom has named two judges to the Santa Barbara Superior Court, leaving only one vacancy in North County.

Stephen Foley has served as a Court Commissioner for the past four years and previously served as Supervising Deputy District Attorney in Santa Barbara from 2004-2018. The Democrat Foley was elected to fill Judge James Voysey.

Hippach was been the deputy Attorney General in Idaho from 2016-18 and has served as Senior Deputy Counsel at the Santa Barbara County Counsel's office since 2018. The Democrat is filling the vacancy left by Judge James Herman.

Judge Timothy Staffel's vacancy still remains.

## **City Council Shuts Down Vacation Rental Proposal**

The Santa Barbara City Council struck down a proposed plan to allow vacation rentals in single-family neighborhoods was shot down. Advocates of vacation rentals conceded the plan was inadequate, and the Planning Commission has been asked to create a new one.

Vacation rentals are only allowed in hotel areas, but despite this, homeowners are illegally running rentals and not paying transient occupancy taxes. In response, the City wanted to allow vacation rentals across the City but with more strict enforcement.

The proposal would also have required vacation rental owners to reside in the house they are renting which was opposed by owners in the City.

Homeowners in areas with vacation rentals have complained about loud noises, music, and parties and are opposed as well.

The Planning Commission faces a challenge to create a proposal to work with the interests of vacation rental homeowners and the rest of citizens and homeowners.

## **Highway 101 Corridor Expansion**

The federal government has given \$75 million to help the large Highway 101 Corridor Project to add a third lane from Santa Barbara to Carpinteria. Construction has taken several years on the section between Carpinteria and Summerland, and CalTrans will be expanding the project to create a lane between Santa Barbara and Montecito.

The recent federal infrastructure bill provided more capital for the program and gave the \$75 million at 4.02% interest. The loan will help CalTrans and Santa Barbara County Association of Governments provide cash flow to and leverage Measure A dollars.

The added lane would provide major relief to the traffic congestion between Santa Barbara and Ventura for commuters and travelers. There will also be a carpool lane in each direction. Parallel projects

*Continued on page 33*



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on surface streets near the highway are also happening simultaneously.

**Court Ruling on Homeless Not Expected to Make Impact**

The Santa Barbara County Sheriff's Office has said a recent ruling protecting homeless rights will not change anything about Santa Barbara's policies. The ruling reaffirmed the right for homeless not to be penalized for sleeping on public property in violation of municipal ordinances.

People are allowed to sleep outside if no beds or homeless shelters are available. Illegal camping ordinances in Santa Barbara are already in line with the decision according to the Sheriff.

1% of Santa Barbara's population is experiencing homelessness, and officials point out that working to prevent homelessness has reduced the need for loitering enforcement by the Sheriff's Department.

Santa Barbara's ordinance excludes sleeping outside from its prohibited camping ordinance and no changes to the ordinance are expected after the ruling.

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