



City of Santa Barbara

TENANT/LANDLORD TASK FORCE (TLTF)

MINUTES

OCTOBER 26, 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 3:02 p.m.

ROLL CALL:

Tenant Interests
Jerry Morales
Frank Rodriguez
Petra Lowen

Landlord Interests
Laura Bode
Tommy Thompson(A)
with Lillie Schneider
sitting in as non-voting
alternate
Andy Alexander

Council Liaisons
Jason Dominguez

Facilitator
John Jostes

City Staff
Sue Gray, CD Business
Manager
Ariel Calonne, City
Attorney

CHANGES TO THE AGENDA: None

CONSENT:

1. Approval of September 28, 2017 Minutes

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

PUBLIC COMMENT – The following people spoke during public comment:

Steve Battaglia, Board Member Santa Barbara Rental Property Association (verbal) - read a portion of an article from Jerry Roberts and expressed concern regarding the Rental Housing Roundtable's efforts to gather signatures to put rent control on the ballot.

John and Loy Beardsmore (written) – sent a letter to the task force expressing that repercussions of the task force meetings will raise rents and expressed concerns about property inspections.

SUBJECT ITEMS

2. City of Anaheim Rental Inspection Program

Facilitator Jostes introduced the topic by posing to The Task Force the following organizing question:

What parts, if any, of this Anaheim approach warrant further consideration by this group or specifically City Council, in its efforts to be cost effective and adopt programs that prioritize to safety and health in rental units?

Discussion:

- Lillie Schneider noted that the CAA endorsed the program and have received no complaints from their membership in Anaheim. Anaheim was looking at a fee-based program and this was the compromise. She also noted that Tommy Thompson was instrumental in its design.
- Frank indicated that a \$16 per unit fee was the amount considered by City Council in Anaheim. He would like to see a small fee for the Santa Barbara situation and suggests that the questionnaire be given to tenants as well because tenants' responses to the checklist would be an important part of the fact-finding process.
- Petra voiced concern that the questionnaire needs to include a signature on penalty of perjury and if not signed, then there should be an automatic inspection.
- Andy indicated that the SBBOR is not interested in any kind of mandatory inspection program, whether fee-based or not, because the organization considers it to be a 4th amendment violation and an unreasonable search of property. He supports focusing on and strengthening the current City program, which is complaint-driven.
- Jerry relayed to the task force that the Housing Authority is opposed to a fee-based system, unless agencies that are already required to have an inspection process are exempted from the process. He indicated that a greater focus on education for tenants would be valuable.
- Laura expressed her opposition to any mandatory inspections. She indicated that there is a need for more funding for the City's current enforcement program, such as judgements received for enforcement actions. She asked Frank what CAUSE would do if the task force recommended mandatory inspections and tenant displacement assistance, but not just cause eviction in their recommendations. She questioned whether CAUSE would continue with its efforts to put a Just Cause Evictions initiative on the ballot? If so, then why are we going through this process if there is not good faith negotiation?
- Frank responded that CAUSE's signature collection effort began in 2016 and was a precursor to the Council decision to form the Task Force. He indicated he is participating in this process in good faith, but CAUSE will always be advocating for its community of interests.
- Lillie added that the Anaheim program does not negatively impact communities that are doing well. It is not burdensome to those managers/owners, and it focuses on landlords that have been flagged by the program.

At the conclusion of the discussion, John asked for a straw poll on the issue of whether Santa Barbara should move forward with an inspection program similar to the one the City of Anaheim has adopted to deal with substandard housing units. There were three members in favor of such an approach (Frank Rodriguez, Petra Lowen, and Jerry Morales) and two opposed (Andy Alexander and Laura Bode). Lillie Schneider abstained from the straw poll, per the ground rules. As with the previous discussion in September, the Task Force was split between preferring a city-wide fee-based mandatory inspection approach versus a program which targets only those in violation of specific health and safety regulations, versus some who prefer no mandatory inspection program whatsoever.

Given the diversity of viewpoints, John Jostes asked the Task Force whether they wished to appoint a subcommittee of Frank and Laura to explore areas of potential common ground on this issue and report back to the full Task Force at its final meeting in November. There was unanimous support of this approach. The subcommittee is expected to meet with John and Sue Gray the week following to try to come up with a recommendation regarding a mandatory inspection program that can gain broader support by the Task Force.

3. Tenant Displacement Assistance for Mass Evictions

Facilitator Jostes reviewed the subcommittee's (Andy/Jerry) recommendations regarding this item. John outlined the context of the recommendation and its intent to address displacement impacts arising from evictions which affect multiple tenancies under single ownership. He noted that the proposed recommendation provides a framework from which to refine implementation details, given new or at the time unavailable data and information. He indicated that the recommendation was intended to serve as a starting point rather than an end product. Andy added that the overall emphasis was trying to hone in to defining the problem. Jerry added that larger properties make a big impact on small communities with low vacancy rate, and large developers can look at relocation fees or expenses as another cost for development.

Discussion:

- Lillie indicated that CAA was not opposed to some modest form of a relocation assistance program. She was, however, concerned with amount of assistance being proposed. She would prefer a tiered system, but asked about criteria for people who get assistance - is it everyone or tied to median income?
- Laura preferred an approach that focuses on the percentage of people evicted, which at this point is unclear.
- Frank noted that any type of displacement is unjust for tenants, especially in this market; they should be provided assistance in all cases. He indicated that a 15+ unit threshold is too high. He would prefer the assistance to apply to evictions above 5 units. He agreed with the proposed relocation amount articulated by the subcommittee.
- Jerry suggested the assistance might target 6+ units and tie assistance to average median income.
- Laura indicated displacement assistance was a significant issue for our community because of age of housing and number of dilapidated units.
- Andy indicated the approach was worthwhile and suggested a pilot program for one year, and then figure out some quantitative measurement to look at after a year.

Straw Poll Results – The Subcommittee's recommendation was put to a straw poll and received unanimous agreement. As such it was added to the items receiving tentative agreement.

4. Discussion and recommendations regarding Just Cause Evictions.

Public Comment:

Steve Battaglia – Just cause eviction is endowing a life estate to someone else's property to tenants.

Sue walked the committee through the meeting handouts, including a chart of eleven jurisdictions that have just cause eviction ordinances (four that are tied to rent control and seven that are not). All eleven are applicable to unlawful detainers as well as termination notices (30, 60, 90 day). The handout also listed common reasons allowed for just cause evictions. There were also handouts that displayed data on the number of unlawful detainers filed in the Santa Barbara Courthouse in Fiscal Years 2010 through 2014; the number of City of Santa Barbara Rental Housing Data Collection forms received from 2012 through 2016 (required by City Municipal Code 26.20); and the number of termination of tenancy cases received by the City's Rental Housing Mediation Program from Fiscal Year 2013 through 2017. These data sources are not comprehensive or reflective of number of total notices given in the City of Santa Barbara. Laura added the City of Santa Barbara figure for unlawful detainers filed in the Santa Barbara Courthouse last year was 122, with 18 that went to judgement. This number also includes homeowners.

Frank elaborated on the reasons that CAUSE would like to have just cause evictions:

- Number of homeless students doubled from 2013 to 2014 (Santa Barbara City School District)
- Working class, hospitality workers are being pushed out and moving out of the city
- Cities included in the table presented are communities where people got together to advocate for just cause evictions
- When given notice, people do not want to go to the Rental Housing Mediation Program; they are busy looking for another place to live
- Each number includes families, not just individuals
- Need to protect good tenants as well as good landlords
- Tenants treated unfairly by landlords

John polled the Task Force members to ascertain their general level of support for the points articulated by Frank.

- Andy – Leases protect tenants, so a just cause eviction ordinance is not needed. Not supportive because it takes away the rights of property owners, it is extremely hard to get bad tenants out, and it ends up hurting good tenants and good landlords as a whole.
- Jerry – Housing Authority requires termination of tenancy with cause. It's one more protection for tenants because landlords have the upper hand. There should be a reason to terminate tenancy.
- Frank – Just cause needed to give stability to low-income renters.
- Jerry – Landlords need to take responsibility to document and not skip steps. Landlords have the upper hand, and tenants are not treated properly. Better to state a reason for eviction.

- Laura – There is an expense of taking the tenant to court. Less expensive to give a notice. Not opposed to just cause eviction, but it doesn't go far enough. This does not accomplish protecting renters the most. Better to have mandatory leases.
- Frank – Just cause eviction empowers tenants, people getting pushed out and judged by what they look like.
- Lillie – California has substantial laws to protect tenants (discrimination or retaliatory). It's more of an education issue.
- Jerry – He has seen many cases where tenants are asked to leave for very personal reasons.
- Laura – Can see the sense of having just cause but where is the teeth. Making sure tenants have a lease will provide protection. Not supportive of mandatory one-year lease.
- Frank - Just cause is needed because it goes beyond the protections that leases provide. The lease protections are only effective for the term of the lease, but not after a lease reverts to a month-to-month contract.

A straw poll was taken to ascertain support for some form of a Just Cause Eviction ordinance. There were three members in favor of such an approach (Frank Rodriguez, Petra Lowen and Jerry Morales), one member opposed (Andy Alexander) and one member expressing the need for more information (Laura Bode). Lillie Schneider, representing CAA indicated that while she could not vote, the CAA was firmly opposed to any form of Just Cause Eviction.

Given the diversity of perspectives, the Task Force all agreed to have the subcommittee address this issue as well and bring back recommendations to the group at the next meeting.

Jerry asked Andy why he's so opposed to just cause eviction if there are stipulations stating that you can evict someone with bad behavior. Andy said he opposed just cause eviction because it is going 360 degrees in the other way, giving tenants all the rights; it is not a balanced approach. Education is needed with bad landlords and good and bad tenants. Leases is the solution. Extremely difficult to evict bad tenants. Moreover, bad tenants are not good for other tenants. There are only a small number of situations that you are going to apply just cause eviction. Jerry expressed that the problem is larger than Andy indicated, and bad tenants are a small percentage of what happens in the city, and a bad tenant is going to be difficult to get out with or without just cause. Laura said that you can simply give them 30 day notice instead of going to court.

5. Context and Information Needs for next meeting:

- Lillie to provide CAA information on evictions, if possible.
- Sue to check on Council date possibilities before/after new Council is seated.

6. Concluding Remarks and Adjourn

The meeting was adjourned at 5:46 p.m.