

## **Subcommittee Recommendation to Tenant Landlord Task Force**

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November 9, 2017

The TLTF Subcommittee on Inspection Programs and Just Cause Eviction met on November 1, 2017 and agreed to the following recommendation to the full Tenant Landlord Task Force:

**1. Recommend adoption of a ‘Joint Protection and Accountability Initiative’ to simultaneously protect landlords from bad tenant behavior while providing good tenants with fair and accountable treatment over time.**

This initiative would require the landlord to offer the tenant the use of renewable leases with specified terms of at least one-year (less if the landlord demonstrates that the property is not available for a full year), which will provide stability, accountability and predictability to both tenants and landlords. It would give landlords the flexibility to terminate a lease at any time for the following reasons (already provided by State law):

- Nonpayment of rent;
- Continued breach of lease provision(s), after written notice to cease;
- Tenant refusal to lease extension upon expiration of prior lease;
- Refusal of reasonable access to property;
- Continued illegal activity, after written notice to cease; or.
- Continued disorderly/nuisance behavior, after written notice to cease.

Should disputes arise between landlord and tenant over the lease renewal or extension, those disputes would be subject to a one-time conciliation meeting, facilitated by the Santa Barbara Rental Housing Mediation Program staff or other neutral third party, in an attempt to identify a mutually agreeable solution to the issue(s) in question.

Such an initiative would provide tenants with certainty that they would have a written lease over at least a one-year period. This is consistent with the City Council’s direction to the

Task Force for recommendations regarding mandatory leases. This approach would provide explicit assurances to landlords that bad behaviors, as articulated by state law, are grounds for eviction. By instituting a requirement for a one-year written lease, both parties would be held accountable to the fair, explicit, and equitable treatment as embodied within written leases consistent with state law. Flexibility for both tenants and landlords would be integrated into this initiative during the lease renewal process through the conciliation process and standard noticing procedures regarding renewal or non-renewal processes already in force. The goal of such a conciliation meeting would be to articulate the needs and interests of both landlords and tenants to determine whether there are extenuating circumstances that could be resolved to benefit both parties.

Such a program would also preclude the need for the Task Force to take a formal position on Just Cause Eviction because the provisions of this initiative address the underlying interests that are embodied by the desire for such an ordinance. It would also offer a non-ballot box approach with considerably less cost and uncertainty than the initiative process.

**2. Recommend investigating the establishment of a separate or supplemental fund to support inspection and remediation of health and safety violations in Santa Barbara rental housing stock.**

This recommendation entails setting up a fund to be specifically applied to inspections pertaining to substandard health and safety conditions. It would potentially support the Task Force's tentative agreement to adopt an inspection program focused on violators, rather than city-wide on all landlords. It could require an ordinance establishing a rental housing inspection program, and Council approval for the creation of a special fund and its expenditures.