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# President's Message



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

Last month, we discussed some of the legislative Bills coming to us.

There are more legislative Bills this year than in the last 10 years.

In addition to that, some local governments are imposing their own rules.

We are opposing, among others, AB 309, the Lee social housing bill (definition of social housing for the Zenovich-Moscone-Chacon Housing and Home Finance Act), SB466, the Costa-Hawkins Bill which would attempt to prohibit setting the rent for a unit to market upon becoming vacant in certain circumstances, the Gabriel AB875 Bill which would report COVID Unlawful Detainers including those that never went to trial and AB919 which would mandate giving tenants the right of first refusal if you contemplate selling your property.

SB 466 – The Costa-Hawkins Rental Housing Act prescribes statewide limits on the application of local rent control with regard to certain properties. The act generally authorizes an owner of residential real property to establish the initial rental rate for a dwelling or unit, except in specified circumstances, including, (1) when the residential real property has a certificate of occupancy issued after February 1, 1995, (2) when the residential real property has already been exempt from the residential rent control ordinance of a public entity on or before February 1, 1995, pursuant to local exemption for newly constructed units, and (3) when the residential real property is alienable and separate from title to any other dwelling units. This bill would instead authorize an owner of residential real property to establish the initial rental rate for a dwelling or unit when the residential real property has been issued a certificate of occupancy issued within the 15 years preceding the date on which the owner seeks to establish a rental rate under these provisions.

AB919 would **require an owner** of residential real property, defined to include single-family residential property that is occupied by a tenant or a multifamily residential property **to take various actions before offering the residential real property for sale to any purchaser, soliciting any offer to purchase the residential real property, or otherwise entering into a contract for sale of the residential real property.**

The bill would exempt certain transfers of a residential real property from its provisions, including, among others, a transfer between spouses, domestic partners, parent and child, siblings, grandparent and grandchild, a transfer pursuant to court order, and a transfer by eminent domain. But, if you simply wanted to put your rental unit on the market, you would have to give the tenant right of first refusal to buy. You could not make a private sale. You could not advertise or solicit offers. First, you would have to ask your tenant if he/she/they wanted to purchase the property. **This specific-ly includes single-family homes.**

Other events include last Friday's press conference: On Friday, Senator Maria Elena Durazo (D - Los Angeles) held a press conference to announce that she will be amending Senate Bill 567 to restrict rental housing evictions and annual rent increases as a way to address homelessness. The text of the bill is not yet available as of Monday afternoon, March 13, 2023.

## CalRHA Media Response

CalRHA President Earle Vaughan immediately issued a media response to educate policymakers and the public about SB 567's shortcomings, and to push for solutions that include subsidies to rental housing providers.

## **FOR IMMEDIATE RELEASE**

### **CalRHA Responds to SB 567 Announcement** *SB 567 Is Not a Solution to Homelessness*

**Sacramento, California** – *March 10, 2023* Responding to today's announcement by Senator Maria-Elena Durazo that SB 567 will be amended to impose sweeping prohibitions on evictions and rent adjustments, property owner and President of the California Rental Housing Association (CalRHA) Earle Vaughan said, "it's unfortunate that SB 567 is on the wrong track at the very get-go."

"We're all trying to solve the homeless problem, but the root causes of tent cities are not evictions and rent adjustments. In fact, California has the lowest eviction rate, yet the highest homeless population in the country."

*Continued on page 7*



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President's Message from page 5

Princeton University's Eviction Lab, which tracks eviction filings for all 50 states, reports that California has the lowest eviction rate among the ten most populous states with 2.2 filings per 100 rental households, followed by Illinois at 2.9 filings. Michigan tops evictions with a rate of 16.6 filings per 100 households.

Further studies, including those from the Manhattan Institute, show that restricting periodic rent adjustments is bad for renters. Property owners have less resources to invest in upgrades and maintenance. There's less incentive for institutional investors to build badly needed housing, thus restricting supply and availability which pushes prices upwards on the limited, remaining supply of available units on the market. And jurisdictions that have implemented price controls under a rent stabilization policy soon find that it does very little to help minorities and disadvantaged groups it was intended to help.

Vaughan went on to say "a better solution to housing affordability would be to provide subsidies or vouchers to renters who qualify based on need to offset the renter's housing costs, along the lines of what is being contemplated in San Diego and in the Governor's budget. CalRHA looks forward to working with Senator Durazo to help house our homeless."

Please follow your local government meetings and

Speak out when you are able. Unless your government leaders hear your views, they will act without your insight or experience. Many times, the ideas of local government leaders have unintended consequences that can have disastrous effects on your business or life. Sometimes, they do not understand that even their **intended** consequences are unfair or unjust. So, I urge you to read everything that you can about City Council meetings and their agendas and to write in, speak out at the meetings and inform your neighbors, colleagues and friends. Thank you for your membership.

Betty L. Jeppesen  
President



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# SBRPA Calendar



## SBRPA MEMBERS

### Fair Housing Seminar

Tuesday, April 18<sup>th</sup> • 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 15

### Welcome New Members

David Thomas, Phillip Korte,  
Ingrid Steele, Chip Schell, Debra Caird,  
Susan and Dennis Fenton,  
Rosanne Marquis, William Jones

## Happy Easter

If you have an item of interest to our members, please submit it to [magazine@sbrpa](mailto:magazine@sbrpa)

april 2023

SUN	MON	TUE	WED	THU	FRI	SAT
						1
2	3	4	Passover (start)	5	6	7 Good Friday
9 Palm Sunday	10	11	12	13 Passover (end)	14	15
16 Easter	17	18 Fair Housing Seminar	19	20	21	22 EARTH DAY
23	24	25	26	27	28 Arbor Day	29
30						

## NAA Q2 2023 Upcoming Events

**APARTMENTALIZE**  
Powered by NAA see page 29

June 6-7, 2023  
Georgia World Congress Center, Atlanta, GA

### Exhibit (at Apartmentalize)

Don't miss out on this opportunity! Apartmentalize is the rental housing industry's ultimate gathering, bringing together apartment housing professionals from across the country and around the world. It's a can't-miss event boasting world-class speakers, expert-led education sessions, suppliers demonstrating the latest products and services, and lots of networking. For more information about exhibiting or sponsoring, visit the Apartmentalize website or contact: [expo@naahq.org](mailto:expo@naahq.org).

### Maintenance Mania®

Maintenance Mania® is a national program offered by NAA and presenting sponsor HD Supply (HDS), in which maintenance technicians compete against each other in various skill-based games. Maintenance technicians compete individually to win various local awards and a chance to compete at the National Championship held at Apartmentalize.

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.

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# CalRHA Legislative Updates



Kate Bell, KateBellStrategies.com

March 2023

## Legislative Update

CalRHA has taken positions on key policy bills introduced this year. Bills are beginning to be set for policy committee hearings and CalRHA has scheduled a Lobby Day in Sacramento for April 2023.

### **LEGISLATION CALRHA IS OPPOSING - TOP THREATS**

#### **AB 919 (Kalra, D - San Jose)**

**Sale of Rental Properties: First Right of Offer.** Would require an owner of residential real property, defined to include a single-family residential property that is occupied by a tenant or a multi-family residential property to take various actions before offering the residential real property for sale to any purchaser, soliciting any offer to purchase the residential real property, or otherwise entering into a contract for sale of the residential real property. The bill would exempt certain transfers of a residential real property from its provisions, including, among others, a transfer between spouses, domestic partners, parent and child, siblings, grandparent and grandchild, a transfer pursuant to a court order, and a transfer by eminent domain.



CA Assemblyperson  
Ash Kalra

#### **SB 466 (Wahab, D-Fremont)**

**Costa-Hawkins Rental Housing Act.** Existing law, the Costa-Hawkins Rental Housing Act, prescribes statewide limits on the application of local rent control with regard to certain properties. The act generally authorizes an owner of residential real property to establish the initial rental rate for a dwelling or unit, except in specified circumstances, including, (1) when the residential real property has a certificate of occupancy issued after February 1, 1995, (2) when the residential real property has already been exempt from the residential rent control ordinance of a public entity on or before February 1, 1995, pursuant to a local exemption for newly constructed units, and (3) when the residential real property is alienable and



CA Senator  
Aisha Wahab

separate from title to any other dwelling units, except as specified. SB 466 would instead authorize an owner of residential real property to establish the initial rental rate for a dwelling or unit when the residential real property has been issued a certificate of occupancy issued within the 15 years preceding the date on which the owner seeks to establish a rental rate under these provisions.

SB 466 would also remove the above-described authorizations for an owner of residential real property to establish the initial rental rate if the residential real property (1) has already been exempt from the residential rent control pursuant to an ordinance of a public entity on or before February 1, 1995, and (2) when the residential real property is alienable and separate from title to any other dwelling units.

*As reported previously, there is also an initiative that is in circulation for the 2024 ballot that would repeal Costa-Hawkins.*

#### **SB 567 (Durazo, D-Los Angeles)**

**Tenancy.** Spot bill that is intended to change the statute for no-fault just cause evictions, expand the population of protected tenants, and lower the annual rent cap.



CA Senator  
Maria Elena Durazo

### **ADDITIONAL LEGISLATION CALRHA IS OPPOSING**

#### **AB 12 (Haney, D-San Francisco)**

**Tenancy: Security Deposits.** Would prohibit a landlord from receiving a security deposit for a rental agreement in an amount in excess of one month's rent, regardless of whether the residential property is unfurnished or furnished.



CA Assemblyperson  
Matt Haney

**AB 309 (Lee, D-Milpitas)**

**Social Housing.** This bill would define “social housing” for purposes of the Zenovich-Moscone-Chacon Housing and Home Finance Act, and make findings and declarations relating to social housing and would state the intent of the Legislature is to further the Social Housing Act to address the shortage of affordable homes by developing housing for people of all income levels, prioritizing low-income households.



CA Assemblyperson  
Alex Lee

**ACA 1 (Aguiar-Curry, D-Woodland)**

**Lowering of Voter Threshold.** Local government financing: affordable housing and public infrastructure: voter approval. Would lower the necessary voter threshold from a two-thirds supermajority to 55 percent to approve local general obligation (GO) bonds and special taxes for affordable housing and public infrastructure projects.



CA Assemblyperson  
C. Aguilar-Curry

**AB 1035 (Muratsuchi, D-Torrance)**

**Mobile Home Parks Rent Caps.** Would prohibit the management of a mobile home park from increasing the gross rental rate for a tenancy for a mobile home 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.



CA Assemblyperson  
Al Muratsuchi

**SB 267 (Eggman, D-Stockton)**

**Credit History of Persons Receiving Government Rent Subsidies.** Would prohibit the use of a person’s credit history as part of the application process for a rental housing accommodation without offering the applicant the option of providing alternative evidence of financial responsibility and the ability to pay in instances in which there is a government rent subsidy and would require that the housing provider consider that alternative evidence in lieu of the person’s credit history.



CA Senator  
Susan Eggman

**AB 1097 (L. Rivas, D-Arleta)**

**Credit History of Persons Receiving Government Rent Subsidies.** Would require housing providers to consider alternative evidence in lieu of the person’s credit history in determining rental accommodations.



CA Assemblyperson  
Luz Rivas

**SB 395 (Wahab, D-Fremont)**

**Statewide eviction database.** Would state the intent of the Legislature to enact subsequent legislation that would require landlords to report all evictions to a new statewide eviction reporting database.



CA Senator  
Aisha Wahab

**AB 1317 (Carrillo, D - LA)**

**Unbundled Parking.** Would require the owner of residential real property that provides parking with a residential unit to unbundle parking from the price of rent (“unbundled parking” selling or leasing parking spaces separate from the lease of the residential use).



CA Assemblyperson  
Wendy Carrillo

**SB 460 (Wahab, D-Fremont).**

**Hiring of real property: Criminal History.** This is a reintroduction of ban-the-box legislation and would prohibit a housing provider from inquiring about an applicant’s criminal history, requiring an applicant to disclose their criminal history, or requiring an applicant to authorize the release of their criminal history, or basing any adverse action on information contained in an applicant’s criminal history, unless they are complying with federal law.

## LEGISLATION CALRHA IS SUPPORTING

### **AB 42 (Ramos, D - San Bernardino)** **ADU Sprinkler Requirements.**

Current law prohibits a local agency from requiring an accessory dwelling unit to provide fire sprinklers, if they are not required for the primary residence. This bill would prohibit a local agency from imposing or enforcing any requirement to provide fire sprinklers for any dwelling with a total floor area of less than 500 square feet.



CA Assemblyperson  
James Ramos

**AB 932 (Ting, D-San Francisco)**  
**Junior ADU: Application Approval Time.** Would streamline ADU applications from 60-days to 45-days.



CA Assemblyperson  
Phil Ting

### **AB 1505 (Rodriguez, D-Chino)**

**Seismic Retrofit: Soft Story Multi-family Housing.** Would direct \$250 million from the General Fund for seismic retrofit for multifamily housing.



CA Assemblyperson  
Freddie Rodriguez

### **SB 569 (Glazer, D-Orinda)**

**Renter's Tax Credit.** Would require that the Franchise Tax Board recompute the renters tax credit for inflation and refund for tax years 2023-2028.



CA Senator  
Steve Glazer

As always, CalRHA will keep you informed as these bills make their way through the Legislature. We will be sure to send out Calls to Action when we are at a pivotal juncture and your involvement could help determine the outcome.

## Press Statement

With the eviction moratorium coming to an end in certain local jurisdictions, there's been a media attempt to exaggerate the population at risk of evictions, possibly to delay eviction moratorium sunset dates. CalRHA President Earle Vaughan issued the following press statement to head off such efforts.

### **FOR IMMEDIATE RELEASE**

#### **CalRHA Responds to Census Survey on Renters Concerns over Evictions California Continues to Lead the Country in Lowest Eviction Rates**

Sacramento, CA, March 8, 2023- The U.S. Census Bureau's Pulse Household Survey for February 2023 asked renters the likelihood that they would be evicted in the next two months for non-payment of rent.

The results showed that 17 percent of Californians surveyed believed eviction was "Very likely" similar to the U.S. average of 16 percent, while only 19 percent of Californians believed eviction was "Somewhat likely" compared to the U.S. average of 24 percent.

"This survey supports what we've known all along", said Earle Vaughan, property owner and president of the California Rental Housing Association (CalRHA). "We are not in the eviction business. Evictions are a last resort."

California consistently has, by far, the lowest eviction rates of the 10 most populous states, according to widely-cited Princeton University's Eviction Lab.

Vaughan went on to say, "rental housing providers were the victims of the eviction moratorium, yet we've been villainized. It's time to set the record straight. It's time to put aside the rhetoric and work with elected leaders on rental housing subsidies to house our homeless."



Earle Vaughan

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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  
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## 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 (FHCOC), 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.

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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

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*Following is a Current List of Important Rental Housing Related Bills*

### **AB 12 (Haney D) Tenancy: Security Deposits**

Current Text: Introduced: 12/5/2022

**Summary:** Current law regulates the terms and conditions of residential tenancies, and prohibits a landlord from demanding or receiving security for a rental agreement for residential property, however denominated, in an amount or value in excess of an amount equal to 2 months' rent, in the case of unfurnished residential property, and an amount equal to 3 months' rent, in the case of furnished residential property, in addition to any rent for the first month paid on or before initial occupancy. This bill would instead prohibit a landlord from demanding or receiving security for a rental agreement for residential property in an amount or value in excess of an amount equal to one month's rent, regardless of whether the residential property is unfurnished or furnished, in addition to any rent for the first month paid on or before initial occupancy.

### **AB 309 (Lee D) Social Housing**

Current Text: Introduced: 1/26/2023

**Summary:** The Zenovich-Moscone-Chacon Housing and Home Finance Act establishes the Department of Housing and Community Development and the California Housing Finance Agency and sets forth various programs administered by those entities intended to, among other things, provide a comprehensive and balanced approach to the solution of housing problems of the people of this state. The act sets forth various definitions that govern its construction. This bill would define "social housing" for purposes of the Zenovich-Moscone-Chacon Housing and Home Finance Act.

### **AB 875 (Gabriel D) Courts: Data Reporting**

Current Text: Introduced: 2/14/2023

**Summary:** The Sargent Shriver Civil Counsel Act requires the Judicial Council to develop one or more programs to provide competitive grants to provide legal counsel to low-income persons who require legal services in civil matters involving specific types of civil matters, including, among others, housing related matters, probate conservatorships, guardianships, and domestic violence and civil harassment restraining orders. Current law requires the Judicial Council to consider various factors, including, among others, the unmet need for legal services in the geographic area to be served, in selecting and renewing participating programs. Current law requires program applicants, among other things, to describe how the program would be administered and the means by which the program would serve

the particular needs of the community, such as by providing representation to limited-English-speaking clients. This bill would require courts to report specified information to the Judicial Council regarding unlawful detainer cases, aggregated by ZIP Code. The bill also would require courts to report to the Judicial Council case summary data on COVID-19 Rental Debt in Small Claims Court, aggregated by ZIP Code. The bill would require the Judicial Council to post all information received about unlawful detainer cases in a publicly available electronic spreadsheet that may be downloaded from its internet website.

### **AB 919 (Kalra D) Residential Real Property: Sale of Rental Properties: Right of First Offer**

Current Text: Introduced: 2/14/2023

**Summary:** Would require an owner of residential real property, defined to include a single-family residential property that is occupied by a tenant or a multifamily residential property to take various actions before offering the residential real property for sale to any purchaser, soliciting any offer to purchase the residential real property, or otherwise entering into a contract for sale of the residential real property. The bill would exempt certain transfers of a residential real property from its provisions, including, among others, a transfer between spouses, domestic partners, parent and child, siblings, grandparent and grandchild, a transfer pursuant to a court order, and a transfer by eminent domain.

### **AB 920 (Bryan D) Discrimination: Housing Status**

Current Text: Introduced: 2/14/2023

**Summary:** Current law prohibits discrimination in any program or activity that is conducted, operated, or administered by the state, or by any state agency, that is funded directly by the state, or that receives any financial assistance from the state, based upon specified personal characteristics. This bill would also prohibit discrimination based upon housing status, as defined.

### **AB 932 (Ting D) Planning and Zoning: Junior Accessory Dwelling Units: Application Approval Time Period.**

Current Text: Introduced: 2/14/2023

**Summary:** Current law provides for the creation of junior accessory dwelling units by local ordinance, or, if a local agency has not adopted an ordinance, by ministerial approval, in accordance with specified standards and conditions. Current law requires a permitting agency to either approve or deny an application for a permit pursuant to these provisions within 60 days from the date the local agency receives a

## CaIRHA PRIORITY 1 BILL TRACKER (continued)

completed application if there is an existing single-family dwelling on the lot. If the applicant requests a delay, existing law requires this time period to be tolled for the period of the delay. This bill would change that time period to 45 days.

### **AB 1097 (Rivas, Luz D) Credit History of Persons Receiving Government Rent Subsidies**

Current Text: Introduced: 2/15/2023

**Summary:** Current law, the California Fair Employment and Housing Act (FEHA), prohibits, in instances in which there is a government rent subsidy, the use of a financial or income standard in assessing eligibility for the rental of housing that is not based on the portion of the rent to be paid by the tenant. FEHA requires the Civil Rights Department to enforce specific provisions of the act, including the provision described above. This bill would additionally prohibit the use of a person's credit history as part of the application process for a rental housing accommodation without offering the applicant the option of providing alternative evidence of financial responsibility and ability to pay in instances in which there is a government rent subsidy. The bill would require the housing provider to consider that alternative evidence in lieu of the person's credit history in determining whether to offer the rental accommodation to the applicant.

### **AB 1317 (Carrillo, Wendy D) Unbundled Parking**

Current Text: Introduced: 2/16/2023

**Summary:** Would require the owner of residential real property that provides parking with a residential unit to unbundle parking from the price of rent, as specified. The bill would define "unbundled parking" as the practice of selling or leasing parking spaces separate from the lease of the residential use. The bill would exempt residential units with individual garages that are functionally a part of the unit from these provisions. The bill would provide a tenant of a residential unit a right of first refusal to parking spaces built for their unit, as specified. The bill, for residential units where unbundled parking is not possible, would require an owner of residential property to annually provide a tenant with an itemization of the market rate cost of parking, as defined, for the parking spaces they have leased.

### **AB 1505 (Rodriguez D) Seismic Retrofitting: Soft Story Multifamily Housing**

Current Text: Introduced: 2/17/2023

**Summary:** Current law establishes the Seismic Retrofitting Program for Soft Story Multifamily Housing for the purposes of providing financial assistance to owners of soft story multifamily housing for seismic retrofitting to protect individuals living in multifamily housing that have been determined to

be at risk of collapse in earthquakes, as specified. Current law also establishes the Seismic Retrofitting Program for Soft Story Multifamily Housing Fund, and its subsidiary account, the Seismic Retrofitting Account, within the State Treasury. Current law provides that the Legislature will appropriate \$250,000,000 from the General Fund in the 2023–24 Budget Act to the Seismic Retrofitting Program for Soft Story Multifamily Housing Fund for the purposes of carrying out the program. Current law requires the California Residential Mitigation Program to develop and administer the program, as specified. Current law makes these provisions inoperative on July 1, 2042, and repeals them as of January 1, 2043. This bill would, instead, appropriate \$250,000,000 from the General Fund to the CRMP for the purpose of implementing the Seismic Retrofitting Program for Soft Story Multifamily Housing.

### **ACA 1 (Aguiar-Curry D) Local Government Financing: Affordable Housing and Public Infrastructure: Voter Approval.**

Current Text: Introduced: 12/5/2022

**Summary:** The California Constitution prohibits the ad valorem tax rate on real property from exceeding 1% of the full cash value of the property, subject to certain exceptions. This measure would create an additional exception to the 1% limit that would authorize a city, county, city and county, or special district to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing, or the acquisition or lease of real property for those purposes, if the proposition proposing that tax is approved by 55% of the voters of the city, county, or city and county, as applicable, and the proposition includes specified accountability requirements. The measure would specify that these provisions apply to any city, county, city and county, or special district measure imposing an ad valorem tax to pay the interest and redemption charges on bonded indebtedness for these purposes that is submitted at the same election as this measure.

### **SB 71 (Umberg D) Jurisdiction: Small Claims and Limited Civil Case.**

Current Text: Introduced: 1/9/2023

**Summary:** Current law provides that the small claims court has jurisdiction over actions seeking certain forms of relief, including money damages in specified amounts and claims brought by natural persons, not exceeding \$10,000, except as specified. Current law requires an action or special proceeding to be treated as a limited civil case if certain conditions exist, including, among others, that the amount in controversy does not exceed \$25,000. This bill would increase the small claims court jurisdiction over actions brought by

## CalRHA PRIORITY 1 BILL TRACKER (continued)

a natural person, if the amount does not exceed \$25,000, except as specified, and would also increase the amount in controversy permitted in other specified actions within the jurisdiction of the small claims court. The bill would increase the limit on the amount in controversy for an action or special proceeding to be treated as a limited civil case to \$100,000. *Notes: Ron Kingston Sponsored*

### **SB 267 (Eggman D) Credit History of Persons Receiving Government Rent Subsidies**

Current Text: Introduced: 1/31/2023

**Summary:** The California Fair Employment and Housing Act (FEHA), prohibits, in instances in which there is a government rent subsidy, the use of a financial or income standard in assessing eligibility for the rental of housing that is not based on the portion of the rent to be paid by the tenant. FEHA requires the Civil Rights Department to enforce specific provisions of the act, including the provision described above. This bill would additionally prohibit the use of a person's credit history as part of the application process for a rental housing accommodation without offering the applicant the option of providing alternative evidence of financial responsibility and ability to pay in instances in which there is a government rent subsidy. The bill would require the housing provider to consider that alternative evidence in lieu of the person's credit history in determining whether to offer the rental accommodation to the applicant.

### **SB 395 (Wahab D) Statewide Eviction Database**

Current Text: Introduced: 2/9/2023

**Summary:** Current law regulates evictions and provides that a tenant who remains in possession of a property after the term of the tenant's lease expires, or who fails to pay rent, is guilty of unlawful detainer. This bill would state the intent of the Legislature to enact subsequent legislation that would require landlords to report all evictions to a new statewide eviction reporting database.

### **SB 460 (Wahab D) Hiring of Real Property: Criminal History**

Current Text: Introduced: 2/13/2023

**Summary:** This bill would prohibit a housing provider from inquiring about an applicant's criminal history, requiring an applicant to disclose their criminal history, or requiring an applicant to authorize the release of their criminal history, unless they are complying with federal law.

### **SB 466 (Wahab D) Costa-Hawkins Rental Housing Act: Rental Rates**

Current Text: Introduced: 12/13/2022

**Summary:** The Costa-Hawkins Rental Housing Act prescribes statewide limits on the application of local rent control with regard to certain properties. The act generally authorizes an owner of residential real property to establish the initial rental rate for a dwelling or unit, except in specified circumstances, including, (1) when the residential real property has a certificate of occupancy issued after February 1, 1995, (2) when the residential real property has already been exempt from the residential rent control ordinance of a public entity on or before February 1, 1995, pursuant to a local exemption for newly constructed units, and (3) when the residential real property is alienable and separate from title to any other dwelling units, except as specified. This bill would instead authorize an owner of residential real property to establish the initial rental rate for a dwelling or unit when the residential real property has been issued a certificate of occupancy issued within the 15 years preceding the date on which the owner seeks to establish a rental rate under these provisions.

### **SB 569 (Glazer D) Taxation: Renter's Credit**

Current Text: Introduced: 2/15/2023

**Summary:** The Personal Income Tax Law authorizes various credits against the taxes imposed by that law, including a credit for qualified renters in the amount of \$120 for spouses filing joint returns, heads of household, and surviving spouses if adjusted gross income is \$50,000, as adjusted, or less, and in the amount of \$60 for other individuals if adjusted gross income is \$25,000, as adjusted, or less. Current law requires the Franchise Tax Board to annually adjust for inflation these adjusted gross income amounts. For 2021, the adjusted gross income limit is \$87,066 and \$43,533, respectively. Current law requires any bill authorizing a new tax credit to contain, among other things, specific goals, purposes, and objectives that the tax credit will achieve, detailed performance indicators, and data collection requirements. Current law establishes the continuously appropriated Tax Relief and Refund Account in the General Fund and provides that payments required to be made to taxpayers or other persons from the Personal Income Tax Fund are to be paid from that account. This bill, for taxable years beginning on or after January 1, 2023, and before January 1, 2028, would require the Franchise Tax Board to annually recompute for inflation the above-mentioned credit amounts, as provided. The bill, for credits allowable for taxable years beginning on or after January 1, 2023, and before January 1, 2028, would provide that the credit amount in excess of the qualified renter's liability would be refundable and paid from the Tax Relief and Refund Account to the qualified renter upon appropriation by the Legislature.

# 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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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/>



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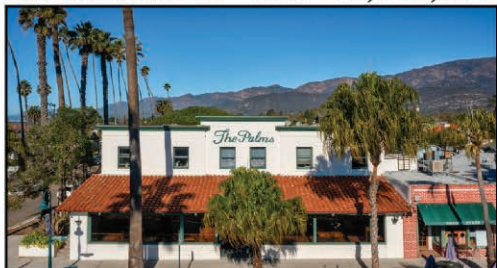
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## NOW FOR SALE + RECENT CLOSED TRANSACTIONS

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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)

### CARP. MIXED-USE \$7,750,000



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## Rental Owner Updates

### DO YOU REQUIRE BANK STATEMENTS?

More of our website visitors are tightening their screening standards and requiring that applicants have a bank account and provide copies of recent bank statements. One landlord took a closer look to see if there was anything in common with the residents he eventually had to evict. The landlord concluded that requiring bank accounts as part of the screening criteria would reduce the chances he ended up in court.



Hopefully, you have not had to take any residents to court. But if you do, I'd encourage you to do as the landlord did and review the applications of residents who have caused you the biggest problems. Consider what you can do to tighten your criteria to reduce your chances that you may end up back in court. Before you accept another applicant, take a look at the following discussion of what a few other landlords are doing to tighten their screening criteria.

*My latest standards tightening involves requiring genuine bank accounts and thereby bank statements. Payroll cards, chime, and other alternatives do not qualify.*

*The COVID shutdowns of court, hence the slower eviction process drove the point home that getting a bad tenant is more expensive than ever before. Better empty than wrong.*

*–Sisco [MO]*

*We are tightening ours for our multi-family operation. Out of 17 applications for two properties we manage, I have only be able to approve four since the first of the year. Of those four, two have not followed through on actually signing the lease.*

*Pretty poor selection from which to choose right now. I think a lot of people are staying put right now, due to the economy. Our renewals are better than usual, though, so that is a good thing. Just trying to fill the vacancies we have is challenging. The vacancies we have are at least six months on the market.*

*– Annie [IN]*

### ALWAYS RUN A CREDIT & EVICTION REPORT

Reviewing bank statements can definitely help you identify qualified applicants. Past history is the number indicator of how applicants will perform in the future and thus the single best way to identify applicants who are most likely to end up in court is to always run a credit and eviction report. You can see if the applicants did not pay other landlords or creditors. You can also see if they have a court filing on their record for non-payment in their rental history.

### SIMPLISAFE ALARM - REVIEW

A few landlords gave their feedback on the ease of use of the SimpliSafe alarm system. They use this security system at their property when vacant to help deter theft and vandalism. Vandalism is just one of the different types of coverage that property insurance can cover. Like everything else, the price of property insurance price has gone up significantly in many parts of the country.



*I LOVE my Simplisafe. If it goes off, is disarmed, or is armed, I am notified by email which my phone shows me right away. You can set a second, "real-tor/contractor" code in addition to your master code.*

*I set it up where it can easily be seen through the window - it glows at night. All you need is electricity, and I only use 2 motion sensors, pointed in opposite directions inside.*

*– DJ [VA]*

*I have a vacancy starting next week so it's time to dust off my SimpliSafe alarm unit it's rented. \$14.99 a month and cancel when you don't need it.*

*I like it when applicants see the alarm and know the property has an alarm. A landlord friend put in an alarm after his vacant property was burglarized twice. I use 2 sensors and put the base station upstairs on the window sill and leave the window ajar so the sound is heard outside. I disable the alarm from my iPhone or keypad.*

*–Jim in OC [CA]*

*For free quote on property insurance to compare with what you are paying now, go to [MrLandlordInsurance.com](http://MrLandlordInsurance.com).*

*Coverage available on all types of rentals, residential and commercial property, vacation rental, renovation, and vacant properties.*

# CELMAYSTER LISTINGS UPDATE

from Santa Barbara's native expert

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## CARPET CLEANING? HOW SHOULD IT BE DONE?

A recent discussion on our Q&A Forum had landlords discussing what is the best way of how cleaning carpets should be done a portable machine vs truck mount. Or, whether it should even be left up to the resident to decide.



Most who still had carpet in their rentals agreed that a truck mount was far more effective. The discussion also focused on how the lease should be written regarding carpet cleaning and how several landlords no longer even include carpets in their rentals.

Some landlords shared what they find is the best solution to the debate. If you still include carpet in your rentals, read the full discussion on how cleaning should be handled at the link below, along with suggestions on how the lease clause should be written regarding a resident's responsibility for carpet cleaning. <https://www.mrlandlord.com/landlordforum/display.php?id=14680595#14680595>

*On the subject of carpet cleaning that seems to be coming up a lot lately. Tenants doing it or landlord with portable machine vs truck mount.*

*I believe the reality with truck versus portable machines is that portable machines will never do the same quality cleaning as a truck mounted machine.*

*Every carpet that I have ever seen that was cleaned with a portable machine—even by professional companies—while it may look great for the first week or two, generally after one or several months, it starts to get generally dingy and pre-existing stains come back up.*

*Part of it is residual detergent, too much detergent, not proper rinsing, and generally not enough suction. Residual chemicals in carpet will reduce life. Require truck mounted machines.*

– Dave [CA]

*Under CA law, landlord may deduct if tenant does not turn over unit "the same level of cleanliness it was in at the inception of the tenancy".*

*Otherwise, he cannot deduct. Thus, the tenant may accomplish his cleaning however he pleases and landlord has nothing to say about it, except by*

*mutual agreement.*

*Don't expect a judge to be very sympathetic to any claim that if the tenant cleaned, that he didn't clean well enough, except on basis on REAL evidence.*

– Moshe [CA]

*Its in my lease. After the tenant has finished moving out, I have my choice of carpet cleaner in and the cost comes out of the deposit. Tenants like it because they don't have to fuss with carpet cleaning or try to schedule their move-out to still have time to clean carpets.*

*I use a truck mounted steam cleaner, They get the water back out and use better chemicals. Down side is that they are getting more and more expensive to hire, which is additional motivation to go to hard surface flooring as soon as possible.*

– Oregon Woodsmoke [ID]

## PROJECT MANAGEMENT FEE

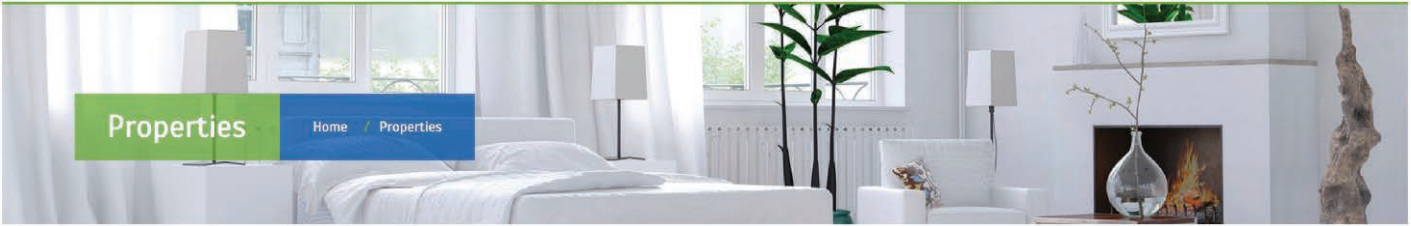
Most landlords and property managers agree (and this is covered in their leases) that any repairs needed that are caused by the resident or the resident's negligence are to be charged to the resident. With that said, do you as the landlord charge a fee for your time or involvement to coordinate getting whatever contractor to handle and take care of the needed repair? Below is a real-life example taken from our Landlording Forum of what I am talking about.

**Landlord #1** - *A second-floor resident's toilet overflowed. Water went into the bath fan light downstairs. It needs replacing. The resident is responsible and I will bill them. It is a Panasonic whisper unit and the LED module is hard to find and costs 90% of the cost of a new unit. AARRGGGHHHH!*

**Landlord #2** - *It's times like these when I call my handyman and say, "Here's the resident's number. Please go fix this and give me the bill." Then the handyman does his thing and emails me the bill. I pay it online, and I add the bill to the resident's online ledger. By the way, there's also the \$40 charge for project management that gets added on any time I have to deal with a resident-caused maintenance item. This helps keep the beer budget flush with change. Getting paid for hassles makes them feel less hassle-y.*

There were several other suggestions in the discussion on our forum on how to deal with the specific repair and fixture replacement. But I wanted to highlight the project management fee or admin fee suggested by the second landlord. Many landlords do not charge for their time and/or involvement in property management. Many also completely do most of

*Continued on page 27*



# FREE RENTAL LISTING SITE



List your property with confidence on our rental listing site that boasts a dynamic tenant pool. Our site can be accessed only by the employees of local member companies.

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kym@coastalhousing.org  
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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 repairs themselves that are needed in their rentals. And beyond just the cost of the needed items, many landlords don't charge for their time. And yet landlords complain about having little cash flow to pay others to help with administrative or maintenance on their properties.

Consider charging residents for your time and involvement. Or better yet, to cover the costs of administrative or maintenance assistance, especially for resident-related damages and repairs. See the full discussion that this idea came from or to ask follow-up questions <https://www.mrlandlord.com/landlordforum/display.php?id=14681955#14681955>

### FEES AND TRANSPARENCY

While we are on the subject of FEES, you may want to review your policies regarding fees charged to rental applicants and residents. Are you giving full disclosure of any or all fees that you charge? I say this

because more scrutiny may be coming to landlords regarding the amount of application, administrative, or move-in fees charged, especially any fees that are not fully transparent. See below this recent press release from HUD, the department of Housing and Urban Development. [https://www.hud.gov/press/press\\_releases\\_media\\_advisories/HUD\\_No\\_23\\_048](https://www.hud.gov/press/press_releases_media_advisories/HUD_No_23_048)


### CRIMINAL HISTORY

A landlord asked if your rental criteria can say that you don't rent to anyone with a criminal history. Here is a suggested response from a property manager who spoke at last year's National Landlord Convention. When asked by the applicant if he accepts or rejects applicants who have a criminal history, his standard response is:

*"We will not deny you automatically because of that. It will be a factor, but we have to look at everything. If you apply, we'll look at it, but it's not an automatic denial."*

FOR RELEASE Wednesday, March 8, 2023

WASHINGTON - U.S. Department of Housing and Urban Development (HUD) Secretary Marcia L. Fudge today penned an open letter to the housing industry calling for action on junk fees that renters face, joining President Biden's call to eliminate these hidden fees, charges, or add-ons. These fees can weaken market competition, raise costs for consumers and businesses, and hit the most vulnerable Americans the hardest.



**U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**  
THE SECRETARY  
WASHINGTON, DC 20410-0001

March 7, 2023

Dear Colleagues, Housing Providers, State and Local Leaders,

As Secretary of the U.S. Department of Housing and Urban Development (HUD), I believe that every renter should know the true costs of finding and staying in their home, and any fees charged to renters should be fair and transparent. However, many renters today face fees that are hidden, duplicative, or unnecessary as part of the housing search and leasing process. These fees limit options for renters and strain household budgets, particularly for renters with low and modest incomes who already face high rental cost burdens. President Biden has urged federal agencies to do everything they can to crack down on "junk fees" across the economy, from banking services to cable and internet bills to airline and concert tickets. Building on this critical initiative, today we are calling on housing providers and state and local governments to adopt policies that promote fairness and transparency of fees faced by renters.

In a rental market where prospective renters often apply to several units, non-refundable application fees present a financial burden for many applicants, particularly people with low incomes. When renters are charged even modest rental application fees for multiple units, the costs can quickly add up to hundreds or even thousands of dollars. Research also shows that renters of color are more likely to be charged application fees and to be charged higher fees compared to white renters.

Landlords typically use application fees to pay for tenant screening reports, and these reports may have inaccurate information and questionable validity in predicting renter behavior. If prospective renters are not given the opportunity to review and correct the information in these reports, then these renters may end up paying numerous application fees only to be repeatedly rejected for this inaccurate information in their tenant screening reports.<sup>1</sup>

Even after renters secure housing, their monthly cost may exceed the listed price of the unit due to hidden and unnecessary fees. These hidden fees may include move-in fees, late fees, high-risk fees or security bonds, convenience fees for online payments, and others.

The Biden-Harris Administration's *Blueprint for a Renter Bill of Rights* calls for clear and fair leases without hidden or illegal fees. The White House launched a *Resident-Centered Housing Challenge* for interested stakeholders to commit to practices aligned with the principles included in this blueprint. Many state and local governments, housing providers, as well as several rental platforms and small property owners, already announced policies aligned with this challenge, such

<sup>1</sup> Garcia, Maany, "Renters of Color Pay Higher Security Deposits, More Application Fees," Zillow, April 6, 2022. <https://www.zillow.com/research/renters-of-color-higher-fees-30922/>.  
<sup>2</sup> "CFPB Reports Highlight Problems with Tenant Background Checks," Consumer Financial Protection Bureau, November 15, 2022. <https://www.consumerfinance.gov/about-us/newsroom/cfpb-reports-highlight-problems-with-tenant-background-checks/>.

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2

as limiting rental application fees and allowing renters to re-use applications for multiple units at no additional cost.

Today, I am amplifying the White House's Challenge and urging all housing providers, as well as state and local governments, to take action to limit and better disclose fees charged to renters in advance of and during tenancy. These actions should aim to promote fairness and transparency for renters while ensuring that fees charged to renters reflect the actual and legitimate costs to housing providers.

I encourage all rental housing providers, as well as the companies that provide leasing and property management services to providers and rental platforms, to adopt policies that promote fairness and transparency for renters including:

- Eliminate rental application fees or limit application fees to only those necessary to cover actual and legitimate costs for services;
- Allow a single application fee to cover multiple applications on the same platform or across multiple properties owned by one housing provider or managed by one company across providers;
- Eliminate duplicative, excessive, and undisclosed fees at all stages of the leasing process such as administrative fees and other processing fees in addition to rental application fees; and
- Clearly identify bottom-line amounts that tenants will pay for move-in and monthly rent in advertisements of rental property and in lease documents, including all recurring monthly costs and their purpose.

As part of our continued leadership on this topic, HUD commits to sharing research, best practices, and tools that state and local governments and housing providers can use to increase transparency and promote fairness for all fees associated with renting a home.

In addition, HUD will work with the Consumer Financial Protection Bureau, the Federal Housing Finance Agency, the Federal Trade Commission, and the U.S. Department of Agriculture to release best practices on the use of tenant screening reports and strongly encourage property owners to align with these best practices on the use of tenant screening reports. This includes the importance of communicating clearly if a tenant screening report is used to reject a rental applicant or increase fees, as well as providing applicants with the opportunity to address inaccurate information in these reports.

As HUD Secretary, I will continue to look for other opportunities – engaging Congress, state and local leaders, and housing practitioners – to improve practices in the rental market, and I hope you will join me.

Sincerely,  
*Marcia L. Fudge*



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- **Thursday, June 8, 2023**  
**LINDSEY VONN.** *Retired Olympic Gold & Bronze Medalist, New York Times Best Selling Author.* Lindsey Vonn is a recently retired Olympic gold and bronze medal-winning alpine ski racer for the U.S. Ski Team as well as a New York Times best-selling

author. She is the most successful female skier of all time and holds four World Cup titles, making her one of only 6 women to win World Cup races in all five disciplines of Alpine skiing. Debuting first at the 2021 Alpine Skiing World Cup Races, Vonn is an NBC Sports broadcast analyst. Lindsey served as an International Games Ambassador in the 2018 Winter Olympics. Lindsey is also the founder of the Lindsey Vonn Foundation, established to empower young girls.

- **Friday, June 9, 2023**  
**JASON SUDEIKIS.** *Emmy-Winning Actor, Comedian, Writer & Producer.* Playing the football coach and buoyant optimist Ted Lasso on the Apple TV+ series he co-created, Jason Sudeikis has won the hearts of countless fans and earned numerous critical accolades. Are kindness and optimism the key to Ted Lasso's success?

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*Continued on page 31*

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Jess Pettitt, M.Ed., CSP, has always had a foot in two different approaches to her life. Perhaps it is her Texas roots, but she believes to thrive in this world you have to ride two horses at once – one of humility and one of ego.

• **Thursday, June 8, 2023**

*Brandon Fleming. Speaker, Educator and Author of MISEDUCATED: A Memoir*

Brandon P. Fleming is a renowned speaker, nationally acclaimed educator, and author of MISEDUCATED: A Memoir. His story of struggle, success, and service has inspired millions around the world.

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• **Thursday, June 8, 2023**

*Princess Sarah Culberson. American philanthropist, Mende Princess, Educator, Writer and Actress*

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For more information on the individual sessions, registration, exhibits, travel assistance, and FAQs, please go to the NAA website: <https://apartmentalize.naahq.org/welcome-page-71PU-15667D.html>

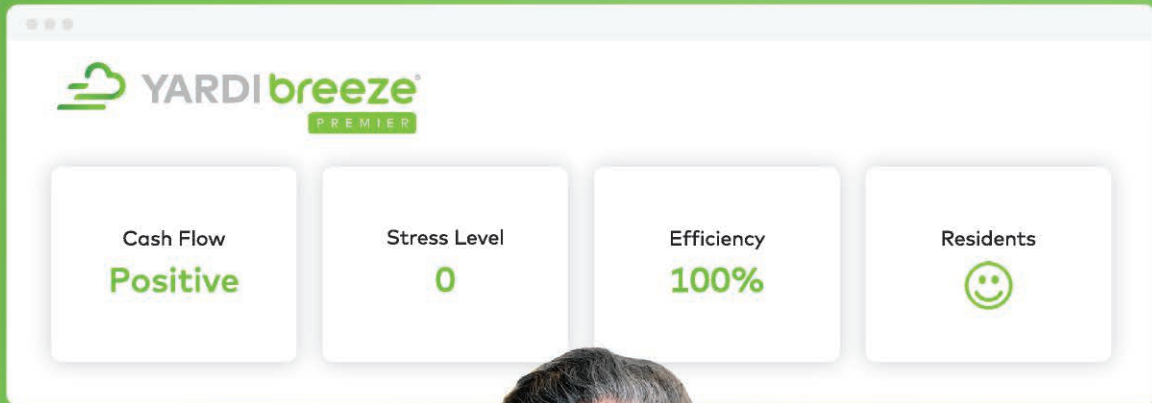
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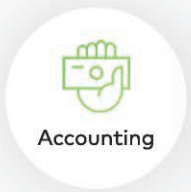
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Harmful Proposed Modifications to Costa-Hawkins could place more Rental Properties under Local Rent Control

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# Santa Barbara Happenings



Terry A. Bartlett – Reetz, Fox & Bartlett LLP

## California Tax Policy is Contributing to 'California Exodus'

People as well as businesses are leaving California in ever increasing numbers. More than 500,000 residents left California between April 2020 and July 2022. This is worrying because it reflects a general negative effect in the state economy. The numbers also indicate that most of those relocating to other states are high income residents, middle class residents, and skilled workers.

Some wealthy individuals have moved their personal residences out of California in order to avoid the state's personal income tax and other high taxes. Yes, Elon Musk is the poster boy but he is only the most famous of those who have left.

Because California relies excessively on revenue created by its extremely wealthy residents and their business and that California tax revenues have already declined significantly (42% overall and 50% in income tax revenues). Things are not looking good in the golden state.

## Who Are "the Homeless"?

A recent draft of the Santa Barbara County Housing Element Update includes information gathered on the local homeless population. According to their 2022 annual survey, the majority of homeless people in Santa Barbara County are found within the City of Santa Barbara proper, are white (83%), over 24 (89%), and struggle with mental health (39%) and/or substance abuse issues (31%). This shows that most of the homeless population need institutional care... and without it the problem will never be solved.



Santa Barbara Homeless image Noozhawk.com

## Proposed Bill Attempts to Change Rent Control Allowances

Bill SB 466 proposes changes to existing California rent control laws. Specifically, this bill would remove provisions for landlords under the Costa-Hawkins Rental Housing Act, which was passed in 1995, including those which allow the owner of a property to establish the initial rental rate if the property has "already been exempt from the residential rent control on or before February 1, 1995" or the property is "alienable and separate from title to any other dwelling units." Bill SB 466 would instead only allow the owner of a residential property to "establish the initial rental rate of a dwelling or unit when the property has been issued a certificate of occupancy within the 15 years preceding the date which the owner seeks to establish a rental rate."

The goal of the Costa-Hawkins Act was to lessen the ability of California cities to impose rent control ordinances as that then leads to the construction of more housing and to more property owners choosing to rent their property thus increasing housing availability. The proposed bill would reduce those incentives.

## Affordable Housing Construction Funds Allocated

California has approved building of 9,500 affordable homes on an accelerated timeline and has awarded funding to streamline the housing construction approval process. Those awarded funding include: The Cabrillo Economic Development Corporation in Lompoc and the People's Self-Help Housing Corporations in Grover Beach and Buellton. Around \$700 million in funding was allotted to multifamily development and \$125 million was allotted for infill development.

The State HCD housing plan is attempting to address the problem of lack of affordable housing in the state. During the last 8 year cycle the goal was to build 1.2 million homes by 2025 but so far less than half that number have been built. The adoption of strict urban limit lines 20 years ago has contributed to the lack of housing for families.

Continued on page 35

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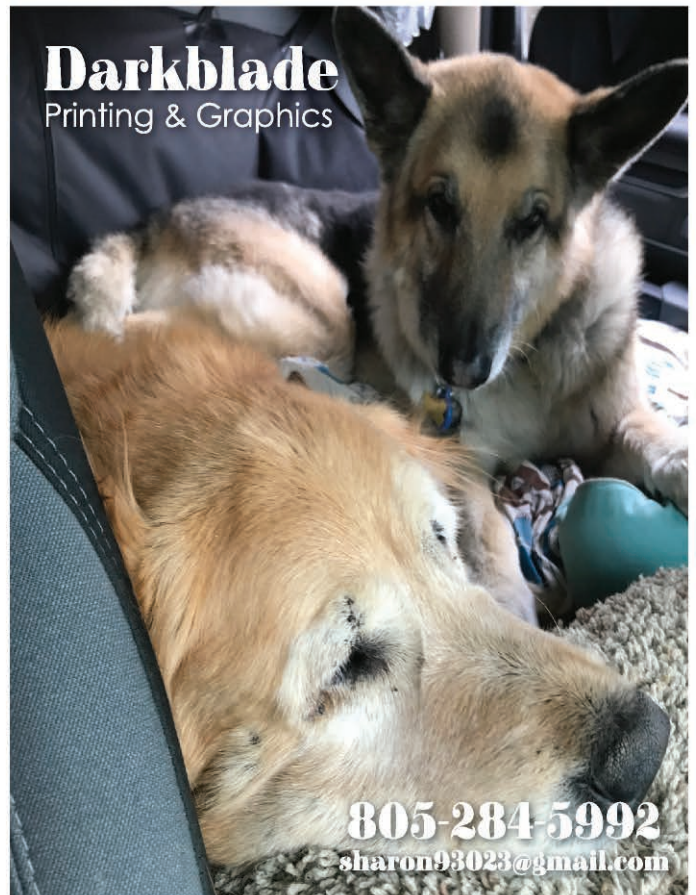
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## California Cities (Including Santa Barbara) Struggle with Housing Goals

Certain areas are holding out against the state-wide mandate to build more and denser housing in every community. These include parts of the San Francisco Bay Area, Huntington Beach and, here in Santa Barbara County, Montecito and Summerland. None of the sites proposed in the first released draft of the Santa Barbara County Housing Element Update were in Montecito or Summerland. Most of sites proposed in Santa Barbara County are in Goleta.



### New Housing Proposed in Carpinteria and Goleta

Red Tail Acquisitions has proposed a development on Bailard Avenue in Carpinteria and is moving ahead with their Heritage Ridge Apartment development on Los Carneros Road in Goleta. The Heritage Ridge Apartments will include 102 affordable units and 228 market rate units while the proposed Bailard development would include 41 lower-income and 132 market-rate units. The Bailard development faces opposition as it would require the re-zoning of agricultural land which is currently the site of an organic farm. Red Tail was able to apply for this development under the Housing Crisis Act of 2019 and the "Builder's Remedy" both of which suspend many of the typical restrictions on applications in order to expedite building permits for low-income housing.

### Proposed Bailard Development, image RRM Design Group

The Housing Crisis Act is in effect until January 1, 2025 and the Builder's Remedy is a section of the Housing Accountability Act which prohibits cities and counties who have not complied with the State Housing Element Law from denying housing projects consistent with existing zoning ordinances and the general plan. For Santa Barbara County, this went into effect when the county missed the February 2023 deadline to submit its updated housing element.

## Report shows Commercial Growth

The Hayes Commercial Real Estate 2022 Q4 report released in January shows a continuation of surprising growth in the south coast commercial real-estate market as 2022 surpassed even 2021 in sales volume. The growth has been driven by an influx of capital from investors and many years of low interest rates. The Hayes Group, however, predicts a slowing of this growth in 2023 due mainly to higher interest rates and declining office occupancy. Until the pandemic, office property had counted for a high volume of commercial real estate sales so although there appears to still be high demand for south coast real estate generally, lower office property sales will likely occur.

### Proposal for New Community South of Orcutt

Solstra Communities California, LLC has submitted a proposal for review by the Santa Barbara County Planning Commission for building an entire community near Orcutt. This would include not only 4,000 housing units and a business park but also a school, a fire station and all things necessary for the day to day functioning of citizens. This community would be built on rezoned agricultural land which would expand the border of urban development in the area. The County Planning and Development Department has recommended that the Planning Commission decline to accept the plan so that it may be further reviewed and revised.

### Net Zero Emissions Policy: Too Much Too Fast

Net Zero refers to commitments made by various governments and businesses to lower greenhouse gas emissions (ideally, no more than can be re-absorbed by oceans and forests i.e. 'net zero'). According to some commentators, the energy sector is the source of most emissions and replacing coal and oil powered sources with renewable energy as well as producing and consuming less will make this reduction possible: but at what cost?

According to sources citing economists such as Dr. Lars Schernikau, the changes to industry and energy required by the net zero policies would greatly reduce the developed world's standard of living and make it impossible for developing and third world nations to reach the levels now available in the developed world. Instead, they recommend focusing on economic growth which will do more to help people withstand any changes in weather and climate.

*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.*

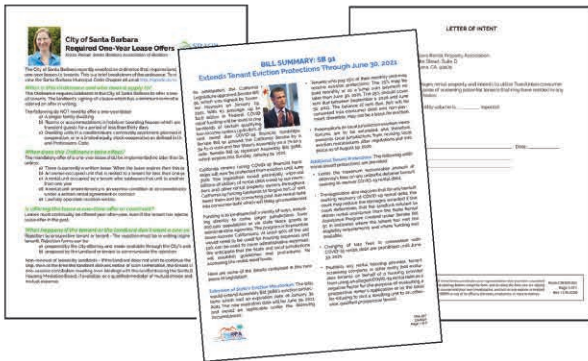


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We have updated our website ([www.sbrpa.org](http://www.sbrpa.org)) where you can find digital copies of our magazine, legal forms and resources as well event details.

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