

SANTA BARBARA RENTAL PROPERTY news

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

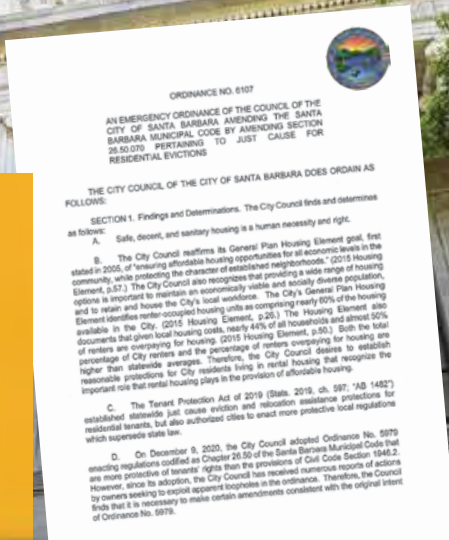
Stay Informed on New & Proposed State & Local Laws

SB 466 REPEALS THE COSTA-HAWKINS RENTAL ACT OF 1996

- 1** Prohibits Rent Increases Upon Vacancy
- 2** Sweeping Rent Control Restrictions
- 3** Threatens single family homes

AB 12

LIMITS HOUSING PROVIDERS' ABILITY TO RECOVER COSTS FROM DAMAGES ON THEIR PROPERTIES



AB 59

PROVIDES RENTERS CREDITS TO CALIFORNIANS & MAKES HOUSING MORE AFFORDABLE

SAY NO TO SB 567

Termination of tenancy: No-fault Just Causes, Rental Rate Increases

NEW Statewide Anti-Price Gouging Rules on Rental Housing

Following the Governor's Emergency Declaration related to severe storms and flooding, the State has proposed additional anti-price gouging rules related to rental housing through February 1, 2023. Anti-price gouging rules that apply to accommodation services are proposed through July 3, 2023.

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May 2023

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President's Message



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

On March 21, 2023, the Santa Barbara City Council enacted yet another emergency ordinance namely Ordinance 6107 which amends Santa Barbara Municipal Code Chapter 26 section 26.50. The reasoning was that housing providers were finding "loopholes" to evicting tenants for Just Cause, No Fault reasons. The main focus was terminations of tenancy for major remodel which tenants have termed "renovictions." This emergency ordinance was enacted and effective immediately that day.

MAIN TAKE AWAYS FROM 3/21/23 COUNCIL VOTE ON EMERGENCY MEASURE CONCERNING RENOVICTIONS

The first thing is that the City Council listens to rumors and not facts. They react to tenants ahead of housing providers. Only a couple of housing providers could be identified as having found those "loopholes" and in fact were not identified. When questioned by housing providers about that, the City Council stated that those landlords **should [please take out "should" and replace with "would"]** remain nameless. It was brushed aside why the City did not simply prosecute the few instead of harming the many.

We need to get factual information from housing providers to the City Council. We need to inform them of details of the deleterious effect these laws have on housing providers, the industry, and the consequent lack of availability of rental units. The more onerous it becomes to be a housing provider, the more likely it is for "Mom and Pop" housing providers to sell their property to either people who will live there themselves or to corporate entities who will be unable (due to higher property taxes than the former owner had) or unwilling (because they are in this business for profit only) to rent at the same rental rate. Please begin to write to the Mayor and members of the City Council about your real life experiences as a consequence of their actions.

The main changes that were made to the City Ordinance are as follows:

If a housing provider now wants to significantly renovate or remodel, he/she must now do the following ADDITIONAL things:

1. The housing provider **has to** give the tenants an "early alert notice." There is no definition of what that is in the Ordinance. It is an additional 60 day notice served at least 60 days BEFORE the actual notice to the tenant of termination of tenancy based on the Just Cause, No Fault

termination reason of substantial remodel. This means that a housing provider has to give a written notice (not text, not email) to the tenants that "At least 60 days from now I will be giving you an official 60 day notice of termination of tenancy based on substantial remodel."

2. The second onerous thing that was added was that the housing provider **must have obtained ALL permits** to do the work BEFORE they can issue the 60-day notice of termination of tenancy based on substantial remodel.
3. The third thing that a housing provider **must now do** is to serve copies of all permits along with a written notice explaining why the work must be done; why the tenant cannot be there while it is being done; and the type and extent of the work being done.
4. The fourth thing that a housing provider **must now do** is to file a copy of all the documents served on the tenants with the Community Development Department.

If the housing provider does not do ALL of these steps, the housing provider cannot terminate the tenancy and stands to lose in Court if they try to file an Unlawful Detainer based on an otherwise lawful 60-day Notice of Termination of Tenancy for the Just Cause/No Fault reason of substantial remodel as is otherwise allowed under state law.

So, here is yet another trap for Mom and Pop landlords.

Remember that this emergency ordinance affects those properties that are **not exempt**. And, remember, even those properties that COULD BE EXEMPT are not unless you have that specifically stated in your rental agreement or lease. If it is not there, you can amend your Lease with the tenant's approval or at renewal or if a month-to-month rental agreement, you could serve the tenant with a change of terms of tenancy adding the provision in 30 days' time. This could save you a tremendous amount of money.

Also remember to check that you are using the very latest rental agreement and other forms.

Thank you for your membership.

Betty L. Jeppesen

President

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SBRPA Calendar



SBRPA MEMBERS

SBRPA Fall Classic

Friday, Sept 15th, 2023
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SAVE THE DATE! This year's Annual Charity Golf Tournament to benefit Santa Barbara's Transition House will be held at the Sandpiper Golf Course. More details on sponsorships and registrations will be available soon on our website.

OTHER EVENTS

22nd Annual MrLandlord.com National Convention

June 1-3, 2023 • Columbus, Ohio

This event is put together and designed specifically for mom and pop rental property owners. Learn ways to maximize your rental income. See page 27 or go to <https://landlordconvention.com>

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

If you have an item of interest to our members, please submit it to magazine@sbrpa.com



Q2 2023 Upcoming Events



see page 29

June 6-7, 2023

Georgia World Congress Center, Atlanta, GA

Exhibit (at Apartmentalize)

Apartmentalize is the rental housing industry's ultimate gathering, bringing together apartment housing professionals from across the country and around the world. Featuring 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.

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ORDINANCE NO. 6107

AN EMERGENCY ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING THE SANTA BARBARA MUNICIPAL CODE BY AMENDING SECTION 26.50.070 PERTAINING TO JUST CAUSE FOR RESIDENTIAL EVICTIONS

THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES ORC
FOLLOWS:

SECTION 1. Findings and Determinations. The City Council finds and det
as follows:

A. Safe, decent, and sanitary housing is a human necessity and right.
B. The City Council reaffirms its General Plan Housing Element g
stated in 2005, of "ensuring affordable housing opportunities for all economic leve
community, while protecting the character of established neighborhoods." (2015
Element, p.57.) The City Council also recognizes that providing a wide range of
options is important to maintain an economically viable and socially diverse poi
and to retain and house the City's local workforce. The City's General Plan
Element identifies renter-occupied housing units as comprising nearly 60% of the
available in the City. (2015 Housing Element, p.26.) The Housing Eleme
documents that given local housing costs, nearly 44% of all households and alm
of renters are overpaying for housing. (2015 Housing Element, p.50.) Both 1
percentage of City renters and the percentage of renters overpaying for hou
higher than statewide averages. Therefore, the City Council desires to €
reasonable protections for City residents living in rental housing that recogn
important role that rental housing plays in the provision of affordable housing.

C. The Tenant Protection Act of 2019 (Stats. 2019, ch. 597; "AE
established statewide just cause eviction and relocation assistance protect
residential tenants, but also authorized cities to enact more protective local rec
which supersede state law.

D. On December 9, 2020, the City Council adopted Ordinance N
enacting regulations codified as Chapter 26.50 of the Santa Barbara Municipal C
are more protective of tenants' rights than the provisions of Civil Code Section
However, since its adoption, the City Council has received numerous reports of
by owners seeking to exploit apparent loopholes in the ordinance. Therefore, the
finds that it is necessary to make certain amendments consistent with the origin
of Ordinance No. 5979.

E. There is a housing shortage in Santa Barbara, particularly for middle, moderate, low, and very low income households. This Ordinance addresses an urgent need to protect tenants from evictions, particularly evictions by owners using apparent loopholes in existing regulations to exploit and displace tenants. This Ordinance reflects the original intention of the City Council when it adopted Ordinance No. 5979. Therefore, to preclude further disruption and prevent actions that will displace tenants and reduce affordable housing, this Ordinance is adopted as an emergency ordinance to be effective immediately upon its adoption as provided in Santa Barbara City Charter Section 511.

F. The regulations enacted by this Ordinance are more protective than the provisions of Civil Code Section 1946.2. The City Council makes this binding finding because this Ordinance provides higher relocation assistance amounts than state law and provides specific requirements for the exercise of no-fault just cause evictions. In addition, this Ordinance provides additional tenant protections by making permanent the temporary protections provided under AB 1482, which would otherwise sunset in 2030.

SECTION 2. Subdivision B. 2. of Section 26.50.070 of Chapter 26.50 of Title 26 of the Santa Barbara Municipal Code is amended to read as follows:

2. No-fault just cause is any of the following:

a. ~~Intent to occupy~~ The owner seeks in good faith to recover possession of the rental unit for use and occupancy by the owner or their spouse, domestic partner, children, grandchildren, parents, or grandparents if a provision of the lease allows the owner to terminate the lease when the owner, or their spouse, domestic partner, children, grandchildren, parents, or grandparents, unilaterally decides to occupy the rental unit.

b. ~~Withdrawal of~~ The owner seeks in good faith to recover possession to permanently withdraw the rental unit from the rental market.

c. ~~The owner seeks in good faith to comply with any of the following:~~
i. An order issued by a government agency or court relating to habitability that necessitates vacating the rental unit.

ii. An order issued by a government agency or court to vacate the rental unit.

iii. A local ordinance that expressly requires necessitates vacating the rental unit.

d. ~~Intent~~ The owner seeks in good faith to recover possession to totally demolish or to substantially remodel the rental unit, provided the owner has done all of the following:•

i. Given the tenants an early tenant alert notice advising the tenants of the Owners intent to terminate the lease in reliance on this subsection.

ii. Obtained all permits necessary to carry out the demolition or substantial remodel from applicable governmental agencies.

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ORDINANCE NO. 6107

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) ss.
CITY OF SANTA BARBARA)

I HEREBY CERTIFY that the foregoing emergency ordinance was adopted by the Council of the City of Santa Barbara at a meeting held on March 21, 2023 by the following roll call vote:

- AYES: Councilmembers Eric Friedman, Alejandra Gutierrez, Oscar Gutierrez, Meagan Harmon, Mike Jordan, Kristen W. Sneddon, Mayor Randy Rowse
- NOES: None
- ABSENT: None
- ABSTENTIONS: None

IN WITNESS WHEREOF, I have hereto set my hand and affixed the official seal of the City of Santa Barbara on March 27, 2023.



I HEREBY APPROVE the foregoing ordinance on March 27, 2023.

iii. Served the tenants with a copy of the permits along with a notice stating the reason for the termination, the type and scope of work to be performed, why the work cannot be reasonably accomplished in a safe manner with the tenancy in place, and why the work requires the tenant to vacate the residential real property for at least 30 days. The copy and notice shall be contained in or served concurrently with notice of termination required by Section 26.50.040.

iv. Filed with the Community Development Department a copy of documents served on the tenant under subsection ii.

SECTION 3. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part hereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have passed each section, subsection, paragraph, sentence, clause or phrase hereof, irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional.

SECTION 4. The City Council finds that, on the basis of the whole record and exercising its independent judgment, this Ordinance is not subject to environmental review pursuant to the State Guidelines for Implementation of the California Environmental Quality Act Sections 15060(c)(3) pertaining to activities that will not result in a direct or reasonably foreseeable indirect change to the environment and that are defined as a project under Section 15378. This Ordinance has no potential for resulting in physical change to the environment directly or indirectly in that it merely regulates existing physical development.

SECTION 5. The text underlining (to show additions) and strike-out (to show deletions) is for convenience to show changes from existing law. The codification of this ordinance shall reflect the existing code as amended.

SECTION 6. This Ordinance is an emergency ordinance effective immediately upon its adoption under Santa Barbara Charter Sections 511.

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more information**

CalRHA Legislative Updates

Kate Bell, KateBellStrategies.com



April 2023

Legislative Update

The Legislature reconvened from Spring Recess on April 10th and is busy with policy committee hearings. We are coming up on policy committee deadlines at the end of April and early May. If any bills are not heard by May 5th, they are considered two-year/dead bills for the year. The legislative calendar for the year is as follows:

- **April 28:** Last day for policy committees to hear fiscal bills
- **May 5:** Last day for policy committee to hear non fiscal bills
- **May 19:** Last day for fiscal committee to hear and pass bills to the Floor
- **June 2:** Last day for bills to pass the Floor in their house of origin
- **June 15:** Deadline for Legislature to pass budget bill
- **July 14:** Last day for policy committees to meet and summer recess begins
- **August 14:** Legislature reconvenes from summer recess
- **September 1:** Last day for fiscal committee to pass bills to the Floor
- **September 8:** Last day to amend bills on the Floor
- **September 14:** Last day for bills to pass the Floor in the second house
- **October 14:** Last day for Governor to sign or veto bills

LEGISLATION CalRHA IS OPPOSING: TOP THREATS

SB 466 (Wahab, D-Fremont)

Costa-Hawkins Rental Housing Act. SB 466 would repeal major protections afforded to the state's rental housing providers under the Costa-Hawkins Rental Act of 1995, as well as expand local rent regulations, making it extremely difficult for rental property owners to continue to provide housing.



CA Senator
Aisha Wahab

Furthermore, the bill would limit those units that currently have a right of vacancy decontrol. This is

an absolute priority bill for CalRHA to stop this year. **SB 466 is scheduled for a hearing in the Senate Judiciary Committee on April 18th.**

SB 567 (Durazo, D-Los Angeles)

Tenancy. SB 567 would undo a heavily negotiated agreement on just cause eviction rules and rent caps under AB 1482. SB 567 bill eliminates the provision under State law (Assembly Bill 1482) related to termination of tenancy without just cause and requires that just cause to be stated in the written notice to terminate tenancy only after a tenant has continuously and lawfully occupied a residential real property for 12 months. Additionally, for Ellis Act evictions, this bill requires that all of the rental units at the rental property be withdrawn from the rental market for at least 10 years. This bill would further eliminate the exemption under state rent control regulations of any residential real property that is alienable separately from the title to any other dwelling unit, including mobile homes. Finally, SB 567 would also limit annual rent increases to just the percentage change in the cost of living, or 5%, whichever is lower. Under this scenario, property owners will never be able to keep up with ever increasing costs, particularly following years of imposed moratoriums on rent increases enacted by many local jurisdictions throughout the state. This bill would be a significant setback to efforts for increasing housing availability. **SB 567 is scheduled for a hearing in the Senate Judiciary Committee on April 25th.**



CA Senator
Maria Elena Durazo

ADDITIONAL LEGISLATION CALRHA IS OPPOSING

AB 12 (Haney, D-San Francisco)

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. **AB 12 passed the Assembly Judiciary Committee on a party-line vote and is now on the Assembly Floor.**



CA Assemblyperson
Matt Haney

Continued on page 15

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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. CalRHA is opposing AB 309 along with the Realtors. *It is scheduled for a hearing on April 26th in the Assembly Housing and Community Development Committee.*



CA Assemblyperson
Alex Lee

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 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. *We have been lobbying this bill before the Assembly Judiciary and it may become a two-year/dead bill for the year.*



CA Assemblyperson
Ash Kalra

AB 1035 (Muratsuchi, D- Torrance) Mobile Home Parks Rent Caps.

Would prohibit the management of a mobilehome 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

CalRHA is opposing AB 1035 along with the Western Manufactured Housing Communities Association (WMA). It is scheduled for a hearing on April 19th in the Assembly Housing and Community Development Committee.

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). *AB 1317 has not yet been scheduled for a hearing and may become a two-year/dead bill for this year.*



CA Assemblyperson
Wendy Carrillo

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 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. *SB 267 was heard in policy and fiscal committees and is now on the Suspense File in Senate Appropriations, awaiting action by May 19th.*



CA Senator
Susan Eggman

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. *SB 395 is scheduled for a hearing in the Senate Judiciary Committee on April 18th.*



CA Senator
Aisha Wahab

SB 460 (Wahab, D-Fremont). Hiring of real property: Criminal History. *This is now a two-year bill, which means it is not moving this year and, therefore, a win for the industry.*

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.

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Following is a Current List of Important Rental Housing Related Bills, updated 3/20/23

AB 12 (Haney D) Tenancy: Security Deposits

Current Text: Introduced: 12/5/2022

Status: 3/15/2023-In committee. Hearing postponed by committee.

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

Status: 2/9/2023-Referred to Com. on H. & C.D.

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

Current Text: Introduced: 2/14/2023

Status: 3/15/2023-In committee. Hearing postponed by committee.

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 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

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 1035 (Muratsuchi D) Mobilehome parks: rent caps.

Current Text: Introduced: 2/15/2023

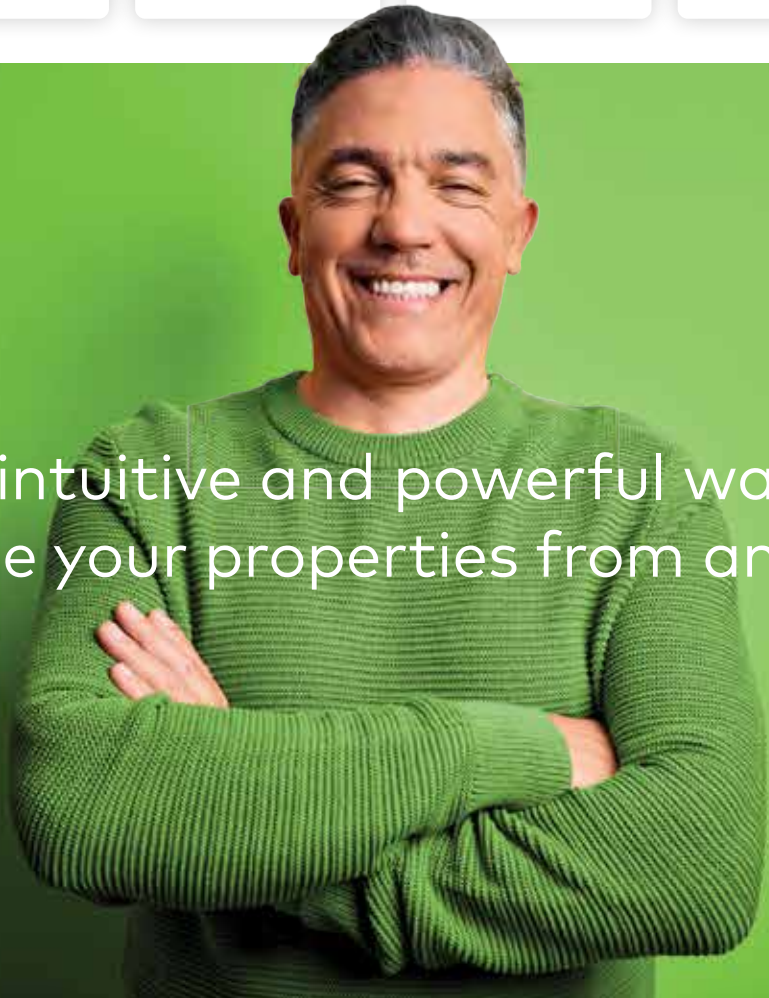
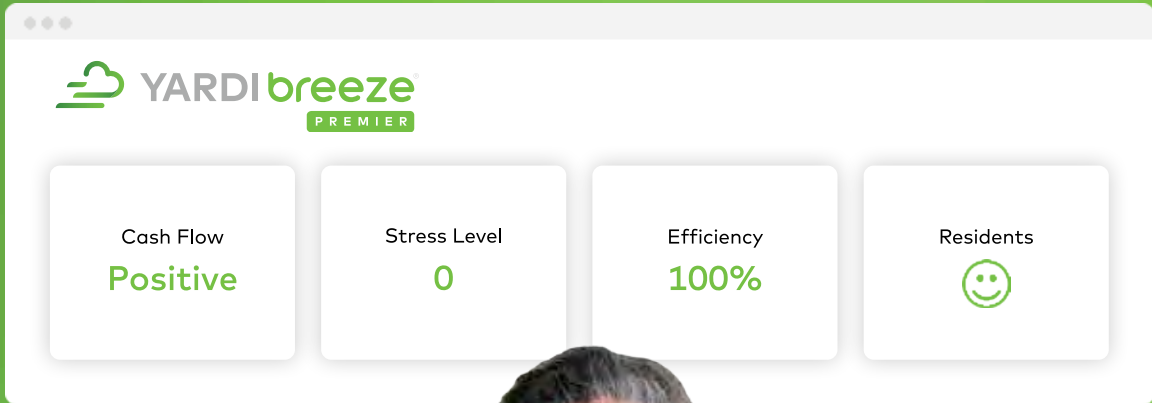
Status: 3/2/2023-Referred to Com. on H. & C.D.

Summary: 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. The bill would provide that in the event that management increased the rent by more than the amount specified above between January 1, 2023, and January 1, 2024, then the applicable rent on January 1, 2024, is the rent as of January 1, 2023, plus the maximum permissible increase, and that management is not liable to the homeowner for any corresponding rent overpayment. The bill would void any waiver of the rights provided under these provisions. The bill would authorize a local government to adopt or maintain an ordinance, rule, regulation, or initiative measure that establishes a maximum amount that may be charged for rent, or other regulations for a tenancy. The bill would not apply to a mobilehome park when a local government has adopted an ordinance, rule, regulation, or initiative measure prior to the effective date of the bill that establishes a maximum amount that may be charged by management for rent or otherwise regulates the rental rate for a mobilehome tenancy. *NOTE: As of 3/14, author is considering aligning language with AB 1482.*

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

Current Text: Amended: 3/20/2023

Status: 3/2/2023 Ref to Coms. on H. & C.D. and JUD.



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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 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.

NOTE: Ron Kingston Sponsored

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

Current Text: Introduced: 1/31/2023

Status: 3/6/2023-Set for hearing March 28.

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

Status: 2/22/2023-Referred to Com. on RLS.

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

Status: 3/7/2023-Set for hearing March 28.

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, as specified. The bill would also prohibit a housing provider from basing any adverse action, in whole or in part, on information contained in an applicant's criminal history, if the housing provider received criminal history information about an applicant, unless they are complying with federal law.

SB 466 (Wahab D) Costa-Hawkins Rental Housing Act: rental rates.

Current Text: Introduced: 2/13/2023

Status: 3/7/2023-Set for hearing March 28.

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. *NOTE: Oppose letter submitted*

SB 567 (Durazo D) Termination of tenancy: no-fault just causes: gross rental rate increases.

Current Text: Amended: 3/20/2023

Status: 2/22/2023-Referred to Com. on RLS.

Summary: Existing law, after a tenant has continuously and lawfully occupied a residential real property for 12 months, prohibits the owner of the residential real property from terminating the tenancy without just cause and requires that just cause to be stated in the written notice to terminate tenancy. Existing law distinguishes between at-fault just cause and no-fault just cause and defines no-fault just cause to mean intent to occupy the residential real property by the

Continued on page 21

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owner or the owner's spouse, domestic partner, children, grandchildren, parents, or grandparents, withdrawal of the residential real property from the rental market, the owner complying with specified government orders that necessitate vacating the real property, and intent to demolish or to substantially remodel the residential real property. Existing law exempts from the provisions described above residential real property, including a mobilehome, that is alienable separately from the title to any other dwelling unit, as prescribed. This bill would, among other things, delete the condition for the tenancy termination provision described above that a tenant has continuously and lawfully occupied a residential real property for 12 months. The bill would also limit the applicability of each of those at-fault just causes, including by, with respect to the no-fault just cause related to withdrawal of the residential real property from the rental market, requiring that all of the rental units at the rental property be withdrawn from the rental market for at least 10 years, as prescribed. The bill would, among other things, require an owner, before withdrawing all of the rental units at a residential real property as described above, to record a notice with the county recorder that describes the real property, the dates applicable to the constraints, and the name of the owner of record of the real property. The bill would require that notice to be recorded in the grantor-grantee index. By imposing a higher level of service on counties, the bill would impose a state-mandated local program. This bill would also prescribe new enforcement mechanisms with respect to the provisions described above, including by making an owner who attempts to recover possession of a rental unit in violation of those provisions liable to the tenant in a civil action for damages of not less than 3 times the actual damages. Existing law prohibits an owner of residential real property from, over the course of any 12-month period, increasing the gross rental rate for a dwelling or a unit more than 5% plus the percentage change in the cost of living, or 10%, whichever is lower, of the lowest gross rental rate charged for that

dwelling or unit at any time during the 12 months before the effective date of the increase, as prescribed. Existing law exempts from that provision residential real property that is alienable separately from the title to any other dwelling unit, including a mobilehome, as prescribed. This bill contains other related provisions and other existing laws.

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

Current Text: Introduced: 2/15/2023

Status: 2/22/2023-Referred to Com. on GOV. & F.

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 & Refund Account to the qualified renter upon appropriation by the Legislature.

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Rental Owner Updates

TENANT SNUCK IN CAT AND DOG

After a landlord did a walk-through with a vacating resident in a duplex, a discussion with them followed about the other resident still residing in the property: "They have snuck in a dog and an unneutered cat..."



Here is what the landlord had to say regarding this matter:

I reviewed the lease and they stated no pets at the time of rental...There have been some unpleasant confrontations between the front and back rental home neighbors, too.

My question is this: the only evidence I have of the animals is a noise complaint from the back home tenant, who said the dog would bark a lot during the day. And there was dog poop in the front yard. I did not see a cat; so how do I address this with the tenants?

Here are a couple of the tips that were shared by other landlords in response to the question:

Your place. Knock on door and ask if they have pets. State that you saw the dog pile in the front yard and was curious. If they say no pets ask to go in. If they say no then give notice that you will be entering in 24 hours or whatever minimum time you must give. -IN

Take a camera and dog whistle (that you can buy from PetSmart), blow the whistle and be ready to take a picture of the dog jumping at the window, or barking in the cage. Knock on the door and advise them that the dog has to be promptly removed.

Before switching the rental over to short-term lease (20 Days or whatever your area allows) we charged residents \$200 per animal to cover any needed cleanup, plus a fee for flea treatment of unit and wet mopping the kitchen and bathroom weekly to help get rid of the animal odors. -OH



Know your state laws regarding pets and have a solid lease that addresses pets. Suggested lease requirements for pets: A photo of the animal, vet records of license and required shots, & renter's insurance policy.

The discussion also includes additional suggested wording to include in your lease regarding what to do if unauthorized animals are discovered on the property or brought in by "guests", any fees, plus ongoing upkeep requirements if pets are allowed to stay. Go here to read the discussion:

<https://www.mrlandlord.com/landlordforum/display.php?id=14683623#14683623>

COMMON FOR RENTERS TO SNEAK IN UNAUTHORIZED PETS

No matter where your rental property is located, some things remain the same. There seems to always be a percentage of pet-owning tenants "hiding" an animal from the landlord. When was the last time you did a courtesy maintenance or service check at your rental?

PET RENT & FEES

For those who are open to accepting pet owners, visit our [Landlord Q&A forum](#) where rental owners are discussing how much to charge for pet rent and non-refundable pet or animal registration fees, screening requirements for accepting pets and what dog breeds are forbidden. Instead of charging "extra" for pets, some landlords who offer "animal inclusive" homes simply advertise and charge higher than the average market rent, compared to properties that do not accept pets.

PROPERTY INSURANCE

Does your property insurance cover you in case there is extensive damage or harm caused by a pet on your property? Are you even getting the best rates possible for property insurance on your rentals that you can? A lot of insurance rates have gone up in the last year. If you have not compared rates in the last year, it may be worth taking just 15 minutes--as the commercial says :)--to check to see if you can get a better rate.

Continued on page 27

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Here's your chance to experience the most unique and powerful landlording get-together and brainstorming event in the country, June 1-3, 2023. This event is put together and designed specifically for mom and pop rental property owners. Learn how to maximize your rental income, which will allow you to have a greater impact on your future success and your family's security and other aspects of your world.

Two big challenges I almost always hear from landlords: One is that they are having trouble filling vacancies with "qualified" residents. And they blame the problem of the lack of finding quality residents and their month long or two month long vacancy time frame on the quality of the current tenant pools.

My challenge to landlords is to STOP doing like the average rental owner who just hopes and waits for qualified applicants to appear! Instead, CREATE your own pools of qualified applicants. We will share how to CREATE your own tenant pools at this year's Convention.

Most rental owners do not know how to CREATE really good residents out of average or marginal residents. One of our featured instructors will share how to CREATE perfect tenants from average ones.

You can CREATE greater cash flow by effectively implementing certain proven cash flow strategies; at this convention, we will show you how other landlords do it! This year's Convention will have instructors who will teach innovative strategies to CREATE your future success in several landlording and other real estate investing areas.

I invite you to join me, top real estate instructors and landlords from across the country for 3 full days of non-stop learning, brainstorming and networking at our upcoming 22nd Annual Mr. Landlord Convention, Columbus, Ohio! Call 1-800-950-2250 to register.

Editor's NOTE: This article has been condensed. For the complete write-up, go to <https://landlord-convention.wordpress.com>

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- **Wednesday, June 7, 2023**
DERRECK KAYONGO. *Entrepreneur, and Former CEO of the Center for Civil and Human Rights.* With his trademark panache, Derreck Kayongo tells his courageous story of survival, social entrepreneurship, and humanitarianism, and the life lessons he learned along the way.

- **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?

Education Sessions. Choose from over eighty 50- and 60-minute sessions throughout the conference spanning a multitude of topics to include Operations, Marketing, Maintenance, Leasing, Leadership, Executive and more. These sessions feature industry experts and provide useful information that attendees can apply to daily work life.

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Express Education. These sessions take place in a dedicated space in the NAA Exposition and are quick 30-minute interactive sessions that include quick digestible content, easily applied takeaways, Q&A and storytelling.

Continued on page 31



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• **Wednesday, June 7, 2023**

Jess Pettitt. Stand-up Comic, Educator, Facilitator, & Diversity Expert.

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.

At the age of 29, Forbes Magazine named Fleming to the Forbes 30 under 30 list. In 2020, The Root Magazine named Fleming one of the top 100 most influential African-Americans in the United States. And in May 2021, North Carolina Wesleyan College bestowed upon Fleming the honorary Doctor of Humanities degree.

• **Thursday, June 8, 2023**

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

Princess Sarah has an extraordinary journey that has been featured on CNN, GMA, BBC among numerous other publications worldwide which has trended #1 globally in over 60 countries. She is an internationally-known thought leader, TEDx speaker, artist and educator whose work addresses biracial and cultural identity and raises awareness of issues impacting Sierra Leone.

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This program is a component of the Certified Apartment Supplier (CAS) credential.

Registration is limited to 50 attendees. Includes lunch. Supplier Success Fees start at \$129.

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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Santa Barbara Happenings



Terry A. Bartlett – Reetz, Fox & Bartlett LLP

Santa Barbara Airport Goals, Plans and New Director



The new director of the Santa Barbara Airport, Chris Hastert, has managed airports in Oxnard, Camarillo and Santa Maria.

There has been an increase in commercial air travel at Santa Barbara Airport since 2021, when Southwest Airlines came in. Additions to the airport are planned, in particular more concessions and more parking.

Director Hastert notes that noise is one of the greatest concerns with regard to the airport. He points out that part of the issue is that the airport is nearly surrounded by residential neighborhoods which makes it difficult to avoid disturbing residents. According to Hastert, there is not much that can be changed as far as schedules (the times of take-off and landing) as these are largely determined by the East Coast so early morning noise is an issue not just for Santa Barbara but for the entire West Coast. Still, Santa Barbara Airport will continue working with the airlines to find solutions such as utilizing new technology or different routes in order to minimize disturbance.

Increased Road Repair Funding

According to the County Budget Director, Paul Clementi, budget shortfalls in the roads operation fund are due to increasing expenditures, liability insurance, and other increasing costs. In the face of these shortfalls, the County Board of Supervisors has voted to allocate more funding to the county roads operations fund. The fund is currently maintained by permit fees, among other things, and so part of the increase in funding will likely be created by raising fees for encroachment permits. Maybe they will even fix a road near you.

Microcredentials v. College Degree

Microcredentials refer to shorter, skills-focused pro-

grams that are increasingly being sought, usually in addition to, traditional four-year degrees. These programs are typically offered by accredited universities partnering with online learning platforms, although some are offered by non-academic companies.

Are microcredentials a fad or can they revolutionize higher ed? I think it could be the latter. Imagine a world where instead of having to hire someone who has been through 4 years of indoctrination, you can hire someone with the needed knowledge and skills. Could be a game changer.

SB City Council Makes it More Difficult to Evict Tenants

The Santa Barbara City Council approved supposed "emergency" changes to the city's just cause eviction ordinance in response to the perceived impact of 'renovictions' during the current housing crisis. A so called 'renoviction' is a just cause evictions where it is claimed landlords are evicting tenants in or to renovate the property but tenants allege that their true motive is to evict current tenants so that they may charge someone else a higher rent whether or not they make renovations.

In response to these claims, the City Council voted to change the language of the just cause eviction ordinance as well as the requirements landlords must adhere to if they wish to evict someone in order to remodel a property. Previously, the ordinance only required an intent to renovate or take the house off of the rental market but now this intent must be 'in good faith'. If the landlord is going to renovate the property, they must get all of the required permits and make copies of these permits along with an explanation of the scope of the work and the reason it cannot be safely completed with the tenant living there, available to tenants before they ask them to vacate the unit. Other changes to the local landlord tenant laws were also made.

Study Describes Consequences of Rent Control Laws

According to study conducted by NDP analytics for the National Apartment Association, rent control policies can have unintended negative impacts on a community's housing market. The report contained a survey of housing developers and providers from three different housing markets that have implemented rent control policies: Saint Paul, Minnesota, Santa Ana/ Santa Barbara, California and Portland/Eugene, Oregon.

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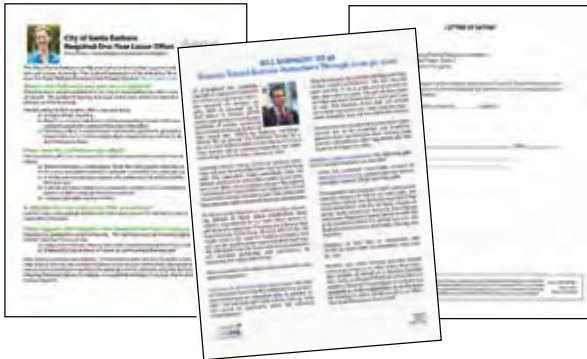
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We have updated our website (www.sbrpa.org) where you can find digital copies of our magazine, legal forms and resources as well event details.

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The study, which was conducted between December 2022 and February 2023, included information gathered from an online opinion poll with 1039 respondents from all over the United States. The poll focused on the availability of housing, residential construction and policy perspectives and found that rent control policies can cause problems that are perceived as detrimental by renters and landlords. *Specifically, many landlords choose not to develop properties or to take them off of the rental market due to rent control policies making them less profitable. This ultimately reduces the amount of housing available.*



Many who were surveyed also pointed out that although it is believed that rent control policies primarily benefit low-income residents, there is evidence that higher income residents tend to stay in rent-controlled apartments and pay under market rates.

This freezes supply and new households fall out of the market because there are no units for them to move into. Overall, the study found that “reducing barriers to new construction and rehabilitation, expanding tax policy that encourages multifamily investment and increasing investments in vouchers and program administration of the Section 8 Housing Choice Voucher Program” are better ways to improve housing availability.

Santa Barbara Considers Prosecution of Illegal Short-term Rentals

The Santa Barbara City Council Ordinance Committee recently voted to forward a pilot project for consideration by the entire City Council. The proposed project would address the problem of illegal short-term rentals in Santa Barbara. It is estimated that if these short-term rentals were registered with the city they could contribute between \$150,000-\$320,000 in annual tax revenue from transient occupancy taxes and business license taxes.

The proposed pilot program would cost \$1.4 million and would allow the city to use means such as

private investigators in order to find residents who are illegally running short-term vacation rentals. Let’s spend \$1.4 million to raise \$320,000. Does this make sense? An even more controversial part of the project is that the city would then criminally prosecute those residents. Another part of this controversial project would allow the city to criminally prosecute those residents with illegal short-term rentals.

New Sites Proposed for Housing



Image Noozhawk.com

Many new sites have been proposed for housing development in Santa Barbara recently, including 19 new sites that were added for consideration in the latest edition of the Santa Barbara County Housing Element Update. Two sites which have recently been proposed for housing include using the Santa Barbara County Probation office on East Carrillo Street as well as a proposal to build a 27-unit housing addition to the historic Cantwell’s Market on State Street.

The plans for the proposed housing to be built over Cantwell’s Market call for 15 one-bedroom and 12 two-bedroom units which average about 800 square feet. There are also 34 parking spaces, an arcade and an outdoor dining area for Cantwell’s included in the plans.

The changes to the Santa Barbara Housing Element Update add a total of 2,151 units. The previously proposed agricultural sites in Goleta (the Glenn Annie Golf Club and San Marcos Growers sites) are still included for consideration even following the public’s reluctance. The 2,151 units would include: 578 low-income, 666 moderate income and 967 market rate units.

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

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