

May 2024

SANTA BARBARA  
RENTAL PROPERTY

# news

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

## AB 12 Security Deposits

New law takes effect 7/1/2024

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May 2024

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# President's Message



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

## **AB12, the new security deposit law which will go into effect on July 1, 2024.**

Housing providers, since COVID, have felt the rental landscape shift beneath their feet. Now, there will be a new law set to revolutionize security deposits and its implications are vast.

Going into effect on July 1, 2024 is AB12 signed into law by Governor Gavin Newsom in November concerning security deposits so that California is joining 11 other states that have a one month's rent security deposit limitation.

As you all know, existing law prohibits a housing provider 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 the first month's rent. In 2019, a limitation of one month's rent was added for active service members.

There is an exemption for "small landlords" owning no more than two rental units totaling no more than four units TOTAL. In order to take advantage of this exemption, the owner must be a natural person or a limited liability corporation in which all members are natural persons. The statute defines natural persons to include: "any natural person who is a settlor or beneficiary of a family trust" and defines "Family Trust" as "a revocable living trust or irrevocable trust in which the settlors and beneficiaries of the trust are natural persons who are related to each other as sibling, spouse, domestic partner, child, parent, grandparent, or grandchild." It is interesting that the legislature chose the term "limited liability corporation" rather than "limited liability company" because the post-COVID statutes have always excluded "corporations" from exemption. I believe this is a mistake on the part of the scrivener for the Bill but we shall see. In any event, they do go on to define it as stated. This exemption is not effective if renting to active service members. If the exemption applies to you, you are governed by the state law stated in the third paragraph above.

This law does not apply retroactively. So, security deposits received prior to July 1, 2024 do not have to be refunded. The new law says: "This subdivision shall not apply to a security collected or demanded by the landlord before July 1, 2024." Does that mean you

can charge the old amounts if you just collect it before July 1<sup>st</sup> even if the Lease starts July 1<sup>st</sup>? That seems unclear but you would have to be the test case.

This law says ANY "payment, fee, deposit, or charge, including but not limited to any payment, fee, deposit, or charge, except as provided in Section 1950.6, that is imposed at the beginning of the tenancy" to be used for defaults in rent, cleaning or repair. Therefore, no deposit beyond that amount may be charged for a pet deposit. As always, no separate security deposit has been allowed for Emotional Support Animals ("ESA's") or Trained Service Animals ("TSA's"). As a reminder, Civil Code Section 1950.6 governs application fees. So, they are not included in this. The limitation of one month's rent is in addition to the payment for the first month's rent since this is considered a payment for immediate use to pay for that first month's rent and is not considered a "deposit."

"This subdivision does not prohibit an advance payment of not less than six months' rent if the term of the lease is six months or longer." Be careful, this is rent, not a deposit. It is to be used for rent and cannot be held until the end of the term just in case of a default.

Stay tuned for next month's President's message where I will be discussing, among other things, the new workplace violence prevention plan which many of you will be forced to have in place by July 1, 2024. This includes property management companies.

As always, we thank you for your membership, your participation and your valuable input.

On Memorial Day, remember and honor those who have served in the armed forces.

Betty L. Jeppesen, President SBRPA



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6.23% (25/26 Sch.Yr.)

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Both 6-bedroom, 14-bed properties have been 100% occupied for over 20+ years due to strong demand and virtually no new supply. These homes pre-lease well in advance and are already rented for the 2024–2025 school year with monthly income totaling \$38,000 for both properties.

Offering price of \$5.85M for both properties is just \$209K/bed, a material discount to recent comparable sales and yields a 5.5% cap rate/12.6 GRM on 2024–2025 rents. Significant potential upside in the future as rents are still well below market, and additional revenue streams available through laundry and parking.

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# SBRPA Calendar



Nothing scheduled for the remainder of the quarter. Please email [magazine@sbrpa.org](mailto:magazine@sbrpa.org) if you have any news or events you want to share with the other members.



Nothing scheduled for the remainder of the quarter

### WHO WE ARE

The California Rental Housing Association (CalRHA) represents almost 25,000 members totaling more than 676,000 units, made up of small, medium, and large rental housing owners throughout the State of California. Our purpose is to advocate in the best interest of the rental housing industry and collectively address industry needs.

The landlord for SBRPA's office building requires the outside doors be locked at all times due to security issues. 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](mailto:admin@sbrpa.org) or call 805-687-7007

*may* 2024

SUN	MON	TUE	WED	THU	FRI	SAT
			1 Happy May Day	2	3	4
5 CINCO MAYO	6	7	8	9	10	11
12 MAYO	13	14	15	16	17	18
19 NAA www.naa.org	20 Apartmentalize	21	22	23	24	25
26	27 MEMORIAL DAY	28	29	30	31	



### 2024 Q2 EVENTS

#### Apartmentalize

Wed.-Thu., June 19-20, 2024

Pennsylvania Convention Center | Philadelphia, PA

Whether you're in management, leasing, marketing or maintenance, if you love working in rental housing, you belong at Apartmentalize. Come find your people in the City of Brotherly Love—connect with colleagues, share ideas, discover solutions and go home with renewed passion for your career. For more information see page xx. For travel, registration, or exhibits go to <https://my.naaHQ.org/>

## Welcome New Members

Donna Hildebrand, Isidore Manuel,  
Juan Martinez, Maggie Connolly,  
Brian Lynch, Gilbert Torres, Austin French



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# CalRHA Legislative Updates



Kate Bell, [KateBellStrategies.com](http://KateBellStrategies.com)

March 2024

## Budget Update

Governor Gavin Newsom, the Senate President pro Tempore, Mike McGuire, and the Speaker of the Assembly, Robert Rivas,



announced an agreement on \$17 billion in early actions to help reduce the shortfall and position California to responsibly address the budget in June. It contains a mix of \$3.6 billion in reductions, \$5.2 billion in revenue/borrowing, \$5.2 billion in delays/deferrals, and \$3.4 billion in shifts of costs from the general fund to other state funds. The package went into a budget bill junior and is expected to be voted upon on April 11th.

### EARLY ACTION AGREEMENT OVERVIEW

There is agreement between the Governor and the Legislature on an Early Action budget package that will reduce the budget shortfall by approximately \$17.3 billion. High-level details of this Early Action agreement are outlined below.

The Early Action agreement includes \$17.3 billion in a mix of solutions, which are primarily a subset of Governor's Budget solutions:

Category	Amount
Reductions	\$3.6 billion
Revenue/Borrowing	\$5.2 billion
Delays	\$3.1 billion
Fund Shifts	\$3.4 billion
Deferrals	\$2.1 billion

*NOTE: Totals have been rounded*

### Reductions – \$3.6 billion (Significant Issues)

- Salary Savings Sweep from Vacant Positions: \$762.5M
- Withdraw Elimination of 2-week Fee-For-Service Checkwrite Hold: \$532.5M
- School Facility Aid Program: \$500M
- CalWORKs Single Allocation Partial Reversion: \$336.6M

- UCLA Institute of Immunology and Immunotherapy Project: \$300M
- Watershed Climate Resilience: \$206.5M
- Broadband - Loan Loss Reserve: \$150M
- Climate Innovation Program: \$100M
- Foreclosure Intervention Housing Preservation Program: \$85M

### Delays – \$3.1 billion (Significant Issues)

- Formula Transit and Intercity Rail Capital Program: \$1B
- Preschool, TK and Full-Day Kindergarten
- Facilities Grant Program: \$550M
- Behavioral Health Bridge Housing: \$235M
- CA Jobs First: \$183.3M
- Vulnerable Community Toxic Clean-Up: \$175M
- Behavioral Health Continuum Infrastructure Program: \$140.4M
- Diablo Canyon Land Conservation and
- Economic Development: \$110M
- Broadband Last Mile: \$100M
- Ports and Freight Infrastructure: \$100M
- Clean Energy Reliable Investment Plan: \$100M
- Oroville Pump Storage: \$90M
- Health and Human Services Innovator: \$74M

### Revenue/Borrowing: \$5.2 billion: (Significant Issues)

- Managed Care Organization Tax: \$3.8B
- AIDS Drug Assistance Program Rebate Fund Loan: \$500M (with commitment to enhance program in the future).
- Balance is primarily other special fund loans.

### Fund Shifts: \$3.4 billion (Significant Issues)

- Greenhouse Gas Reduction Fund: \$1.8B
- Retirement Contribution Reductions Using Prop 2: \$1.3B

*Continued on page 11*



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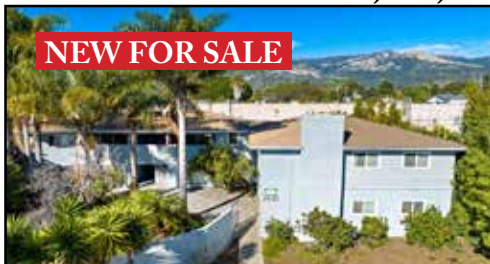
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**LISTINGS / RECENT REAL ESTATE INVESTMENT SALES**

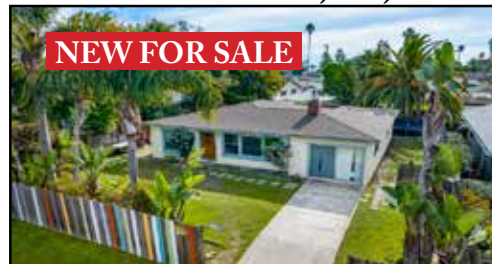
FOR SALE	Santa Barbara	14 Apartment Units	\$ 5,250,000
FOR SALE	Santa Barbara	8 Apartment Units	\$ 3,295,000
FOR SALE	Isla Vista	Rental SFR	\$ 1,450,000
FOR SALE	Lompoc	Commercial + Vacant Lot	\$ 895,000
SOLD	Santa Barbara	19 Apartment Units	\$ 4,800,000 (Buyer)
SOLD	Santa Barbara	Commercial Condo Suite	\$ 875,000 (Seller)
SOLD	Santa Barbara	8-Key Hospitality	\$ 5,200,000 (Seller)
SOLD	Carpinteria	Mixed-Use / Hospitality	\$ 5,650,000 (Seller)
SOLD	Gaviota	Development Parcel	\$ 4,285,000 (Seller)
SOLD	Isla Vista	Development Lot	\$ 2,500,000 (Seller)
SOLD	Santa Barbara	Commercial Retail	\$ 2,150,000 (Buyer)
SOLD	Santa Ynez	Commercial Vacant Lot	\$ 900,000 (Seller)
SOLD	Santa Barbara	4 Apartment Units (beach)	\$ 8,835,000 (Seller)
SOLD	Santa Barbara	Mixed-Use 2 Spaces + SFR	\$ 4,887,500 (Seller)
SOLD	Santa Barbara	8 Apartment Units	\$ 5,950,000 (Seller/Buyer)
SOLD	Santa Barbara	5 Apartment Units	\$ 3,950,000 (Seller/Buyer)
SOLD	Santa Barbara	2 Development Lots	\$ 2,600,000 (Seller/Buyer)

**SANTA BARBARA \$3,295,000**



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**ISLA VISTA \$1,450,000**



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## CalRHA Legislative Updates from page 9

- Medi-Cal Drug Rebate Special Fund Reserve: \$162.7M
- Employment Training Fund for UI Interest Payment: \$100M

### Deferrals: \$2.1B Total (Significant Issues)

- Statewide Payroll Deferral: \$1.6B
- UC and CSU Deferrals: \$499.1M

Finally, the agreement includes budget language authorizing the Administration to freeze additional one-time funding that was included in the 2021, 2022, or 2023 Budget Acts.

## Legislative Update

CalRHA held its Annual Lobby Day in Sacramento and was able to advocate directly with Legislators and their staff on the top priorities for CalRHA in 2024. The event was a huge success, as we were able to gain support, negotiate amendments, and our sponsored bill, AB 2278 (Carrillo), regarding the publication of the maximum allowable annual rent increase passed the Appropriations Committee unanimously on the same day.



*Participants from CalRHA's 2024 Lobby Day in Sacramento, CA*

Following are updates of several key pieces of legislation.

**AB 2187 (Bryan, D-Culver City).** Office of Tenants' Rights and Protections. Would establish the Office of Tenants' Rights and Protections, which is duplicative and costly. This bill is set for a hearing in Assembly Judiciary Committee on April 16th. **OPPOSE.**

**AB 2216 (Haney, D-San Francisco).** Household Pets - Would not allow for pet security deposits or the prohibition of common household pets in

residential tenancies. This bill passed the Judiciary Committee and is now on the Assembly Floor. **OPPOSE**

**AB 2584 (Lee, D-Milpitas).** Corporate Owned Single-Family Homes. Would prohibit owners of more than 1,000 homes from buying more single-family properties. This bill is pending a hearing in the Assembly Appropriations Committee. **OPPOSE**

**AB 2785 (Wilson, D-Suisun City).** Would require a landlord to, within 30 days of receiving a tenant's security, deposit the sum into an account of a bank or other financial institution regulated by the state or federal government. If it is deposited in an interest-bearing account, any interest accrued on that balance, would be payable to the tenant. The bill also caps screening fees and sets parameters for reimbursement, including if the tenant doesn't qualify. We have been actively meeting with the author's office on suggested amendments. **OPPOSE**

The legislative calendar for 2024 is as follows:

April 26 - Last day for policy committees to hear fiscal bills

May 3 - Last day for policy committees to hear non fiscal bills

May 17 - Last day for fiscal committees to pass bills to Floor

May 24 - Last day for bills to pass their house of origin

June 15 - Budget bill must be passed by midnight

June 27 - Last day for legislative measure to qualify for the Nov 5th General Election ballot

July 3 - Last day for policy committees to meet and pass bills

July 4 - August 4 - Summer Recess

August 16 - Last day for fiscal committees to meet and pass bills

August 23 - Last day to amend bills on the Floor

August 31 - Last day for each house to pass bills

September 30 - Last day for the Governor to sign or veto bills

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## Assembly Bill 12

Information breakdown

### What is AB12?

The maximum security deposit a landlord can ask for in California is about to change.

There is a new law, Assembly Bill 12, which takes effect starting July 1, 2024.

AB12 states a rental property owner cannot demand or receive a security deposit in an amount that exceeds one month of rent.

### SECURITY DEPOSIT LAW AS OF JULY 1, 2024

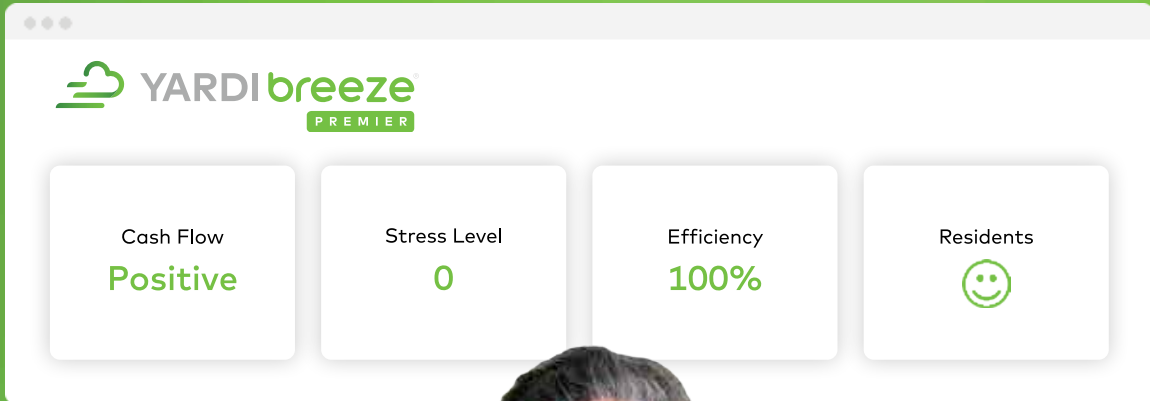
In 2023 the governor signed AB 12, an act to amend, repeal, and add a section to California Civil Code 1950.5, which governs security deposits statewide. These changes go into effect on July 1, 2024.

“Security,” as used in CC 1950.5, means any payment, fee, deposit, or charge - except for application fees – imposed at the beginning of tenancy as advanced payment of rent or to cure defaults, damages, or cleaning (for tenancies established on or after January 1, 2003) upon lease termination.

The change is not retroactive; leases executed before July 1, 2024, are unaffected.

No more differentiation between furnished and unfurnished units. If you accept advance payment of rent, the lease term must be six months or longer, and the payment for no fewer than six months.

As of July 1, 2024, security deposits will be capped at one month's rent for most owners statewide. This deposit ceiling includes any deposit charged for pets or keys, and advance payment of rent. Thus, you can not require additional pet deposit or last month's rent.



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Since January 1, 2020; AB1482 has restricted rent increases for rental properties subject to 1482. Generally, units subject to 1482 are multi-family units, duplex or larger. (Single family homes are usually exempt IF you have notified the tenant that the unit is exempt. Contact your attorney if you are not certain if your unit is exempt.)

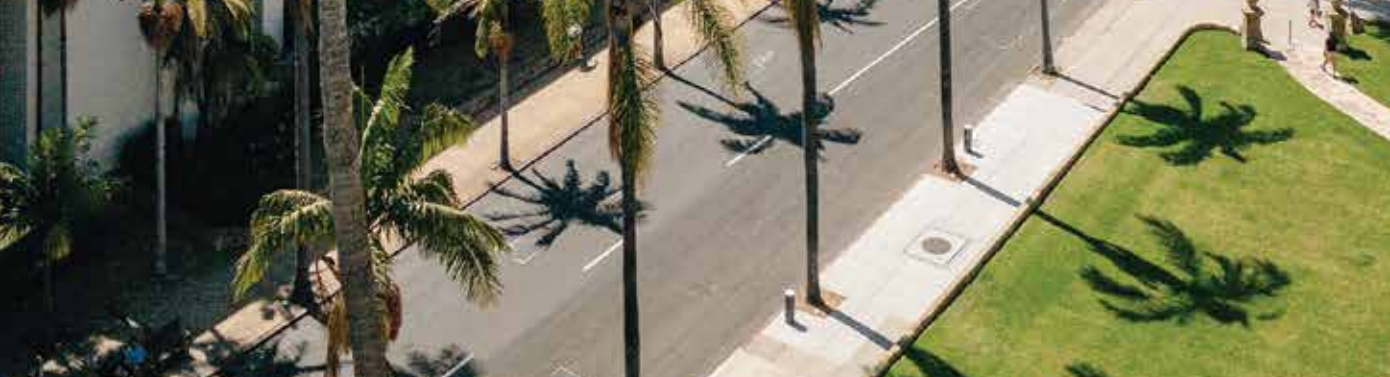
For units subject to 1482, rents over any twelve-month period may be increased by no more than five percent plus the applicable consumer price index (CPI). The applicable CPI looks at price increases on an April-to-April calendar year basis. The April-to-April CPI from 2022 to 2023 was 4.2%. Therefore, beginning August 1, 2023 the maximum increase in rents on tenants of non-exempt residential units is 9.2%.



# RENT CAP

**SANTA BARBARA COUNTY:**  
**Effective August 2023 for Units Subject to Rent Control Under 1482**

	Base Increase	CPI Increase	AB 1482 Allowable Increase
For rent increases that take effect <b>BEFORE</b> August 1, 2023	<b>5%</b>	<b>7.7%</b>	<b>10%</b>
For rent increases that take effect <b>ON OR AFTER</b> August 1, 2023	<b>5%</b>	<b>4.2%</b>	<b>9.2%</b>



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## AB 1482 NOTICE REQUIREMENTS

Below is a general informational review of 1482 Notice Requirements. ***It is not to be relied upon as legal advice.*** CONTACT YOUR ATTORNEY FOR SPECIFICS.

GENERAL INFO:

### What does AB 1482 (“the California Tenant Protection Act of 2019”) do?

- Statewide law that goes into effect on January 1, 2020 and expires on January 1, 2030.
- Requires a landlord to have a “just cause” in order to terminate a tenancy and pay tenant displacement assistance.
- Limits annual rent increases to no more than 5% + local CPI (CPI = inflation rate), or 10% whichever is lower.
- A tenant may not waive their rights to these protections and any agreement to do so by the tenant is void as contrary to public policy.

### What types of housing are covered?

All housing located in the state of California is covered by AB 1482 unless it falls into one of the following categories of exemptions:

#### *Units exempt from both the “just cause” regulations and the rent cap limitations*

- Units that were constructed within the last 15 years (this applies on a rolling basis - i.e., a unit constructed on January 1, 2006 is not covered as of January 1, 2020, but is covered on and after January 1, 2021).
- Units restricted by a deed, regulatory restrictions, or other recorded document limiting the affordability to low or moderate-income households.
- Certain dormitories.
- A two-unit property, provided the second unit was occupied by an owner of the property for the entire period of the tenancy.
- Single-family homes and condominiums are only exempt if both (A) and (B) apply:
  - (A) The property is not owned by one of the following:
    - (i) a real estate trust, or
    - (ii) a corporation, or
    - (iii) an LLC with at least one corporate member:
  - AND –
  - B) The landlord notified the tenant in writing that the tenancy is not subject to the “just

cause” and rent increase limitations as specifically described in Civil Code Sections 1946.2(e)(8)(B)(i) and 1947.12(d)(5)(B)(i). See below for more information.

- The limited exemption for single-family homes does not apply where there is more than one dwelling unit on the same lot, or any second residential unit in the building that cannot be sold separately from the subject unit (such as an in-law unit).

#### *Units exempt from the rent cap limitations*

- Units that are already subject to a local rent control ordinance that restricts annual rent increases to an amount less than 5% + CPI.

#### *Units exempt from the “just cause” regulations*

- Units that are already subject to a local ordinance that requires “just cause” to terminate a tenancy and is more protective than state law (such as the eviction protections of the San Francisco Rent Ordinance).
- Single-family, owner-occupied residences where the owner rents no more than two bedrooms or units, including accessory dwelling units and junior accessory dwelling units.
- Housing accommodations in which the tenant shares bathroom or kitchen facilities with the owner, if the owner lives at the property as their principal residence.
- Housing provided by a nonprofit hospital, church, extended care facility, licensed extended care facility for the elderly, or an adult residential facility.
- Transient and tourist hotel occupancy as defined by Civil Code Section 1940(b).

### Eviction Provisions under AB 1482

- The eviction provisions only apply after all tenants have lived in the unit for 12 months or more, or where at least one tenant has occupied the unit for 24 months.
- A tenancy may not be terminated unless the landlord has one of the allowable “just cause” reasons, which must be stated in the notice terminating tenancy.
- “Just cause” reasons are categorized as either “at-fault” reasons or “no-fault” reasons. Relocation assistance is required for “no-fault” evictions.
- The mere expiration of a lease or rental agreement is not a “just cause” to terminate a tenancy.



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## Rent Increase Limits under AB 1482

- For covered units, annual rent increases are limited to no more than 5% plus the percentage change in the cost of living for the region in which the property is located, or 10% whichever is lower. "Percentage change in the cost of living" means the percentage change in the Consumer Price Index (CPI) for All Urban Consumers for All Items for the metropolitan area in which the property is located, as published by the United States Bureau of Labor Statistics. If a regional index is not available, the CPI Index for All Urban Consumers for all items, as determined by the Department of Industrial Relations, shall apply ([www.dir.ca.gov/OPRL/CAPriceIndex.htm](http://www.dir.ca.gov/OPRL/CAPriceIndex.htm)).
- For rent increases that take effect before August 1 of any calendar year, the percentage change is calculated using the amount published for April (or March, if no amount is published for April) of the immediately preceding calendar year and April (or March) of the year before that.
- For rent increases that take effect on or after August 1 of any calendar year, the percentage change is calculated using the amount published for April (or March, if no amount is published for April) of that calendar year and April (or March) of the immediately preceding calendar year.
- The percentage change must be rounded to the nearest one-tenth of one percent.
- No more than two increases in a 12-month period, and the combined amount cannot exceed the 5% + CPI cap.
- If the rent was increased by more than 5% + CPI between March 15, 2019 and January 1, 2020, then on January 1, 2020 the rent will revert to the rent on March 15, 2019, plus the allowable increase of 5% + CPI. Landlords do not have to return overpayments of rent made between March 15, 2019 and January 1, 2020.
- The total rent paid by subtenants to a master tenant cannot exceed the rent charged by the landlord.
- There is no limit on the initial rent charged for a vacant unit.

### *What kind of notices are tenants required to receive under AB 1482?*

All tenants in units covered by the state law must receive a notice explaining the "just cause" and rent cap protections. For a tenancy existing prior to July 1, 2020, the notice must be provided in writing to the tenant no later than August 1, 2020, or as an addendum to the lease or rental agreement. For any tenancy commenced or renewed on or after July 1, 2020, the notice must be provided as an addendum to the lease or rental agreement, or as a written notice signed by the tenant with a copy provided to the tenant. The notice language must read:

*"California law limits the amount your rent can be increased. See Section 1947.12 of the Civil Code for more information. California law also provides that after all of the tenants have continuously and lawfully occupied the property for 12 months or more or at least one of the tenants has continuously and lawfully occupied the property for 24 months or more, a landlord must provide a statement of cause in any notice to terminate a tenancy. See Section 1946.2 of the Civil Code for more information."*

In addition, an owner claiming an exemption from the law because the property is a single-family home or condominium must provide a written notice to the tenant. For a tenancy existing before July 1, 2020, this notice may, but is not required to, be provided in the rental agreement. For any tenancy commenced or renewed on or after July 1, 2020, this notice must be provided in the rental agreement. If the owner does not provide the required notice, then a single-family home or condominium is NOT exempt from the "just cause" or rent cap regulations. The notice language must read:

*"This property is not subject to the rent limits imposed by Section 1947.12 of the Civil Code and is not subject to the just cause requirements of Section 1946.2 of the Civil Code. This property meets the requirements of Sections 1947.12 (d)(5) and 1946.2 (e)(8) of the Civil Code and the owner is not any of the following: (1) a real estate investment trust, as defined by Section 856 of the Internal Revenue Code; (2) a corporation; or (3) a limited liability company in which at least one member is a corporation."*



## Multi-Family Sales in the Past 6 Months

City	Units	Price
Santa Barbara	22	\$4,360,000
Santa Barbara	19	\$4,800,000
Lompoc	18	\$2,280,000
Lompoc	18	\$2,145,000
Santa Barbara	16	\$5,475,000
Lompoc	12	\$1,520,000
Goleta	4	\$2,000,000
Santa Barbara	3	\$1,750,000



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# Business Partner Directory

Welcome to SBRPA's Business Partner Directory, a special group created for our Vendors and Suppliers. You get a free listing in the Business Partner Directory on the SBRPA website, with your logo and a link to your profile, which is a separate page with your logo, address and contact information, an overview of your company as well as a link to your own website. You can also include LinkedIn/Facebook URLs and Twitter/Instagram handles. To join, fill out the application on the facing page, or call the office if you would like a hard copy sent to you. For more information about Business Partners, contact Lori Zahn, Chair, SBRPA Business Partnerships, 805-451-2712.



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## Coastal Housing Partnership Rental Listing Site

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Coastal Housing Partnership hosts a Rental Listing Site for Landlords/Property Managers. This site is FREE for local landlords to post their residential rental listings in Santa Barbara County and Ventura County. Feature our 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 employees of our member companies. For more information and to register for our site, go to <https://rentals.coastalhousing.org/>



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# NAA Apartmentalize

National Apartment Association



## Top 4 Reasons You Should Attend Apartmentalize



**2024 Registration is Open!** Whether you're in management, leasing, marketing or maintenance, if you love working in rental housing, you belong at Apartmentalize. Come to the City of Brotherly Love, connect with colleagues, share ideas, discover solutions and go home with renewed passion for your career.

### FAQ's

#### *What is in the exposition?*

The NAA Exposition brings together top professionals and supplier partners eager to network and share ideas on how to stay competitive in today's growing market. It is another name for an exhibit hall.

#### *How do I access information if I missed out?*

Materials for each session will be available on the NAA event app.

#### *What should I wear?*

We do not have a specific dress code, but here are some tips:

- Business casual attire is acceptable and widely practiced.
- Be sure to bring layers as the meeting rooms can get chilly.
- Wear comfortable shoes. You'll be racking up

#### *What should I bring?*

Laptop or iPad to take notes, or the old-school method – with a notebook and pen.

Also, Business cards are a must. With all the networking opportunities, you can never have enough, so keep them with you at all times.

#### *How do I plan my schedule?*

NAA also offers myNAA Planner, which works in conjunction with the NAA app and enables you to plan ahead and determine which breakout sessions will provide the best return on investment. Create your own schedule based on the sessions that you're most interested in and the companies you want to visit in the NAA Exposition. myNAA Planner will be available in May 2024.

If you're not already on Facebook, Snapchat, Twitter or Instagram, get on and follow the conference hashtag at #Apartmentalize. This will give you an insider's view of what is trending before, during and even after the conference.

#### *Are there helpful hints for networking?*

Plan your conference schedule before you arrive in Philadelphia. This will give you more time to interact and engage with other attendees.

Do you have a colleague attending the meeting? Ask them to guide you through and introduce you to fellow attendees.

Attend as many social events and receptions as you can. You'll be rewarded with free food and cocktails! Show up for sessions early. You'll score a great seat and have time to mingle with the other attendees around you.

*Continued on page 25*



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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.



*What should I do on-site?*

Attend the Welcome Reception on Wednesday. This is a great, relaxing way to meet other attendees.

Be flexible with your conference schedule. The “law of motion and responsibility”—formerly known as the “law of two feet”—should apply: If a session is not working for you, leave (even if you are seated up front). Go to another session or meet up with others outside the session rooms who want to engage in other conversations and networking opportunities.

Keep an open mind and enjoy yourself! This is going to be a great experience, and you are going to meet some wonderful people.



*Is there COVID-19 Health and Safety Information?*

NAA will follow the guidelines set forth by the City of Philadelphia and the Pennsylvania Department of Health.

*Can I receive Continuing Education Credits for attending Apartmentalize?*

Eight (8) Continuing Education Credits (CECs) will automatically be applied to NAA accounts post-conference for individual attendee registrations. It may take up to 90 days for your credentials to appear in your NAA account.

If you were registered for Apartmentalize under a group registration, you will need to upload a copy of your registration confirmation or a photo of your Apartmentalize badge online to receive the 8 Continuing Education Credits (CECs) required for credential renewal. You may also complete the CEC Reporting Form and email to [renewals@naahq.org](mailto:renewals@naahq.org).

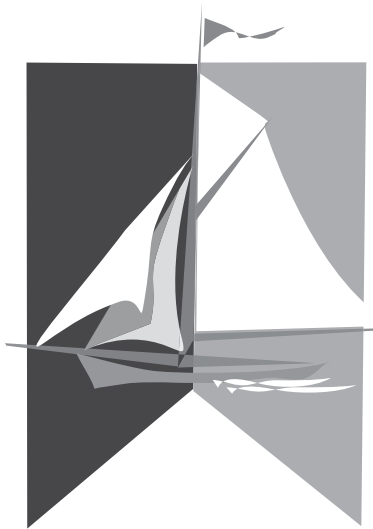
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## Rental Owner Updates

### ANY ALTERNATE NAME

Here's a tip that can save you possibly tons of frustration by avoiding choosing an applicant who does not reveal their full identity.

Always ask on the rental application - "Are there any other names you have used in the past?"

Applicants may not volunteer this information unless you specifically ask for it. And they may still not always voluntarily provide it, but chances are far higher that they will, if you ask.

One of the things I like about using the credit check service . . . is that when running a credit report, if "alternate names" have been used by the applicant, the report will provide such names that have been submitted or used.

Running a credit report today, alerted me to an alternate name, which most likely saved me from a potentially big problem resident. The name the applicant put on the application came back clean without any prior rental judgments. When I checked online court records under that alternate name that appeared on the credit report, a prior rental judgment of over \$5,000 was discovered.

### DEBT REPORTING SERVICE

Did a deadbeat resident somehow get past your screening? Did they end up leaving owing you money? If so, don't just give up on the chances of ever getting paid. Hold them accountable even after they move.

You should at least report their debt to the major credit bureaus. That mark on the debtors credit report remains visible for other owners to see. And there is the chance that once the debt is put on the tenant's credit report, they may still pay you months or years later. I have personally had residents get back with me one, two, three years or more later wanting to pay off the debt because they were now ready to buy a house, but could not do so until the debt was clear. The debt reporting service allows you to report a former resident's debt to the major credit bureaus for \$12.95.

Get more information and sign up to use this service at <https://www.aoausa.com/secure/mrLandlord-debtreportingservice.html>



image: wikipedia Tibetan mastiff

### DANGEROUS DOG BREEDS

When landlords decide that they will allow pets, sooner or later the question comes up: "What breeds of dogs should we not accept due to being a danger to the public?"

Several landlords responded to that question this week on our forum. A couple of landlords shared the breeds their insurance company prohibits. One landlord posted which breed of dog, according to statistics is considered the most dangerous, accounting for almost 70% of all fatalities. Another landlord actually shared his complete criteria for selecting dogs, even what applicants must include with their filled-out application, if they have a support animal.

To see the sample insurance list of prohibited dog breeds and all the other information you may find helpful, especially if you allow dogs, click here.

Caution: It should be noted that you may not be able to turn applicants down with emotional support animals simply because they are on a list of prohibited "dangerous breeds" from an insurance company. Some landlords and insurance companies have been involved in litigation for turning down legitimate emotional support animals who happen to be on the list of prohibited breeds.

As one landlord noted: People with pit bull ESAs/service animals have a special exemption for any landlord or insurance verbiage denying their type of dog. The good news is, you can still screen the person and the animal normally. If the specific animal itself has a history of attacking/biting, you can deny THAT specific animal, even though the breed itself is permitted.

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*Editor's note: California AB2216 will prohibit "pet rent" and blanket pet bans as well as require landlords to have a reasonable excuse not to allow pets in a rental property.*

*Continued on page 29*



  
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## **OFFER FORMER RESIDENT A DISCOUNT TO GET DEBT PAID**

Several years ago one of the regular contributors on our website shared his strategy for collecting past due money owed from former residents. His strategy included sending out professional looking invoices monthly after they left or were evicted. The key to the strategy was including payment options with a discount (20% for example off the total due) if the former resident went ahead and made a one-time payment to clear the entire debt.

This same landlord recently shared on our Q&A how just this past week, he received his biggest damages payoff outside of a court judgment. Here's what he wrote:

*"As stated in the past, we send monthly bills and do a lot of payments through Square and collect autodraft rent, etc.*

*The company is presented professionally at all times with tenants. Tenants are screened very well. Usually all the moving parts work very well. Every once in a while, we have a move out go south on us.*

*That being said, we had a tenant move out with next to zero notice at the end of January. Sent the damages statement with a bill for \$2,400 at the end of February with payment options. Certified mail. Sent another bill mid-March with payment options also certified. Watched the tracking. As soon as USPS tracking showed it was received, we sent a Square invoice for a 1 time payment discount of 20% and about 5 minutes later last night we received an email confirming payment was made: \$1,995. Just about fell out of my chair."*

*- NE, PA*

Other landlords on their biggest non-court payoff:

*Had 1 pay \$3500 and avoided small claims court and a higher amount by paying. I hadn't completed the repairs so I didn't have all the numbers in and it wasn't rented.*

*I sent the security deposit accounting with statements and bills giving 3 options to pay within 30 days and we would call the matter settled. Don't pay and I'll get numbers for everything marked on security deposit accounting as not billed yet and see you in small claims court. 31 days later I found a check in the mailbox. I decided I could live with 1 day late.*

*- Brad, IN*

*I had [an] evicted tenant pay similar amount once they were garnished at work. They were embarrassed. And the Sheriff took 5%.*

*- Small Potatoes, NY*

*I had a tenant that was a slob (ok, have had a lot of those in the past) and I was pretty sure he was running a pill farm out of the apartment.*

*Went up to him and simply said that I wanted him out. I would not file eviction and would send him a bill for damages one time. Otherwise I would go to court and say my piece.*

*He left. I sent the bill for damages and he set up a payment plan. I let him know that if he missed one payment all was off. I would file small claims and include everything for damages that I didn't charge him for in the first place.*

*He paid it all. Never missed a payment. I should have included additional fees and maybe interest, but I was happy to get him out, get the place fixed up . . . and get it rented out again.*

*- Zero, IN*



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# Santa Barbara Happenings



Terry A. Bartlett – Reetz, Fox & Bartlett LLP

## County Moves Forward on Housing Rezone Sites

Santa Barbara County Supervisors must rezone commercial and agricultural land for residential housing units in order to comply with state housing element law. 36 potential rezone sites were proposed for 660 acres of land (18 in North County and 18 in South County). Glen Annie golf course and San Marcos Growers were two of the most contested sites. The City of Goleta has submitted a letter requesting that agricultural land be considered last.



Image: Glen Annie Golf Club

A workshop concerning potential rezone sites and the developments proposed for the County's unincorporated areas was held in March. At the workshop, developers went before the Board of Supervisors to present renderings and describe their projects. Although many were well-received some noted the relative lack of low-income units proposed.

The majority of the proposals were for the Eastern part of Goleta Valley. Both the development proposed near Turnpike Shopping Center and the development proposed at Bailard in Carpinteria are collaborations between Red Tail Multifamily Development and The Housing Authority.

Since the workshop, the Santa Barbara County Planning Commission has approved plans to rezone 16 sites that will add 7,693 units on the South Coast which is 3,130 more than the state Regional Housing Needs Allocation. Some of the projects that include a certain percentage of low-income units that were not approved could still be built under the state mandated builder's remedy if the RHNA has not been met.

## Goleta Adds Two Roundabouts, Bridge Replacement, and Street Extensions

A Project intended to better connect East and West Goleta by revitalizing and adding infrastructure to Old Town began in March. The project includes roundabouts on

each side of Hollister under Route 217 to assist with traffic flow, as well as an onramp onto Highway 101. Ekwill Street and Fowler Road will be extended, a roundabout will be added at Pine Avenue, and the bridge over San Jose Creek will be replaced. The project which has been around since 2002 will likely cost \$100 million (a third of which will be provided by federal grants). The project will occur alongside another \$2.1 million project that aims to revitalize Hollister Avenue by adding bike lanes, a center median, angled parking and new traffic signals. The projects should be completed within the next three years.

## County Jail Remodel and Other Projects

The County Board of Supervisors recently approved the issuance of \$130 million in Certificates of Participation (a bond-like instrument of municipal debt) to accomplish 6 construction projects: rehabilitating a portion of the South County Jail (\$20.4 million), New County probation headquarters (\$53 million), a regional fire communication center (\$17.6 million), a public safety radio network (\$16 million), renovations of Cachuma Lake RV Park (\$7.5 million), and Fire Station 27 (\$5.2 million).



Image County Jail Rehab, Noozhaw.com

## County Approves Expansion of Tajiguas Landfill

Failure of the County's massively expensive trash-recycling facility means we need more space to bury all our trash and recycling.

The County of Santa Barbara recently approved the expansion of the Tajiguas Landfill in Gaviota so that it may continue receiving garbage up to 650 ft above sea level. This unanimous decision by the Board of Supervisors was opposed by the Gaviota Coast Conservancy and nearby residents due to already pervasive creek pollution and pervasive downwind odors.

There have been well documented complaints about the functioning and running of the landfill as well as

*Continued on page 33*



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its recycling operations but the Supervisors pointed out that the expansion of the landfill will be less expensive than moving the material by truck to Chiquita Canyon or Santa Maria.



Image: Vision Zero State Street Undercrossing, Edhat.com

### State Street Undercrossing

The Vision Zero State Street Undercrossing Project is underway. Pedestrian traffic is being maintained on the Western side of State Street and crews are working to minimize the impact on the public. The project is intended to connect downtown with the waterfront more safely and effectively. More space is being added for pedestrians and cyclists along with new lighting and reconstructed bridge columns and railways. And, yes, it is expensive.

### Arbor Week

Last month for arbor week many new trees were planted by the City of Santa Barbara's Urban Forestry Program (which operates as part of the Parks and Recreation Department). The street tree planting project is part of a larger initiative to provide more shade on streets where it is lacking. Engelman Oak, Catalina Ironwood and other non-Palm species will be planted, with each are being planted and given attention for 2-3 years to ensure the survival of the trees and efficient utilization of resources. Santa Barbara already has one of California's most diverse urban forests.

### Updating Water Infrastructure

One of the City of Santa Barbara's largest investments, the water distribution infrastructure, will be receiving an extra \$17 million in funding as part of a 30-year plan to replace 2% of the pipelines per year.

### Remaining Businesses Need a Chance to Survive. Bring cars back to State Street.

The current configuration, a State Street without access by vehicles, was adopted as a result of the COVID pandemic. It was designed so that some economic activity could occur on State Street during the pandemic emergency and is no longer necessary or helpful.

For the last 4 years, State Street has been in its current configuration and while possibilities to revitalize State Street (as part of the State Street master plan) remain under discussion little has been decided. Once a project is selected it will need an Environmental Impact Report and Historic Landmark Commission approval (and likely City Council approval if an appeal is filed). In the mean-

time, many businesses have closed and those that remain are struggling because of the lack of vehicle traffic.

Incredibly, high parking fees are being considered in a misguided effort to get the struggling downtown back on track. In reality this will lead to less economic vitality as fewer people come downtown and pay those fees. There is plenty of free parking on Coast Village Road, upper State Street, and in Goleta.

Changes should be made now to return vehicle traffic to State Street while the "master plan" continues under discussion.



Image: State Street Promenade, Youtube.com

### New Commission Rules for Realtors, Sellers and Buyers

The recent policy changes around realtor commissions due to the National Association of Realtors' litigation settlement will likely affect the market. Three key changes are: 1. Listing agents are now banned from offering co-fee sharing with the buyer's agent, 2. Buyers are now required to pre-negotiate agent fees Realtors are now prohibited from insisting sellers offer compensation to cooperating brokers, and 3. Because of the elimination of automatic co-fee sharing between sellers' and buyers' agents, buyers will now be responsible for directly compensating their agents.

There will likely be some uncertainty as the new rules are understood by sellers and buyers and shack out in the real world. But the model currently works in Australia so I assume we will get the hang of it here.

### California's Latest Hustle: Utility Bills Based on Ratepayers' Income

The state government adopted new laws which require the California Public Utilities Commission to add a fixed charge onto residential electric bills, along with the current usage-based charge, by July 2024. This fixed charge will be income based, meaning lower rates for low-income households and higher rates for high-income households. It has not yet been decided how these rates will be determined. This is really additional income tax paid through your utility bills.

*Terry A. Bartlett is a real estate, housing, and landlord-tenant attorney at Reetz, Fox & Bartlett LLP in Santa Barbara.*

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