

**BOARD MEMBERS:**

Daniel Herlinger, *Chair*
Bruce Wollenberg, *Vice Chair*
Hector Sanchez, *Secretary*
Natalia Alarcon
Richard Axilrod
Cory Baker
Leesa Beck
Jeana Dressel
Justin Dillum
Janet Eastman
Rigoberto Gutierrez
Dianne L. Kryter
Marilyn Loperfido
Michelle Roberson

CITY COUNCIL LIAISON: Alejandra Gutierrez

STAFF:

Andrea Bifano, Sr. Rental Housing Mediation Specialist
Alba Marshall, Rental Housing Mediation Specialist

City of Santa Barbara

RENTAL HOUSING MEDIATION BOARD

MINUTES

SEPTEMBER 10, 2020

5:30 P.M.

This Meeting was Conducted Electronically

CALL TO ORDER

Chair Herlinger called the meeting to order at 5:30 p.m.

ROLL CALL / ATTENDANCE

Members present: Chair Herlinger, Vice Chair Wollenberg, Secretary Sanchez, Board Members Alarcon, Baker, Beck, Dillum, Eastman, Gutierrez, Loperfido, Roberson,

Members absent: Axilrod, Dressel, and Kryter

Staff present: Bifano and Marshall

GENERAL BUSINESS

A. Public Comment:

No public comment.

B. Approval of Minutes:

Motion: Approve the minutes of the Rental Housing Mediation Board meeting of **January 23, 2020**, as submitted.

Action: Beck/Eastman, 10/0/1. (Baker abstained. Axilrod, Dressel, and Kryter absent.)
Motion carried.

1. CITY ATTORNEY POWERPOINT PRESENTATION

Actual time: 5:35 p.m.

A. Rental Housing New and Proposed Local and State Laws.* The presentation was made by Ariel Calonne, City Attorney.

Ariel Calonne, City Attorney, shared that on August 31, the legislature passed and the Governor signed AB 3088, proposed by Assembly Member David Chiu, effective immediately. The AB 3088 directly affects two local ordinances for the City of Santa Barbara: the Just Cause Eviction Ordinance proposal now pending before the Ordinance Committee, to be heard on Tuesday, October 20, 2020. (Public Comment can be submitted by Friday, October 2, 2020 to the City Attorney's email address: acalonne@SantaBarbaraCA.gov). The AB 3088 also directly affects the current Temporary Eviction Moratorium Ordinance No. 5943 in a number of ways, including:

KEY MESSAGES:

- 1) Landlords must give tenants notice of AB 3088's provisions by September 30, 2020.
- 2) The City's TEMO expires The City's TEMO expires on September 30, 2020. Because of AB 3088, Santa Barbara tenants who deferred rent under the TEMO up to August 31, 2020 cannot be evicted for nonpayment of this rent. Instead, AB 3088 converts the deferred rental debt into consumer debt collectable by the property owner in small claims court. AB 3088 now requires a state law based form for COVID-19 financial hardship declarations by tenants.
- 3) Rental debt deferred under the City's TEMO must be repaid in 12 equal monthly installments beginning March 1, 2021.
- 4) Between September 1, 2020 and January 31, 2021, rent deferral for COVID-19 appears to be governed by AB 3088, not the TEMO. Tenants should send their landlord new financial hardship declarations, and high-income tenants must document their financial hardship. Tenants cannot be evicted for non-payment of rent during this period if they pay at least 25% of their rent by January 31, 2021.

For more information on the discussed housing laws, including the brief, preliminary summary of the Tenant Relief Act of 2020 (AB 3088) please see the City Attorney's website at: https://www.santabarbaraca.gov/gov/depts/attorney/rental_housing_information.asp.

2. CASELOAD REPORT AND MEDIATOR TRAINING (1.25 hour mediator training)

Actual time: 6:30 p.m.

A. Ms. Bifano reviewed the following:

- Statistical Fourth Quarter and Year-to-Date Report FY 2019 –2020 (a report that was previously postponed).
- Statistical Report:
 - Total Unduplicated Services provided including Mediations, and Outreach were 988.
- Pie Chart
 - A Pie Chart of Issues was shared, which showed Termination of Tenancies at 42%

of housing issues addressed.

- Fiscal Year 2020 Performance Measure Results:

FY 2020 Performance Measure Results (Reporting Period: From 7/1/2019 to 6/30/2020) showed that four (4) out of five (5) objectives were met and exceeded the performance goal. The 5th objective regarding Outreach was 50% achieved due to Covid-19.

- **Objective 1:** Obtain either an oral or a written agreement between disputing parties on 85% of all telephone mediations.
 - This objective result was 100%, which exceeded the target goal.
- **Objective 2:** Obtain either an oral or a written agreement between disputing parties on 85% of all face-to-face (in-office) mediations.
 - This objective result was 100%, which exceeded the target goal.
- **Objective 3:** Provide 6 outreach and education presentations on rental housing rights and responsibilities to community groups, tenant groups, and landlord groups.
 - 3 outreaches were provided to the community.
- **Objective 4:** 90% of clients will affirm that the information/materials provided will be helpful to them in resolving their rental housing dispute/concern.
 - This objective result was 91%, which exceeded the target goal of 90%.
- **Objective 5:** 70% of survey respondents, will affirm that all or most rental issues were resolved by staff consultation and/or information.
 - This objective result was 90%, which exceeded the target goal of 70%.

B. *Acknowledgement of Mediator Training in compliance with the California Dispute Resolution Programs Act, Section 3622.

The training provided by the City Attorney and the analysis of the Caseload Report was in compliance with the California Dispute Resolution Programs Act Section 3622 and will count towards one (1.25) hour of mediator certification training.

3. **ANNUAL RECRUITMENT**

Actual time: 6:45 p.m.

The annual recruitment for the Rental Housing Mediation Board Mediator members was discussed.

- A. Mediator Member Terms Scheduled to Expire December 31, 2020:
Four (4) Board Mediator member positions, and one (1) pre-existing Landlord vacant position, as follows:
- Richard Axilrod, Landlord
 - Justin Dullum, Homeowner
 - Dianne L. Kryter, Homeowner
 - Hector Sanchez, Tenant
 - One (1) pre-existing vacant Landlord position
- B. A Total of Five (5) Mediator Member Vacancies discussed, as follows:
- Two (2) Landlord Mediator members who:
 - Must be landlords who reside in the City of Santa Barbara. Non-City residents must own or manage residential properties for consideration or compensation, whether single or multiple units.
 - One (1) Tenant Mediator member who:
 - Must rent or lease a dwelling with no ownership of residential properties.
 - Two (2) Homeowner Mediator members who:
 - Must own and reside in a single-family residence with no ownership of other residential properties.
- It was also noted: Board Mediator Members who are Non-City of Santa Barbara residents must reside in a jurisdiction that contracts with the Rental Housing Mediation Program for services, which would only include the jurisdictions of the City of Goleta, and the City of Carpinteria. Residents in other jurisdictions would be deemed ineligible.
- C. The Recruitment Schedule was discussed, as follows:
- Mediator member resignation deadline: Wednesday, September 23, 2020.
 - Mediator member application deadline: Friday, October 9, 2020.
 - Mediator member interviews by the City Council:
 - Tuesday, October 27, 2020, at 4:00 p.m. (Estimated Time)
 - Tuesday, November 10, 2020, at 4:00 p.m. (Estimated Time)
 - Tuesday, November 17, 2020, at 6:00 p.m.
 - Mediator member appointments: Tuesday, December 8, 2020.
 - Incumbents Mediators who are interested in reapplying to the Board must submit an application to the City Clerk's Office, and will also be required to go before City Council to interview.

4. NEXT SCHEDULED MEETING

The next scheduled Board meeting will be held on October 8, 2020.

5. ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

Ms. Bifano announced the following:

- A. Board Member Kryter asked that Ms. Bifano share that she truly enjoyed serving on the Board, working with co-mediators, and giving back to the community. Unfortunately, due to personal reasons, she would need to resign at the end of the Board meeting. Board Member Kryter served for the past 3 years and contributed a lot to the Program, including her participation in mediations and outreaches. Ms. Bifano, thanked Ms. Diane L. Kryter for her service and wished her well.
- B. Board Member Gutierrez asked if the subject of *Composition of the Board* could be brought back to the Agenda. Discussion ensued and it was agreed the subject would be on the next Agenda.

9. ADJOURNMENT

Chair Herlinger adjourned the meeting at 7:05 p.m.