



# City of Santa Barbara

## TENANT/LANDLORD TASK FORCE (TLTF)

### MINUTES

### SEPTEMBER 28, 2017

3:00 P.M.  
Housing Authority Conference Room  
706 Laguna St  
Santa Barbara CA

**CALL TO ORDER:** Facilitator John Jostes called the meeting to order at 3:00 p.m.

#### **ROLL CALL:**

##### Tenant Interests

Jerry Morales (A)  
with Rob Fredericks  
sitting in as non-  
voting alternate  
Frank Rodriguez  
Petra Lowen

##### Landlord Interests

Laura Bode  
Tommy Thompson  
Andy Alexander

##### Council Liaisons

Greg Hart

##### Facilitator

John Jostes

##### City Staff

Sue Gray, CD Business  
Manager  
Deidre Randolph, CD  
Programs Supervisor  
Andrew Stuffer, Chief  
Building Official

**CHANGES TO THE AGENDA:** None

#### **CONSENT:**

1. **Approval of August 21, 2017 Minutes**

The Task Force unanimously approved the previous meeting's minutes.

2. **Update on Task Force Membership Issues**

Facilitator Jostes addressed task force member concerns regarding parity between the number of landlord and tenant representatives serving on the task force. He explained that with Barbara Sherrill's resignation, the task force was left with one fewer landlord representative. The meeting protocols do not allow for substitute appointments, and any revisions to the meeting protocols require unanimous support. Jostes further explained that he talked to Lizzie Rodriguez regarding her absence from both prior task force meetings, and Lizzie elected to resign from the task force as well, which leaves three landlord and three tenant representatives. The task force members indicated consensus with this representation, with Frank expressing that one of the tenant representatives was also a landlord.

**PUBLIC COMMENT** – The following people spoke during public comment:

Daniel Lindsay- would like to see the task force focus on facts first, and he does not want to be micromanaged.

Robert Burke-expressed that “compulsory mediation” is an oxymoron, and he would like to hear any proposals that may affect the Rental Housing Mediation Program before they go to Council, and he would like to have input on them.

Ellen Welby-cautioned that renters and landlords are being pushed in a direction that is not beneficial to either party.

Rebecca Cohn-expressed concern with subcommittee structure.

Charles Eckert-feels that the leadership of the task force is too structured, and the facilitator is leading and not discussing.

Joyce Welby-feels that the small landlords are not being represented on the task force.

Steve Battaglia-since Council made it clear that rent control is off the table, he is concerned that the task force is discussing any rent restrictions, and he feels that even mediation of rent increases is rent control.

Loy Beardsmore-feels that affordable housing is not a right, and the task force needs to realize Santa Barbara is not able to accommodate anyone who wants to live here.

### **SUBJECT ITEMS**

#### **3. Subcommittee Recommendations regarding Enhanced Mediation and Education Initiatives:**

Laura Bode expressed that she feels that the subcommittee should not have discussed or made recommendations regarding tenant displacement assistance as it was not specifically discussed or agendaized on the August 21, 2017 task force meeting that formed the subcommittee. This was followed by a conversation among the landlord representatives regarding their concerns about the structure of the task force. They feel limited by procedural requirements that do not allow them to talk among themselves and come to agreements outside the formal meeting process, and they expressed that they would like to stop the process and start over under a new format. Staff explained that the meetings were subject to the Brown Act because City Council appointed them to the task force. The tenant representatives expressed that they would like to continue the process.

Subcommittee recommendations #1 and #2 concerning landlord/tenant education enhancements were found to be generally acceptable to the task force members. Subcommittee recommendation #3, requirement for mandatory written leases, was also found to be generally acceptable; however Frank commented that he wanted to push for a mandatory term of 1 year on written leases. Subcommittee recommendation #4 will be on the agenda for the October task force meeting. Wording changes to the Subcommittee’s recommendation are included as Attachment “A” to these minutes. Frank expressed his view that the subcommittee did not go far enough with enhanced mediation, and he would like to push for mediation on rent increases and know “why” the landlord representatives are taking a very strong “no” stance to mediation for rent increases above any specified percentage amount. The landlords agreed to elaborate at the November meeting when all of the discussion will culminate into task force recommendations to Council.

#### **4. Discussion and recommendations regarding access and habitability inspections and relocation assistance for Red/Yellow Tags for health and safety issues:**

Andrew Stuffer, Chief Building Official for the City of Santa Barbara, gave a presentation on proactive rental inspection program components and habitability and health and safety displacement issues. Tenant representatives pushed for a strong proactive program that includes registration of all rental units and a fee to cover the inspections. Landlord representatives indicated that they are not supportive of a universal fee that would include "good" landlords who do not need inspections. They were supportive of a case-by-case approach that is more "surgical" in nature and targets so-called bad actors with a pattern of problematic units. It was noted that the Housing Authority is required to conduct inspections by federal law. Tommy suggested consideration of a program in Anaheim and a request for more information on the Anaheim program that targets negligent landlords. He indicated that such a program was developed to reward good behavior and discourage bad behavior, an approach he thinks might benefit Santa Barbara. The discussion ended with no resolution of the apparent conflicts between tenant representatives' desires for a city-wide inspection program that is fee driven and the landlord representatives' preference for a program that is offender driven.

Enhancements to the CA Health and Safety Code regarding relocation assistance to tenants who are displaced from a residential rental unit as a result of an order to vacate was also discussed; however consensus was not reached as to whether the City should adopt a local policy to allow for advancement of relocation assistance to tenants and recovery from landlords.

Public Comment on this item:

Robert Burke-expressed that he is not happy with the number of inspections the Housing Authority conducts, and he would like to see no more than one inspection per year, within a 2 hour window of time, with two weeks advance notice.

Steve Bataglia-expressed that the missing piece in this discussion is a violation of tenants 4<sup>th</sup> Amendment rights.

Bonnie-as a landlord, she goes into all units twice per year and changes batteries, light bulbs and filters. Costs for registration will be passed onto the tenants.

Charles Eckert-expressed that he likes Tommy's ideas.

**5. Context and Information Needs for next meeting:**

- Anaheim inspection program
- Number of Evictions in Santa Barbara (Tommy will send Sue information)
- Examples of Just Cause Evictions
- Why we need Just Cause Evictions (Frank will provide)

**6. Concluding Remarks and Adjourn**

The meeting was adjourned at 5:58 p.m.

**TLTF Recommendations with Tentative Support  
 October 5, 2017**

Recommendations for Enhanced Education and Mediation Efforts	Implementation/Responsibility	Timing	Notes/Comments
1. Use the City’s Business Licensing process to the greatest degree feasible for landlord education regarding: <ol style="list-style-type: none"> <li>a. the use of rental agreements and the City’s Rental Mediation process</li> <li>b. the importance of rental agreements versus no agreement.</li> <li>c. Tenant and landlord rights and responsibilities.</li> <li>d. Minimum safety standards</li> </ol>	1. Include handouts in business license renewal mailings including availability of CAR lease forms and simplified 1-page lease (City of SB)	January – March 2018	<ul style="list-style-type: none"> <li>❖ Focuses primarily on landlords and not tenants</li> <li>❖ Staff, postage, paper, copy costs will be incurred</li> <li>❖ Only targets landlords with 3 or more units</li> </ul>
2. Enhance public (City & Housing Authority) and private (SBRPA, <u>CAA</u> , SBOAR, etc.) sector efforts and initiatives to develop education programs and distribute information packets regarding best practices for landlords and tenants.	1. Develop jointly sponsored website content containing ‘Top 10’ most important tools for avoiding rental housing misunderstandings and conflicts including: <ol style="list-style-type: none"> <li>a. 1-page Tenants rights flier (SBHA)</li> <li>b. 1-page Landlord rights flier (SBOAR).</li> <li>c. Copy of standardized rental agreement (SBOAR or NOLA).</li> </ol>	January – March 2018	<ul style="list-style-type: none"> <li>❖ Requires agreement on “tool set” by all participating organizations so that same information is published in multiple locations or websites.</li> <li>❖ Jointly sponsored events will be most effective if they target both landlords and tenants.</li> <li>❖ Need to identify tenant rights organizations and other cooperating organizations to maximize joint gains.</li> </ul>

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	<ul style="list-style-type: none"> <li>d. Short-form (1-page) rental agreement (SBOAR).</li> <li>e. FAQ's for renters to review before renting or during transition.</li> <li>f. Existing Rental Mediation program and Small Claims mediation.</li> <li>g. Delineate the negative/worst case impacts to both tenants and landlords that they may encounter when operating without a rental agreement.</li> <li>h. Others???</li> </ul> <ol style="list-style-type: none"> <li>2. City or Housing Auth. To provide links to such website utilizing business license mailing list and/or in water billings to target landlords with fewer than 3 units.</li> <li>3. Housing Authority and/or SBOAR/SBRPA to sponsor events for both landlords and tenants for information distribution on an annual basis.</li> <li>4. City to solicit participation by other South Coast Municipalities and Santa Barbara County in cost sharing and information dissemination efforts.</li> </ol>		<ul style="list-style-type: none"> <li>❖ <a href="#"><u>Landlords to inform tenants of City's Rental Housing Mediation Program</u></a></li> </ul>

Recommendations for Enhanced Education and Mediation Efforts	Implementation/Responsibility	Timing	Notes/Comments
3. Written leases should be <u>mandatory and promoted through an ordinance or resolution</u> in conjunction with the Rental Housing Mediation Program office and other community organizations such as City & Co. Housing Authorities, SBAOR, SBRPA, CAUSE, Casa de la Rasa, and Legal Aid.	1. City Rental Housing Mediation Office should collaborate with other agencies and organizations to develop a framework for implementing a “Written Lease Support Structure” that builds on the implementation steps articulated above under 2.1.a-g. 2. SBAOR and SBRPA include specific language in rental agreements regarding the City’s Rental Housing Mediation Program (including phone number).	Timing uncertain	<ul style="list-style-type: none"> <li>❖ <u>This initiative needs more specificity once a framework for action is developed.</u></li> <li>❖ <u>Needs more definition in terms of implementation.</u></li> </ul>

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