

March 23, 2020

Supervisor Gregg Hart, Chair
Supervisor Peter Adam, Vice-Chair
Supervisor Das Williams
Supervisor Joan Hartmann
Supervisor Steve Lavagnino
105 East Anapamu Street
Santa Barbara, CA 93101

RE: Urgency Ordinance to Temporarily Prohibit Evictions

Dear Chair Hart and Supervisors,

The Santa Barbara Association of REALTORS® (SBAOR) represents roughly 1,300 REALTORS® throughout the South Coast and our mission includes engaging in real estate related community issues affecting our members and/or their clients. We are experiencing a global pandemic that has necessitated government action at all levels to curtail further advancement of the Coronavirus (COVID-19) and minimize the financial loss affecting a multitude of industries and the individuals whose livelihoods are dependent upon those industries. We are supportive of the actions the County is taking to protect everyone in our County and specifically support this Urgency Ordinance. However, we do have some concerns pertaining to potential unforeseen consequences.

We understand the County is a “general law” municipality and as such writes ordinances as general as possible in order to capture any issues that arise. However, given the urgency of this ordinance, it’s important to understand that specifics within an ordinance help the community understand the details and how to adhere to them. Below are our concerns and suggestions for additional subsections:

- 1) Section 44-5 Purpose – the way the purpose is written it sounds like an eviction notice can still be served, but yet it’s prohibited. Below is the underlined section that doesn’t make sense and suggested a rewrite:

Section 44-5 Purpose.

This chapter prohibits evictions through May 31, 2020, or until the Santa Barbara County local health emergency proclamation is terminated, whichever is earlier, for any tenant who can demonstrate that they have received a notice of eviction for failure to pay rent, and that such failure to pay rent is related to a substantial loss of income or substantial out-of-pocket medical expenses resulting from the 2020 novel coronavirus pandemic or any local, state, or federal government response to the pandemic. This urgency ordinance does not relieve a tenant’s obligation to pay rent or restrict a landlord’s ability to recover any current or deferred rent due.

- 2) Section 44-7 Prohibition on evictions stemming from coronavirus pandemic losses. – suggested modification:

(D) Nothing in this ordinance shall relieve a tenant of the obligation to pay rent, nor restrict a landlord’s ability to recover rent due. Any rents or lease payments that are deferred pursuant to this ordinance shall remain the lawful debt and obligation of the tenant and an owner may enforce the tenant’s obligation by any remedy available at the law or in equity.

- 3) ADDITIONAL SUBSECTION - Nothing in this ordinance shall relieve a tenant of liability for deferred rent and the tenant must pay the deferred rent to the owner in full within six months of the expiration of this ordinance, or such later date as established by action of the Santa Barbara County local health official. The tenant must pay a monthly amount to the owner beginning with the first month after the expiration of this ordinance.
- 4) ADDITIONAL SUBSECTION – If a tenant who has invoked the protections of this ordinance and received a rent deferral wishes to terminate their tenancy, all deferred rent or lease payments shall be immediately due and payable to the owner or the owner’s agent upon the effective date of the termination.

We suggest these modifications to make the ordinance clearer for the public to understand and to make it as fair and equitable during these unprecedented times. There are landlords who rely on the rent from tenants for their mortgage payments and/or their own survival. Deferring rent affects everyone and as such both sides of the transaction need to be addressed. In addition to our suggested modifications to the ordinance, we also request a Q&A that clearly outlines the duties that both tenants and landlords have during this emergency period. Our Association will gladly provide support in creating this document if needed.

Thank you for taking our suggestions under consideration. We are all in this together!

Sincerely,

Staci Caplan

Staci Caplan
2020 President

