

SANTA BARBARA RENTAL PROPERTY news

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

SBRPA MEETING/GET-TOGETHER LUNCH & LEARN

Tuesday, March 21st • 12:00 noon-1:30PM
 Santa Barbara Library - Faulkner Gallery
 40 E Anapamu St, SB, CA (NOTE: There is a parking lot next door to the library on Anapamu St.)

Join your fellow rental property owners & managers for lunch and to share stories of what is happening locally with tenants and the rental market.

2023 SBRPA BOARD MEMBERS

Chris Agnoli Steve Battaglia Michael Bruce Nick Garcia Andy Sillers Lydia Perez Lori Zahn

Meet the 2023 Board: Chris Agnoli, Steve Battaglia, Michael Bruce, Nicholas Garcia, Andy Sillers, Lydia Perez and Lori Zahn, who will be inducted at the meeting.

We will also announce the first winner of the Charles V. Eckert III Award for Exceptional Community Service. This award was created to honor Chuck Eckert, a long time SBRPA member and Director, who was dedicated to supporting local groups and give back to his community.

Laura Bode & Betty Jeppesen with the Charles V. Eckert III Award for Exceptional Community Service plaque

Price, including Lunch: Members \$30 Non-members \$75

DEADLINE FOR REGISTRATION & CANCELLATIONS: NOON, MARCH 17th

register on our website: <https://www.sbrpa.org/events/sbrpa-forms-which-to-use-and-when>

image: SBIIndependent.com

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March 2023

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President's Message



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

Remember those legislative bills we spoke about last month?

Well, here are a few for your consideration:

AB12 This Assembly Bill would restrict security deposits to one month's rent whether the units were furnished or unfurnished or rented to certain categories of tenants. You may recall that current law, except for people in the military, allows a landlord to ask for 2 months' rent as a security deposit for unfurnished units and three months' rent for furnished units. AB12 was introduced on December 5, 2022 and has been referred to Com. On JUD.

AB831 This Assembly Bill was introduced on 2/13/23 and would state that it is the intent of the Legislature to enact legislation regarding housing discrimination, including increasing enforcement pathways to address source of income discrimination against recipients of federal housing assistance vouchers. This Bill may be heard in committee March 16th.

AB1035 Mobilehome parks: rent caps. This Assembly Bill was introduced on 2/15/23 and may be heard in committee on March 18th. This Assembly Bill would prohibit the management of a mobilehome park from increasing the gross rental rate for a tenancy for a mobilehome space more than 3% plus the percentage change in the cost of living, as defined, over the course of any 12-month period, as specified. The bill would prohibit management from increasing the gross rental rate for a tenancy in more than 2 increments over a 12-month period, after the tenant maintains the tenancy over a 12-month period. The bill would prohibit management from imposing an increase in rent on a prospective purchaser or homeowner that purchases a mobilehome if the purchase qualifies as an in-place transfer, as specified. The bill would exempt specified mobilehome spaces from these provisions. The bill would specify that these provisions apply to rent increases for mobilehome spaces occurring on or after January 1, 2023.

There is more. Stay tuned.

The good news is that the Courts are keeping up with the Unlawful Detainers filed and they are proceeding swiftly through the system. The bad news is that about 95% of the cases filed are contested vigorously and that there are multiple sources of free advice to tenants some of which bring the landlord into court 3 or 4 times in addition to the

Mandatory Settlement Conference and Trial.

Please remember to use the up to the minute forms and be aware that many of the Judicial Council forms change on January 1st of each year. For example, there is a new, UD Summons as of 1/1/23 and the Court will not accept your filing if you are not using current forms. Also remember to serve the correct termination notices whether they are 3-day Pay or Quit, 3-Day Conform or Quit followed by a 3-Day Quit or 60-Day Notices of Termination of Tenancy and to serve them in the proper way. If you didn't do it right, it is better to start over. If your property is not exempt from Just Cause and Rent Caps by its definition or because you did not give the tenant the proper notice that it was exempt, then you must state a Just Cause in your Notice of Termination and in certain cases pay relocation fees.

Thank you for your membership.

Betty L. Jeppesen

President

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SBRPA Calendar



SBRPA MEMBERS

SBRPA Annual Meeting/Get-together

Tuesday, March 21st • 12:00 noon–1:30PM
Santa Barbara Public Library, Faulkner Gallery

Join your fellow rental property owners & managers for lunch and to share stories of what is happening locally with tenants and the rental market.

We will induct the 2023 BOD and announce the Charles V. Eckert III Award for Exceptional Community Service winner.

LUNCH & LEARN! Questions about the SBRPA Forms? This program is your opportunity to learn and ask questions of two of SBRPA's favorite attorneys: Jim Cole and Betty Jeppesen.

Registration/Cancellation Deadline: 12:00 noon, Mar 17th
Price (including lunch) Members \$30,
Non-members \$75. See page 17

Fair Housing Seminar

Tuesday, April 18th • 10:00 AM–3:00 PM
Santa Barbara Public Library, Faulkner Gallery

SBRPA Certificate course, come learn about Fair Housing with Denise Cato, CEO Fair Housing Council of Orange County. Join us for a review of Fair Housing Laws & Best Practices for Compliance and Success.

Members \$95 • Non-members \$175
See page 28

The landlord for SBRPA's office building now requires that the outside doors be locked at all times because of recent security issues. Thus, if you want to visit the SBRPA office, please contact us in advance so we can unlock the door for you! We would love to have you visit.

Email admin@sbrpa.org or
call 805-687-7007

march 2023

SUN	MON	TUE	WED	THU	FRI	SAT
			1	2	3	4
5	6	7	8 	9	10	11
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Q1 2023 Upcoming Events

2023 Advocate

March 28-29, 2023 Washington D.C.
Advocate – NAA's annual advocacy conference – is the prime opportunity to meet with your representatives by joining rental housing suppliers, property managers, owners and operators.

NAAPAC Happy Hour

(sponsored by the National Suppliers Council)
Thursday, March 30 5:30 p.m. – 6:30 p.m.
Mix and mingle with your peers for an hour of refreshments, networking, and fun, including exciting raffle prizes provided by the National Suppliers Council. All raffle proceeds support the NAA Political Action Committee (NAAPAC).

Lobby Day Guidance

Scheduling and Holding a Hill Visit
Hill visits with your members of Congress will be organized by your NAA affiliate and will likely be subject to additional restrictions from Congress. If you are interested in participating in a meeting, please let us know when completing your Advocate registration. We will provide guidance for affiliates on scheduling meetings as the conference approaches.

Pre-registration for Advocate is complimentary for all attendees who register on or before March 21, 2023. After this date, registration must be done on-site and will be subject to a \$50 charge.

<https://www.nahq.org/2023-advocate>

See page 21 for more on The Advocate.



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February 2023

Legislation Repealing Costa-Hawkins

Senator Aisha Wahab (D-Fremont) has introduced SB 466 to repeal major provisions of the Costa-Hawkins Act.



Senator Aisha Wahab

The Costa-Hawkins Rental Housing Act is a California state law that limits the ability of local governments to enact rent control. Specifically, it exempts certain kinds of residential rental properties from rent control ordinances and allows rental housing providers to reset the rental rate on rent-controlled rental units when they become vacant or when the last rent-controlled tenant no longer permanently resides at the unit.

SB 466 comes on the heels of a proposed initiative measure, the Justice for Renters Act, that also repeals Costa-Hawkins and is slated for the 2024 ballot.

Press Release

In response to the legislation, CalRHA President Earle Vaughan issued the following press statement linked here, with more to follow as CalRHA's Legislation Action Committee takes a formal position on SB 466 (Wahab) in the upcoming weeks.



FOR IMMEDIATE RELEASE

CalRHA Position on Costa-Hawkins Repeal Bill SB 466 Analysis Shows Will Cause Harm to Housing Availability, Affordability and More

Sacramento, California - The California Rental Housing Association (CalRHA) is deeply concerned with the introduction of SB 466, the Costa-Hawkins repeal bill sponsored by Aisha Wahab (D-Santa Clara). In the midst of an unprecedented homeless crisis, this bill is a huge blow to housing Californians.

"We know from jurisdictions that have tried this. The outcome has been less housing and less affordability," said CalRHA President, Earle Vaughan. "The Legislative Analyst told us with Prop. 21 (2020) that repealing Costa-Hawkins cuts annual State and local revenues by tens of millions of dollars. Add that to the State's \$25 billion budget deficit and where does that leave funding for health care, education, and public safety?"

The voters have rejected this policy twice. CalRHA stands with the voters in firm opposition to a Costa-Hawkins repeal and the disastrous consequences that will come with it. We look forward to working with lawmakers on real and effective solutions to the housing crisis.



PROTECTING COSTA-HAWKINS

WHAT IS COSTA-HAWKINS? The Costa-Hawkins Rental Housing Act is a California state law that exempts certain kinds of residential rental units from rent control ordinances and allows landlords to reset the rental rate on rent-controlled rental units where they become vacant or where the last rent-controlled tenant no longer permanently resides at the unit (including where they move and leave behind subtenants).

In simpler terms, the Costa-Hawkins Rental Housing Act places limits on the ability of local governments to enact rent control. Specifically it exempts single family homes/condominiums and post 1995 construction from rental control. It allows landlords to establish initial rental rates for a new tenant — a policy known as vacancy decontrol.



WHAT ARE OWNERS UP AGAINST? Well, to put it bluntly . . . a lot. There is a link to a rent control 2024 initiative called the “Justice for Renters Act” on the CalRHA website (<https://cal-rha.org/advocacy/protecting-costa-hawkins/>). As you can see, it’s pretty cut and dry, a full abolishment of the Costa-Hawkins Act.

SO WHAT CAN I DO? We have created “5 Reasons Why Economists and Housing Experts Say Rent Control Doesn’t Work”, which can be viewed below. And you can contribute to our cause to PROTECT COSTA-HAWKINS under these talking points by the experts. We appreciate your attention and understanding of this ongoing battle to keep our rights intact and the rental housing industry viable for decades to come.

HOW CAN I STAY INFORMED? Enter your information on the CalRHA website (<https://cal-rha.org/advocacy/protecting-costa-hawkins/>) and we will keep you up-to-date with the most current happenings surrounding Costa-Hawkins.

COSTA-HAWKINS

5 Reasons Why Economists and Housing Experts Say Rent Control Doesn't Work

#1

Reduced housing supply

While the intent of rent control may be to make housing more available, economic studies indicate it discourages investors from constructing, rehabilitating, and converting housing into rental residences. Some owners may be forced to sell their properties due to rising costs, further depressing supply.

#2

Causes more harm than good

According to the Manhattan Institute's *Rent Control Does Not Make Housing More Affordable*, regulating rent is not a solution to poverty, inequality, or segregation. Instead, it harms disadvantaged groups and acts to restrict the supply of housing by transferring wealth to current tenants at the expense of future tenants. Also, “Many of rent control’s benefits typically flow to higher-income households even as rent control drives up rents for everyone else.”

#3

State & local revenue loss

The Legislative Analyst estimated that the most recent rent control initiative (Prop 21 in 2020) could result in a loss of “tens of millions of dollars” a year due to lower property tax collection from declining rental housing values. Rent caps reduce rental income, which also lowers personal income and business taxes paid to the State.

#4

Less funding for public services

Lower State and local revenues mean less funding for critical public services, such as health care, education, public safety, and transportation. Services provided by local governments would be hit hardest because the largest revenue impact will be on property taxes, which are paid to local governments.

#5

Undermines State housing policies

Rent control initiatives, like the one submitted in December of 2022, either limit or outright bar the State from enacting laws that affect local rent control. The end result would be a hand-off of cohesive statewide housing policies to a patchwork of 539 local rent boards to do as they please WITHOUT a vote of the people.

Sources:

1. LAO Fiscal Estimate of Proposition 21 (2020)
2. “Modeling the Impact of Rent Growth Caps on Metropolitan Apartment Markets” Capital Policy Analysis for the National Apartment Association, April 2023
3. www.manhattaninstitute.org
4. “The High Cost of Rent Control: National Profitably Misused Control” <https://www.manhattaninstitute.org/news-articles/the-high-cost-of-rent-control/>
5. “Rent Control Does Not Make Housing More Affordable,” Manhattan Institute <https://www.manhattaninstitute.org/press/2020-rent-control-does-not-make-housing-more-affordable>

California Rental Housing Association
www.cal-rha.org

COSTA-HAWKINS

Economists & Housing Experts Speak Out on Rent Control

“Rent control appears to help affordability in the short run for current tenants, but in the long-run decreases affordability, fuels gentrification, and creates negative externalities on the surrounding neighborhood. These results highlight that forcing landlords to provide insurance to tenants against rent increases can ultimately be counterproductive. If society desires to provide social insurance against rent increases, it may be less distortionary to offer this subsidy in the form of a government subsidy or tax credit.”

—Rebecca Diamond, Professor of Economics, Stanford University

Several empirical studies have found that rent control has not been successful at targeting benefits to lower-income residents or families. (Pastor, Carter, and Aboud 2018, Sturtevant 2018).

“Rent control and rent stabilization policies do a **poor job at targeting benefits**. While some low-income families do benefit from rent control, so, too, do higher-income households. **There are more efficient and effective ways to provide assistance** to lower-income individuals and families who have trouble finding housing they can afford.”

—Dr. Lisa Sturtevant, Economist, former Director of Center for Housing Policy

“[I]n every country examined, the introduction and continuance of rent control/restriction/regulation has done much **more harm than good in rental housing markets**—let alone the economy at large—by perpetuating shortages, encouraging immobility, swamping consumer preferences, fostering dilapidation of housing stocks and eroding production incentives, distorting land-use patterns and the allocation of scarce resources—and all in the name of the distributive justice it has manifestly failed to achieve.”

—Milton Friedman, Economist and Nobel Laureate, author et al. of *Verdict on Rent Control*

“[R]ental assistance lowers the likelihood that tenants default in the first place, **as opposed to making it harder to evict them** once they have already defaulted. My estimates also suggest that rental assistance more than pays for itself: the drop in homelessness translates to **large savings on homeless services** which outweigh the cost of subsidizing rent.”

—Dr. Boaz Abramson, Professor of Finance, Columbia University

California Rental Housing Association
www.cal-rha.org

CalRHA represents more than 24,000 members, primarily comprised of small family-owned housing providers with 10 rental units or fewer. Together, we provide 523,000 homes to Californians.

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Rental Owner Updates

10 PROPERTY UPDATES FOR YOUR RENTALS

One landlord recently asked her colleagues, "What do you include in your updates in your rentals, besides paint?"

Here are 10 of the suggested property updates (in no specific order):

1. Upgrade the lighting to LED fixtures
2. New smoke alarms with the built-in, 10-year batteries
3. New door knobs and kitchen cabinet hardware



4. Electrical outlet plugs on every wall, sometimes more
5. Replace the carpet with vinyl planks
6. Modern ceiling fans in all bedrooms
7. Two-inch wood blinds in upper rentals; those are a hit

8. New caulk is very refreshing and a straight line is divine to the eye!
9. Universal light dimmers that work with all types of light bulbs
10. Installing SMART stuff like the Nest thermostat or Ring Doorbell

For more property update suggestions and to read the discussion, offer your suggestion, or to ask questions of other landlords regarding their suggested updates, go to MrLandlord.com.

DON'T UPDATE YOUR RENTAL IF...

Don't update the quality of your rentals if you are not going to update the quality of your residents. So many landlords put hundreds, if not thousands of dollars into updating their rentals, but foolishly do

not spend ten or twenty dollars to run a credit and eviction report on all their applicants. I would encourage you in 2023 to make one of your new year resolutions to always run a credit and eviction report. And a criminal report if your state still allows it.

Editor's Note: the SBRPA website has a section for Credit Reports, including information on how to obtain authorization to do a credit report, order on-site inspections, a credit report screening tool, credit report documents & forms, as well as a link on how to interpret the reports

NEXT LEVEL SERVICE

Property updates are definitely something all rental owners should consider. In addition, taking the SERVICE provided to your residents to the next level is something landlords often overlook, but should also consider. Doing so can not only be a win-win for your residents, but it can also increase your net income. **Next Level Service** was the theme of our most recent Landlord Retreat in Jamaica. In addition to powerful concepts shared by the instructors, participating landlords shared over 100 ideas on **Next Level Service**.

Here are just a few of the ideas shared by successful landlords:



When new residents move in, I offer to help them install curtain rods and let them know I can wall mount their TV. I charge residents \$50.00 to install and remove TV wall mount bracket. Doing this minimizes damage and wall repair. I also tell the resident by having me do the wall mount, they won't be charged for any damage. I tell the residents that I'm doing this to maximize the security deposit I am able to return to them.

Dan, IL Landlord.

Continued on page 15

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In some parts of the country, utility companies charge brand-new residents a large deposit before a utility can be turned on. That amount added to the first month's rent and to the required security deposit by the landlord can make the total move-in costs very high. So what one landlord couple does for new residents is they offer to keep the utility in their company's name so that the resident does not have to come up with a large utility deposit. As part of this arrangement, the landlord charges a one-time utility admin fee of \$150 and a \$9.95 monthly admin fee to send out invoices and charge the resident for the monthly utility consumption.

Jim and Mary, TN Landlords

I offer residents the opportunity to rebuild their credit by having their on-time payments reported to the credit bureaus which will hopefully improve their credit.

Jillian, MI Landlord

MrLandlord note: Not only can this service help residents build their credit, but it will also encourage them to pay rent on time. For landlords looking to help their residents do the same, a service found at DirectRentDeposits.com will not only report your residents' payments to the credit bureaus, but it will automatically draft on-time rent payments each month from your resident's bank account, which makes rent payment easy for them and collection easy for you.

One of the things that we do for our tenants is we provide and send them short helpful videos on how to be proactive with the care and upkeep of their property. These videos also help when a service request has come from the tenant, to send the applicable video at that time and ask if they have tried these suggestions first before we come out. We have 12 different videos and we send out one a month. This would include for example:

- *What not to flush down the toilet*
- *How to unclog a toilet*
- *Changing a filter for the furnace*
- *Changing batteries for the thermostat.*

We are working on our next set of 12 videos. - Cheryl, Operations Manager, IN



SECRET TO KEEPING IDEAL RESIDENTS

A landlord asked on our Q&A about a common landlord-ing issue, the renewal conundrum. The landlord had an ideal resident who pays her rent on time, doesn't complain a lot, does not bother neighbors or damage anything, and that's about as good as it gets.



"The problem is young people never stay. I expected her to do a year and then move in with her boyfriend, or back with family, hanker for a new place, whatever. Her lease is up on March 31st. So my question is, if you have a good

renter and want them to stay and renew, when should you offer them a lease renewal, and how is it handled?"

The landlord's first thought was to offer a renewal right after she pays her last month's rent, aka March 1st. But this may lead to the resident looking at new places for a whole month. Once they get it into their head that they want someplace new, they're gone. So what are thoughts of other landlords?

Following this question came the usual mix of landlord responses. One suggested that the landlord first make sure that the resident knows she has the option to stay, because some new renters don't realize that the lease may not automatically end and they can stay longer. It was also suggested to give a 30-day notice to renew and preferably even 60 days so they won't feel in a rush to run out and immediately look for another place.

MY SECRET FOR KEEPING RESIDENTS MORE THAN A YEAR:

To the landlord with the renewal conundrum, let me share with you a concept that has worked extremely well for me over the years in keeping ideal residents more than one year, and has saved me thousands in

turnover costs. Consider utilizing this for all your future residents moving forward.

The secret to getting residents to stay longer than one year starts not 30 days out, not even 60 days out. It starts with the MINDSET you CREATE, going all the way back to the time of application and at the initial lease signing.



On the application you ask: *Would you like to receive a gift every year on your anniversary date?* (By the way, never use the term "renewal" with your residents, use the term "anniversary" date).

On the lease agreement, the first line reads: *Welcome! As one of our new 3-Star Residents, we look forward to serving you for the next 3 years.*

It's all about creating and reinforcing this mindset throughout the term, including asking them to let you know which anniversary gift they want to select from a couple of options you offer. And you ask this "six" months before their anniversary date.

This is just one of many ways you can rid yourself of the renewal conundrum, add to your peace of mind, and save thousands on turnover costs on even just one rental.



Welcome New Members

Nancy Bagshaw, Leta Fuller, Dan Baxter,
Virginia Gough, William Mochnick, Mary Feragen,
William Jones, & Javier Mosso

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SBRPA MEETING/GET-TOGETHER LUNCH & LEARN

Tuesday, March 21st • 12:00 noon–1:30PM

Santa Barbara Library, Faulkner Gallery
40 E. Anapamu, SB, CA (NOTE: There is a parking lot next door to the library on Anapamu St.)

Join your fellow rental property owners & managers for lunch and to share stories of what is happening locally with tenants and the rental market.

2023 SBRPA BOARD MEMBERS



Chris Agnoli

Steve Battaglia

Michael Bruce

Nick Gonzales

Andy Sillers

Lydia Perez

Lori Zahn



Laura Bode & Betty Jeppesen with the Charles V. Eckert III Award for Exceptional Community Service plaque



Meet the 2023 Board: Chris Agnoli, Steve Battaglia, Michael Bruce, Nicholas Gonzales, Andy Sillers, Lydia Perez and Lori Zahn, who will be inducted at the meeting.

We will also announce the first winner of the Charles V. Eckert III Award for Exceptional Community Service. This award was created to honor Chuck Eckert, a long time SBRPA member and Director, who was dedicated to supporting local groups and give back to his community.

Price, including Lunch: Members \$30 Non-members \$75

DEADLINE FOR REGISTRATION & CANCELLATIONS: NOON, MARCH 17th

Register on our website: <https://www.sbrpa.org/events/sbrpa-forms-which-to-use-and-when>



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FOR SALE	Santa Barbara	8-Key Hospitality	\$5,880,000
FOR SALE	No. Calif.	Commercial Office	\$2,200,000
FOR SALE	Santa Barbara	Commercial Office Condo	\$ 995,000
IN ESCROW	Isla Vista	4 Apartment Units	\$4,500,000 (Seller)
IN ESCROW	Gaviota	Development Parcel	\$4,750,000 (Seller)
IN ESCROW	Lompoc	Warehouse + Vacant Lot	\$ 895,000 (Seller)
SOLD 2023	Isla Vista	Development Lot	\$2,500,000 (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)

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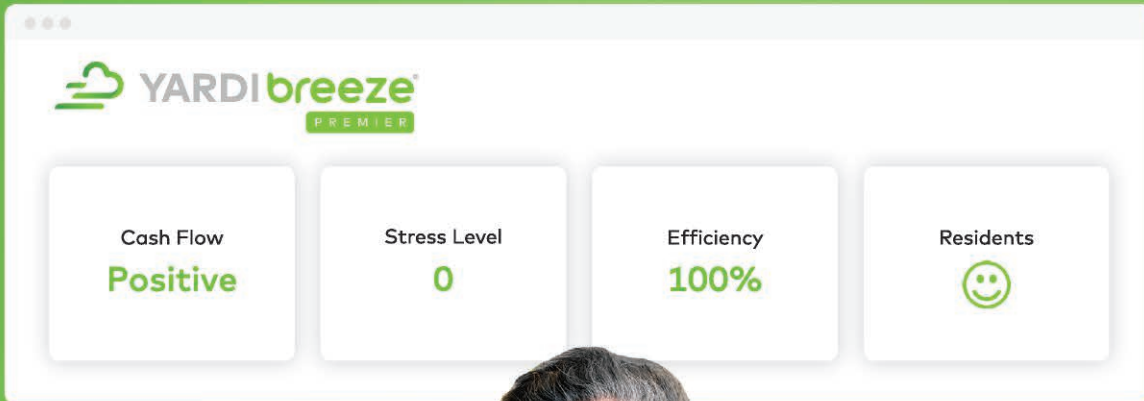
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PROPERTY FACTS

283 ELLWOOD BEACH DR
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Units: 12 Units
Unit Mix: (11)1+1, (1)Studio
Lot Size: 10,018 SF
List Price: \$4,150,000

ABOUT

283 Ellwood Beach Drive is a garden style 2-story stucco apartment complex totaling 12 units that has been held by the same ownership group for 45 years. Convenient location for tenants with easy access to UCSB, major tech employers, Camino Real Marketplace and Monarch Butterfly Grove. Features (11) 1BD/1BA apartments and (1) Studio with a mix of carport and uncovered parking along with onsite laundry room. Building is all electric and has individual electric meters and individual water

heaters. Recent improvements include all new asphalt driveway, sewer lateral repaired, section 1 pest spot treatment completed. Roof is 10 years old. Current rents below market. Major upside in rental income potential can be realized by a new owner through a modernization of interiors. Two units to be delivered vacant offering great opportunity to improve and set in place market rent for building. Offered at 4.5% cap rate on current rents, 6.4% on market.



NICK HENRY

PARTNER

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JON STANDING

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It's time to introduce the rental housing industry to the 118th Congress.

Break the Gridlock

March 28-29, 2023 | Washington, D.C.

Welcome to 2023 Advocate

As the new Congress settles into Capitol Hill, the time has come to introduce members to the rental housing industry. Advocate – NAA's annual advocacy conference – is the prime opportunity to meet with your representatives by joining rental housing suppliers, property managers, owners and operators in Washington D.C. on March 28-29, 2023.



It is more important than ever to communicate the rental housing industry's policy stances and priorities to our representatives in Congress following years of pandemic-fueled challenges and political polarization. Sharing the unique operational needs of rental housing is critical, and there is no

better way to educate federal lawmakers than in-person in the halls of Congress.

Advocate is the opportunity to make that a reality by coming together with a family of over 92,000 members and 141 affiliates.

Help us lay a new cornerstone on which we can build even more successes for the rental housing industry.

NAA Governance meetings will continue March 30-31.

Registration

Pre-registration for Advocate is complimentary for all attendees who register on or before March 21, 2023. After this date, registration must be done on-site and will be subject to a \$50 charge.

Please Note: Congressional offices may restrict the number of people allowed to participate in meetings

on Capitol Hill during Lobby Day. Registering for Advocate does not guarantee that you will be able to participate in a meeting. Please make sure you are working with your local affiliate if you are planning to attend a meeting.

You can view the schedule at https://www.naah-q.org/sites/default/files/2023-02/2023%20Advocate%20Schedule_1.pdf

2023 Issues

We need your help to break gridlock that could slow passage of critical legislation around housing affordability. Urge members of Congress to:

- Oppose federal efforts to interfere into the landlord-tenant relationship and use carrots not sticks to increase rental affordability and housing choice for renters;
- Improve the Section 8 Housing Choice Voucher program to attract and better serve private sector rental housing providers;
- Incentivize local governments to lower barriers to development and increase the supply of rental housing; and
- End the CARES Act 30-day notice-to-vacate requirement for federally-backed and federally-assisted rental properties.

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Rate: \$359 + tax per night. Cut-Off Date: March 6, 2023. After this date rooms will be accepted on a space- and rate- available basis only. The cut-off date only guarantees rate – it does not guarantee availability. Please book your rooms early.

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 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.



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The Attorney's Corner



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

DUAL AGENCY ISSUES IN RESIDENTIAL SALES

What you need to know and should ask about involves more than asking about what you are signing, and which boilerplate provisions of a standard CAR Residential Purchase Agreement should be reviewed with appropriate professionals. The signing of a contract carries with the signing the assumption that you understood what you signed and had reviewed each provision of the documents provided with an appropriate professional. This assumption is more fiction than reality in most transactions and so the task presented is to understand or have explained the provisions that would bind.

One area of concern for Seller, Buyer and Agent is the use of dual agents in the sales transaction. While the concern can be easily resolved, if it is not the entire transaction could be at risk. Here are the issues: 1) Did the Buyer and Seller give informed consent to the dual agency of the involved brokers; and 2) Did the agents timely present the required Disclosure Regarding Agency Relationships to the Parties. The mere fact of disclosure of a dual agency does not satisfy these two issues.

First, let's define dual agency and who is a dual agent. Dual agency arises when the same brokerage represents both buyer and seller. Even if there are two separate individual agents from the same brokerage, the two agents are also dual agents. A dual agent has a duty of undivided loyalty to their client and must use the utmost care in representing their client. In the dual agency situation, each individual agent must get the best possible terms for their clients while at the same time doing so for both buyer and seller. And therein lies the concern that the agent obtains the informed consent of the buyer and seller to the nature and consequences of dual agency.



This concern that informed consent to dual agency has been given is only resolved if the nature and consequences of dual agency are explained prior to the agent(s) undertaking the dual agency representation. Both buyer and seller have a choice to make as to what type of representation they want: exclusive or dual.

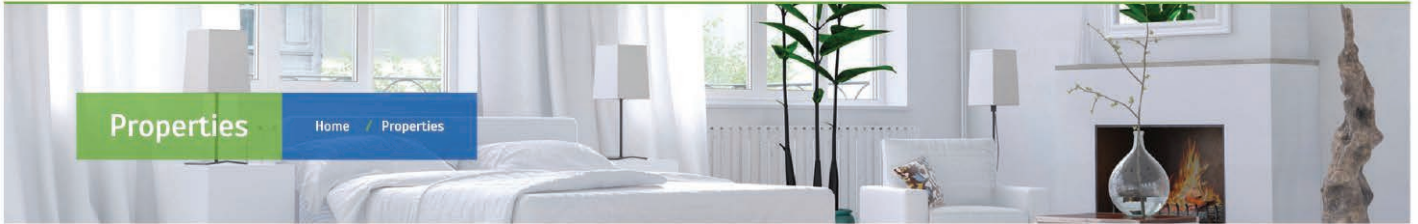
And when does dual agency arise? Agency arises when the principal intends to be represented by an agent and proceeds to share the personal and financial information that is the basis for any offer. Examples include where the brokerage has a listing and 1) an agent of the brokerage takes a new buyer client to see the property; 2) contract terms and financial concerns are discussed with a buyer prior to the offer being written; and 3) The offer is written and presented to the buyer to sign.

Many agents do not want to advise on the nature and consequences of dual agency and prefer that be discussed with legal counsel, given the legal implications of dual agency. A clear advisement from the agent that the issue of dual agency should be discussed with counsel solves the problem. Absent that, the general advisements to seek advise from an appropriate profession on any matter covered by the contract is usually relied upon by the agent, but not fully understood by the client. Communication and documentation of the advisement on dual agency implications is of benefit to both client and agent.

The requirement to provide the Disclosure of Agency Relationships (a statutory and CAR form) cannot be met if the form is not provided before the dual agency is created. There is debate about how soon it is provided prior to the offer being made, but the debate will also focus on how informed consent to dual agency can be given without the form being provided and time given to review it with counsel.

An example of how the form of purchase agreement can be confusing on who is a dual agent and what that means, can be found in the boilerplate of the contract which calls out the brokerage acting as "agent" for both buyer and seller. How does that language alert the client to the dual agency of the brokerage or the individual agents? The contention can be made that it doesn't explain nor clarify the dual agency of the individual agents, which is

Continued on page 27



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~ Bob Hart, Santa Barbara Association of Realtors

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

The Attorney's Corner from page 25

often compounded by the oral representation by the agent that they will be representing only buyer or seller. Legally that is simply not correct, and the confusion must be clarified to avoid the consequences of failing to get informed consent to dual agency or providing in a timely fashion the Disclosure of Agency Relationships.



The consequence of failing to resolve both issues of disclosure regarding dual agency could lead to a rescission and cancellation of the purchase agreement well after close of escrow. In such an event, the property is returned to seller and purchase price returned to buyer, with other credits and offsets between the parties considered by the court. Clearly this is not a situation any party to the transaction envisioned nor want, until either

buyer or seller have a change of perspective and want to unravel the transaction.

It is my intent to help you avoid the dire consequences that can arise out of a failure to obtain or give informed consent to dual agency by understanding the question to be asked and making sure you get the answer. We are available if you have a question about this article. (Email david@rogerssheffield.com)

Regards,
David Grokenberger, of Counsel
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Join us for a review of Fair Housing Laws and Best Practices for Fair Housing Compliance and Success

Tuesday, April 18, 2023
10:00 AM - 3:00 PM

Santa Barbara Library
Faulkner Gallery
40 E. Anapamu St., SB, CA 93101
(There is a parking lot next door to the library on Anapamu St.)

Learn Best Practices in Fair Housing

Denise Cato, CEO Fair Housing Council of Orange County

Topics will include:

- New Fair Housing Laws
- Successful Fair Housing business practices and tools to maximize profits and minimize liabilities
- How Fair Housing laws apply to tenants with disabilities and families with children
- How to update your management policies and property rules to comply with Fair Housing Laws
- How Fair Housing can serve as a resource for owners and managers.



Denise Cato

Today, Denise Cato, as President and CEO of Fair Housing Council of Orange County (FHOC), still speaks to, leads, and trains hundreds of housing industry professionals regarding both state and federal fair housing laws. Additionally, Ms. Cato currently serves as a member of the Board of Directors for the National Fair Housing Alliance, a national organization that supports the efforts, marketing, and legislative needs and agenda of all fair housing organizations nationwide. Cato trained with the John Marshall Law School, The National Fair Housing Congress, The U.S. Department of Housing and Urban Development, and the Department of Fair Employment and Housing. She was certified by the California Department of Real Estate in 1997 as a trainer in fair housing laws for realtors (as part of their mandatory continuing education requirement). She has taught fair housing classes for the Apartment Association of Greater Los Angeles for 25 years, Southern Cities Apartment Association for 23 years, and Orange County Apartment Association for at least 13 years.

Member: \$ 95.00
Nonmember: \$175.00

Register online at:
<https://www.sbrpa.org/events/fair-housing-seminar>

Santa Barbara Happenings



Terry A. Bartlett – Reetz, Fox & Bartlett LLP

Santa Barbara City Council Looks to Relax ADU Laws



Santa Barbara is among the top cities in California for ADU production, and, according to staff, that production could increase with the recent zoning ordinance amendments passed by the City Council on Tuesday. The term ADU or 'accessory dwelling unit' usually refers to any secondary dwelling built on a residential lot meant for a single-family home.

Jillian Ferguson, a planner with the city's Community Development Department, presented the proposed changes to the council, which would allow taller ADUs, expand the ability to build "Double" ADUs, and allow property owners to convert the upper floors of mixed-use commercial buildings into residential ADUs.

In the past two years, the city has processed 367 applications, 96 percent of which have been reviewed within the 60-day timeline, and 83 percent of which were reviewed by city staff within 30 days, Ferguson said.

City staff recommended not allowing units on the ground floors in order to support and maintain mixed-use development along commercial corridors. The expansion on height would match state standards, and another new change would allow for ADUs to include a space for bicycle storage or laundry expanded into the open yard.

The open question is whether families can raise kids in ADUs? Without families we are just building structures. Housing without families and kids is not a real community.

Goleta Council Adopts New Housing Element

The Goleta City Council voted to adopt a revised Housing Element for 2023-31, after the first draft that was sent to the state was returned to the City

with comments and requests from the California Department of Housing and Community Development for changes or more information.



Image Jean Yamamura SBIndependent.com

Goleta is mandated by its Regional Housing Needs Allocation to accommodate 1,837 housing units among all affordability levels. Each city is required by the state to update its Housing Element every eight years, and Goleta's last Housing Element update was in late 2014.

Some of the revisions made to the Housing Element include more information on additional housing projects, such as accessory dwelling units, the Super 8 housing project, potential 3-D printed houses, possible increased focus on fair housing and low-income housing programs, and analysis of special-needs populations.

49-Unit Housing Santa Maria Housing Project Approved

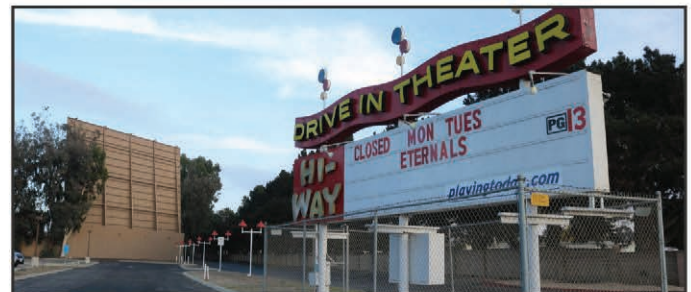


Image santamariatimes.com

A 49-unit affordable housing project at the site of the former drive-in theater in Santa Maria received City Council approval, although lot size, parking and pedestrian access to an adjacent neighborhood raised some concerns from residents. Access to the neighborhood will be off Santa Maria Way.

The applicant sought a project with smaller than minimum lot size, ranging from 5,000 to 9,000

Continued on page 31

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square feet. That is smaller than the minimum for the zone, which calls for lots of 6,000 square feet.

Santa Barbara County Housing Element Difficulties

Governor Newsom has mandated that Santa Barbara County must build over 5,600 new housing units by 2031 in order to combat the California housing crisis. On top of this, the City of Santa Barbara must build 8,000 new housing units.

The county Board of Supervisors met to discuss sites proposed for the housing units, two of which are located on Hollister Avenue: Glen Annie Golf Course and San Marcos Growers. The rezoning of these two sites could allow enough room for 2,357 housing units to be built but there are concerns. Residents have pointed out that the golf course serves those who cannot afford country clubs, including the Dos Pueblos High golf team. There is also concern that replacing the golf course with housing units would increase traffic in an already busy area.



Glen Annie Golf Club



San Marcos Growers, image smgrowers.com

The rezoning of agricultural land in general, and San Marcos Growers in particular, would also lead to a loss of jobs for those employed there. The Third District supervisor and the Planning Department are looking at other options in an effort to avoid rezoning such sites. The many challenges have caused the county to miss the February 15th Housing Element deadline.

Possible New Housing at Magnolia Shopping Center

The Magnolia Shopping Center in the Goleta Valley is now on the list of potential housing sites, after Santa Barbara County Second District Supervisor Laura Capps pushed for the property to be included in the county's draft Housing Element.

The state requires the county to update its Housing Element every eight years and find sites that can accommodate new housing. Of the 5,664 new housing units, 4,142 must be in South County, and 1,522 must be in North County.

Estate Planning Trusts Cannot Hold Property in the Name of the Trust

Mark Vinokur and Rimma Boshernitsan attempted to serve notice of termination of a lease to their tenants under the San Francisco Rent Control Ordinance which allows landlords to evict tenants in order to move their family members onto a property. A Superior Court judge, however, ruled in favor of the tenants due to the fact that the property was owned by the Vinokur and Boshernitsan Living Trust which is not a "natural person" as stated in the ordinance.

This decision was then reversed by the Court of Appeals as the deed to the property clearly confirmed that the title was held by the trustees of the trust (Vinokur and Boshernitsan) and not the Trust.

This claim was also supported by the "law of trusts" according to which trusts are not entities that can hold titles to properties. Thus, the title of a property remains under the ownership of the person who transferred it to the trust. For now, the court limited this decision "to the situation in which a landlord is settlor, trustee and beneficiary of a revocable living trust."

Be sure to properly title assets transferred to your estate planning trust.

Taxpayer Protection and Government Accountability Act: 2024 Ballot Initiative

A ballot initiative will appear on the 2024 ballot which proposes the amendment of the California State Constitution so that all levies, charges and fees will be defined as taxes. It would also change the approval requirements for new state and local taxes.

Currently, new state taxes require two-thirds vote in each legislative chamber or a simple majority vote of citizens for approval; new local taxes require two-thirds vote by local governing body as well as a simple majority vote by the local electorate. If the ballot initiative is approved, this would be changed to a requirement of two-thirds legislative vote and voter approval for state taxes and two-thirds vote of the electorate for local taxes.

These changes could lead to lower taxes and also lower state and local revenues. Some tax increases imposed after January 1, 2022 could also be repealed.

Terry Bartlett is a real estate, housing, and landlord-tenant attorney at Reetz, Fox & Bartlett in Santa Barbara. Any opinions expressed by the columnist are her own and do not necessarily represent the views of SBRPA.

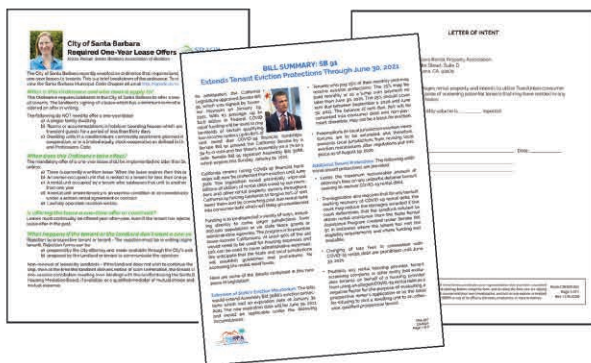


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