

Santa Barbara County

Evaluation of the Rights and Duties of Landlords and Tenants of Residential Property

Final Report



April 14, 2010



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Executive Summary

On August 18, 2009, the Santa Barbara County Board of Supervisors directed staff to conduct an objective analysis on the effectiveness of current provisions within Chapter 44 of the County Code, enacted by Ordinance 4444 in 2002. In addition, to gain a clear understanding of the scale and scope of community concerns related to the rights and duties of landlords in rental housing units, the Board directed staff to investigate potential modifications and improvements to policies, processes and services. Special emphasis was placed on the impact of “mass evictions” resulting from circumstances other than those in which a tenant is ordered to vacate a rental unit as a result of repairs required to bring the property into code compliance, as currently covered by Chapter 44.

Department of Housing and Community Development (HCD) staff conducted an evaluation to identify, clarify and quantify related problems and solutions to assist the Board as it considers potential actions. Particular interest was placed on finding common ground strategies that could mitigate broadly held community concerns. It is important to note, however, that California state law frames the County’s options.² Generally, relationships between landlords and tenants are extensively regulated by the California Civil Code, Code of Civil Procedure, Government Code, and Health & Safety Code, which may impact County’s ability to supplement state laws governing landlord-tenant relationships.

The information provided in this report is based on extensive research and outreach to a broad and balanced cross-section of the community, including over 45 individuals from 18 stakeholder groups and 6 County agencies with topical expertise³. In aggregate, about 30 issue-related problems were raised and roughly 50 potential solutions were suggested by these stakeholders. Summary analysis yielded five main problem areas, which are detailed in the report:

- Problem 1: Evictions or termination-of-tenancies abruptly displace tenants.
- Problem 2: Quality affordable housing is limited and the rental market is constrained.
- Problem 3: Tenants and landlords are generally unaware of rights and responsibilities as well as available services.
- Problem 4: Related services are limited, and may not adequately meet the need, particularly in the event of a mass eviction.
- Problem 5: Certain provisions of Chapter 44 are not routinely enforced, are unclear, or are too burdensome.

The combined effect of Problems 1 and 2 highlights the key issue: when disadvantaged tenants are abruptly displaced, they may not have the resources available to quickly relocate into quality housing in areas with high rent prices. This situation is magnified during a mass eviction, as was the case when 55 residents of Cedarwood Apartments in Isla Vista in 2006. Research illustrated that, while mass evictions are rare (two

¹ “Mass eviction” is defined as the termination of tenancy of all rental units in a multi-unit apartment building at one time.

² See Related State and Local Policies on page 9

³ Stakeholders included several service providers, policy advocacy groups and associations representing both tenant and landlord interests. The stakeholder input process is described in the Methodology section on page 11. The list of stakeholders is provided in Appendix E.

⁶ The Planning and Development Department already utilizes a standard condition that requires an owner to provide up to \$500 in relocation payments to tenants displaced by condominium conversions or demolitions prior to receiving a permit or clearance “A Planner’s Guide to Conditions of Approval and Mitigation Measures” (February 2010), Standard Condition: Housing 17 (page 45)

cases since 2000 in the unincorporated area), they are traumatic, inducing substantial costs to tenants, landlords and the community at large.

Overall, the majority of participants in stakeholder input meetings were found to share general consensus on many issues. For example, most stakeholder representatives agree that the limited availability of affordable housing in the area is troublesome for many residents. It is important to note, however, that addressing that issue is beyond the scope of this report. Additionally, stakeholders generally agree that the majority of landlords uphold a moral obligation to the fair treatment of their tenants and should not be discouraged from renovating their properties and, in turn, improving the general condition of the available rental stock throughout the County. Most also agree that it is unfavorable and regrettable when disadvantaged tenants face abrupt termination of tenancy in circumstances they did not cause. Stakeholders also agree that the costs associated with that displacement should be reduced, or avoided, without unduly burdening local landlords or taxpayer dollars.

However, stakeholders largely disagree about how best to avoid such situations and costs. For example, some participants believe a landlord should be responsible to pay for the costs of relocation in any circumstance that displaces a tenant for the benefit of the landlord (such as demolition, remodel or condo conversion). These stakeholder groups believe such a policy can serve as an effective deterrent to help avoid mass evictions.⁶ Other stakeholders do not believe a landlord should be penalized if no violation of state or local law has occurred, particularly if a contractual relationship (or lease term) is over. Several stakeholders assert that the County should not interfere with a private legal contract between a landlord and tenant. Consequently, the potential solutions recommended by stakeholders are wide-ranging and attempt to creatively address the problems identified from a variety of angles.

While stakeholders did discuss revising Chapter 44 to provide relocation assistance to tenants displaced due to reasons other than those already covered, the conversations were typically dominated by other ideas that may effectively address the specific problems identified. As identified in detail in the Evaluation Results Section, solutions range from collaborative community education and services, to increased code enforcement, to the development of more affordable housing. To facilitate a more constructive approach to addressing the issues, solutions are grouped into the following five categories:

- **County Funding:** Actions that require an investment of funding by the County.
- **County Leadership:** Actions that require legislative support or community coordination.
- **County Policy:** Actions that require County Code changes or other policy decisions.
- **County Program/Process:** Actions implemented by a County department that would require ongoing staff-time along with related costs.
- **Non-government Service:** Actions that could be encouraged for implementation by a non-governmental agency and do not necessarily require County costs.

To assist the Board, the Summary of Action Options section of the report highlights those options that 1) were most frequently recommended by stakeholder groups and 2) achieved some consensus among landlord and tenant groups, and 3) are associated with relatively minor unintended consequences and implementation costs or limitations, based on preliminary analysis. Keeping with the Board's direction of August 2009, no specific recommendations have been made. At the upcoming hearing on April 20, 2010, the Board will have the option to choose any, some, or none of the stakeholder-proposed actions presented for further action. The Board may also wish to propose different actions or direct staff to conduct further investigation of specific actions raised by the community stakeholders.

Introduction

The purpose of this Final Report is to assist the Board of Supervisors as it considers actions to improve policies, processes or services related Chapter 44 of the Santa Barbara County Code. Chapter 44, enacted by Ordinance 4444 in 2002, addresses the rights and duties of landlords and tenants in residential properties in Santa Barbara County. Currently, the main provision of Chapter 44 requires landlords to provide relocation assistance to tenants that are ordered to vacate as a result of repairs required to bring the property into compliance due to imminent health and safety related building code violations (also known as a “red tag”).

On June 23, 2009, Supervisors from the 1st and 3rd District brought forward a Board item to direct staff to review and consider amendments to Chapter 44. The item was heard again on August 18, 2009. After public discussion, the Board of Supervisors directed Housing and Community Development staff to conduct an objective evaluation including research, community outreach, collaboration with experts in order to provide summary analysis. In particular, conversations with community members from 18 stakeholder groups provided substantial value to the understanding of local rental housing-related concerns. The results of the evaluation are contained in this report. Based on the evaluation, the key problem statement is summarized below.

Problem Statement: *When disadvantaged tenants are abruptly displaced, they may not have the resources available to quickly relocate into quality housing in areas with high rent prices. This situation becomes magnified during a mass eviction. While mass evictions are rare, they are traumatic, inducing substantial social and financial costs to tenants, landlords and the community at large.*

This problem is actually twofold:

- Problem 1: Evictions, or termination-of-tenancies, abruptly displace tenants.
- Problem 2: Quality affordable housing is limited and the rental market is constrained.

The combined effect of the two problems places tenants at risk of overcrowding or homelessness and results in significant costs for the tenants, particularly those with special needs. Costs are also assumed by the landlord, as well as the broader community, potentially impacting community-wide quality of life and regional economic stability. This evaluation also identified three other notable concerns expressed by stakeholders, including:

- Problem 3: Tenants and landlords are generally unaware of rights and responsibilities as well as available services.
- Problem 4: Related services are limited, and may not adequately meet the need, particularly in the event of a mass eviction.
- Problem 5: Certain provisions of Chapter 44 are not routinely enforced, are unclear, or are too burdensome.

The sections that follow also provide a description of the history and contents of Chapter 44, existing services to assist residents experiencing troublesome rental situations in the County, and related State and local policies. Finally, the Evaluation Results section explores the five problems identified by stakeholders in greater detail. Given available information, this section illustrates the scale and scope of the problems, and presents the ideas for solutions as recommended by stakeholders. Solutions are further analyzed to inform the set of “action options” (see page 29) provided to the Board for consideration.

Background

History

In 1998, during a particularly constrained rental market⁷, the new owner of the Balboa Cortez Apartments evicted 36 existing tenants. The majority of these households were low-income families who found it difficult to quickly identify alternative housing opportunities and financial resources. Various community groups, including students and housing advocates, attempted to provide assistance to the affected families. The incident gained public attention that led to an impassioned public policy discussion during eleven hearings before the County Board of Supervisors over the course of 2001 and 2002.

A task force was formed to make recommendations, which originally included a host of potential solutions to address situations such as Balboa Cortez. The final result was Ordinance 4444, which enacted Chapter 44 of the County Code.⁸

Since adoption of Chapter 44 in 2002, changes to State law have provided further direction related to tenant displacement⁹. For example, in 2002 Senate Bill No. 1403 amended Civil Code Section 1946.1 to provide more time for tenants who have lived

⁷ Vacancy rates were under 5%.

⁸ See *What is Chapter 44?* on page 7.

⁹ See *Related State & Local Policies* on page 9. Santa Barbara County
Rights and Duties

INCIDENT SPOTLIGHT

The following case study details one of two incidents referenced by stakeholders that occurred in the unincorporated area of the County since 2000.

6626 Picasso, Cedarwood Apartments: In August 2006, 55 families were served with 30-day notices to vacate their rental units in Cedarwood Apartments,



located in Isla Vista. Prior owners, Marsch Partners, rented units for substantially less than nearby apartments, where students typically paid upwards of \$650 a month to share a two-bedroom apartment with three other people. Many of the residents of the complex were long-term tenants whose fixed term lease had ended after one year and, per State law, had automatically transferred to a month-to-month rental agreement.

Realtor company, the Radius Group, purchased the property shortly after the death of the John Marsch. Within weeks, all tenants were issued notices by Dennis P. Block and Associates of Los Angeles, threatening fines and damage to credit history to those who failed to leave within 30 days. Because these tenants were on a month-to-month agreement, State law only required a 30-day notice to vacate. Given that Radius Group provided proper noticing, and had not violated the terms of the agreement, the company asserted that it was permitted to terminate tenancies.

The tenants of Cedarwood were confused and worried about being uprooted from their community and schools. They quickly found that they would have to pay much more in rent to stay in the area, along with three months advanced rent in most cases. With nowhere to turn, some considered leaving the area and others feared homelessness. Adding to an already stressful situation, the acting apartment manager did not return phone calls and declined to provide letters of recommendation to secure a new apartment. No point person was provided by Radius Group.

Brooks Firestone, then Third District Supervisor, which includes Isla Vista said, "We have limited legal standing," Without any violations of ordinances, he said, the county is not able to pursue strong legal action against the new owners. However, Supervisor Firestone did write a letter to support a State bill that was ultimately passed to increase noticing requirements from 30 to 60 days.

Several community groups, including Legal Aid, PUEBLO, Isla Vista Tenants Union and CLUE, were contacted and provided support and assistance to the tenants. These groups found that 13 Section 8 tenants were entitled to 90-day notice, per Federal law. In ongoing mediations between Radius Group and the tenants, now organized with the help of community groups, the tenants were able to negotiate more time for those families that had a difficult time relocating. Because the termination of tenancy was not related to a building code violation for imminent danger to health and safety, Chapter 44 of County Code did not apply, therefore tenants were ineligible to receive relocation assistance.

in a rental unit over a year to relocate after eviction. A landlord must now give notice at least 60 days prior to the proposed date of termination, an increase from 30 days as previously required.

Locally, the City of Santa Barbara adopted a related ordinance (Ch. 28.89 Tenant Displacement Assistance) in 2006, which requires landlords to pay for relocation assistance in various situations when evictions result in the permanent loss of rental units such as condominium conversions. According to Danny Kato¹⁰, Senior Planner at the City of Santa Barbara, the City's database indicates of the 45 projects that have invoked the Ordinance, only two owners have made a payment.

In addition, the last eight years have allowed the County to test the effectiveness of Chapter 44. According to the County Building Official¹¹, only three incidents have triggered eligibility for relocation assistance, pursuant to Chapter 44. Given the lack of documented incidents, it is unclear whether the ordinance has effectively discouraged landlords from neglecting necessary property improvements, or if the incidents are just generally rare. Rick Corbo, of Legal Aid in North County, indicates that he has cited Chapter 44 approximately 20 times in 3 years when mediating between landlords and tenants in habitability-related cases. Among other laws and regulations, he has found Chapter 44 to be influential in compelling landlords to make property improvements¹². However, there is no record of any tenants in Santa Barbara County having received a relocation payment since Chapter 44 was enacted.

Of the three incidents that triggered eligibility for relocation assistance, only one - a set of apartments known as Del Playa 9 - prompted a mass eviction. Del Playa 9 was deemed unsafe for habitation due to extensive bluff erosion, forcing the displacement of several rental tenants in Isla Vista in 2004¹³. As shown in Table 1, Del Playa 9 is one of six known incidents in the County since 2000 that have resulted in mass evictions. Of the six mass eviction incidents since 2000, only two incidents (33%) have occurred in the unincorporated area, both in Isla Vista, resulting in the combined displacement of a total of approximately 300 people. The first, Del Playa 9, as discussed, was covered by the Chapter 44. The other, "Cedarwood,"¹⁵ was related to owner remodeling, which is not currently covered by Chapter 44.

Table 1: Mass Eviction Incidents since 2000

#	Name of Incident	Location	Year	Properties Affected	Units Evicted or Tenants Displaced	Reason
1	Del Playa 9	Isla Vista	2004	9	150 Tenants (mainly students)	Students received order to vacate due to health and safety code violations related to bluff erosion.
2	Conquest/Cedarwood Apartments	Isla Vista	2006	1	55 Units	Owner remodeling (see Spotlight on page 5)
3	620 West Gutierrez Street	City of Santa Barbara	2006	5	72 Units	Owner remodeling. Prior to upgrade most of the households occupying the units were low-income families, after, Santa Barbara City College students.
4	85 North La Cumbre	City of Santa Barbara	2006	1	10 Units	Apartment complex converted to upscale condominiums, including one affordable unit.
5	Hillshore Gardens Apartments/Modoc	City of Santa Barbara	2008	1	37 Units (over 90 children)	Owner remodeling.
6	Scattered-site apartments	City of Guadalupe	2008	1	37 Units	Tenants received order to vacate due to health and safety code violations related to unsanitary living conditions.

¹⁰ Conversation 3/12/10

¹¹ Conversation on 3/23/10, supported by Building and Safety enforcement data.

¹² Conversation on 3/11/10.

¹³ While Chapter 44 exempts owners from providing relocation payments if the structure has become unsafe due to an "acts of god," it was decided that tenants were eligible to receive relocation assistance.

¹⁵ See *Incident Spotlight* on page 5.

Another type of incident that could trigger a mass eviction, but is not currently covered by Chapter 44, is condominium conversion. According to County Planning and Development data, there have been few large scale condominium conversions in the unincorporated area since 2000, none having resulted in mass eviction.

As discussed, mass evictions typically create significant turmoil and trauma for residents and their surrounding community. While several services exist to provide some level of assistance to tenants effected by mass evictions, no collaborative community process is currently in place to adequately manage these emergency situations.

What is Chapter 44?

Chapter 44 of the Santa Barbara County Code, enacted by Ordinance 4444 in 2002, supplements state laws governing the rights and duties of landlords and residential tenants and contains three main components. The first provision relates to relocation assistance for tenants displaced as a result of a code enforcement official's determination that the resident must vacate premises due to immediate health and safety risk. According to County Code 10-2.5, code enforcement officials conduct inspections only when alerted by complaint. The purpose of the inspection is to determine the severity of code violations, however not all code violations result in issuance of an order to vacate. If the condition of the unit is considered sub-standard and presents severe health and safety risks, an order to vacate is issued, and property owners may be required to pay a displaced tenant up to an amount equal to three months fair market rent. Exceptions to Chapter 44's relocation assistance requirement include circumstances in which:

- The property owner provides a comparable replacement dwelling;
- A tenant caused the unsafe condition that yielded the order to vacate;
- A tenant is unlawfully in default in payment of rent.

Aside from these exemptions, there are other circumstances under which a tenant may become displaced that are not covered by Chapter 44. These circumstances include:

- Resident caused (i.e. failure to pay rent)
- Other code violations, such as violations related to illegal dwelling units
- Owner move-in
- Rezone or land-use change
- Demolition
- Remodel
- Foreclosure
- Condominium conversion

It is important to note that a landlord is legally permitted to terminate tenancy for any of the reasons mentioned above, given that the landlord hasn't breached a term of the lease and has provided proper noticing (which varies based on rental agreement type¹⁶). In stakeholder meetings, some participants discussed the role of fault and responsibility in these different scenarios. Nearly all stakeholders confirmed that a property owner has the "right" to terminate tenancy for any of the reasons listed above as long as the

¹⁶ See "California Civil Code Section 1946.1" on page 10.

lease terms were not breached and that code violations were the only circumstances that would trigger the notion of “fault.” It should be noted that Code violations related to imminent health risks are treated differently because they force immediate eviction, which necessarily violates proper noticing practices. In the absence of fault, stakeholders disagreed about whether a landlord should still be responsible for paying for the recourse of displacing tenants in other circumstances. Some stakeholders believe that the penalty of relocation assistance in the absence of fault is morally unjustified. Others believe that a landlord should pay relocation costs in circumstances where they stand to “benefit at the expense of a tenant” such as condominium conversion or remodel.

While these areas are not covered by Chapter 44, tenant relocation payments for residents displaced by condominium conversions and demolitions are addressed by standard conditions of the Planning and Development Department (see further details on page 10).

As described in this section, Chapter 44 also includes two other key provisions regarding: 1) a notice to property owners from the County, and 2) submission of a Report of Notice to Quit to the County. Investigation reveals that these provisions have not been routinely executed.

Notice to Owner

Chapter 44 also includes another provision in Section 44-2 (7), under which the County Treasurer-Tax Collector is to enclose a written notice in annual property tax statements, advising owners of the provisions of Chapter 44. Treasurer-Tax Collector staff indicated that they were unaware of this responsibility and that no written notice has been provided to property owners since the ordinance was adopted. Staff noted that such a notice would be somewhat costly to implement.

Report of Notice to Quit

Chapter 44 includes another provision in Section 44-3, under which property owners are required to report to County any Notices to Quit that they issue for reasons other than failure to pay rent. Appendix C contains the Rental Data Collection form that owners are required to submit prior to or at the same time as the written notice of the landlord’s intention to terminate the tenancy.

This provision was intended to provide eviction data to inform later decision making. However, in some cases, according to State law, the County may not be allowed to require the report from property owners. Chapter 44 states that in any action by a landlord to recover possession of a rental unit, the tenant may raise as an affirmative defense any failure by the landlord to submit the form. However, the Ellis Act¹⁸ imposes limits on the County’s ability to exercise its police power to create substantive defenses for use in summary eviction proceedings. This means that the County cannot delay an eviction if a property owner has failed to submit a form, as currently described Section 44-3.

Additionally, data analysis showed that landlords are not routinely submitting the form, perhaps due to lack of awareness. In aggregate, only 590 Rental Data Collection forms have been submitted to the County Clerk since Chapter 44 was enacted in 2002¹⁹, or approximately 84 notices per year on average. Staff found no record of an owner having been assessed a \$50 fine for failure to report, as outlined in Chapter 44.

¹⁸ See *Related State and Local Policies* on page 9.

¹⁹ As of October 2009, when staff analysis was completed.

Since the forms have not been routinely submitted to the County, few conclusions can be derived from analyzing the data provided in the forms. The existing data is not only incomplete and selective, but also lacking contextual detail. Nonetheless, available data revealed the following:

- Of the 590 forms received, 78% were derived from the 93117 Zip Code area representing Goleta/Isla Vista. The remaining 22% are derived from throughout the rest of the County. The large number of submissions from Isla Vista may be a result of high turnover rates due to a prominent student population.
- Two management firms, Eckert Investments and Bartlein and Associates, filed 83% of the total Notice to Quit forms submitted.
- Of the 590 forms received, only 69% had completed an optional section on the specific reasons for terminating the tenancy (i.e. remodeling, sale, landlord moving in, etc). Of those, 78% (315) indicated that the tenant had either not paid rent or had violated another term of the lease agreement. Twelve forms indicated that either the landlord chose to move back in or have his or her family rent the unit. Two forms indicated that the landlord wished to renovate. This section of the forms does not include specific checkboxes for evictions related to building code violations, condo conversion or demolition, and these circumstances were not described by anyone in the option labeled “other.”

Existing Related Services

Chapter 44 is not the only action Santa Barbara County has taken related to offering assistance to tenants and landlords involved in difficult rental situations, particularly those at risk of displacement or potential homelessness. Several County departments, Housing and Community Development in particular, provide a number of tenant and landlord related services through pass-through funding provided by State and federal sources or by Board-directed general fund augmentation of those existing services. In addition, many organizations outside of County government provide related services such as Legal Aid, and the Rental Housing Mediation Task Force (RHMT). Appendix B provides a preliminary inventory which summarizes known local services.

Related State and Local Policies

State Policies

As described below, several State policies are pertinent to this evaluation. In fact, California state law frames the County’s options in this area. Generally, relationships between landlords and tenants are extensively regulated by the California Civil Code, Code of Civil Procedure, Government Code, and Health & Safety Code, which may impact County’s ability to supplement state laws governing landlord-tenant relationships.

Ellis Act: In 1984, the California Supreme Court permitted a city to restrict when property owners could evict residential tenants in order to withdraw property from the rental market. (Nash v. City of Santa Monica (1984) 37 Cal.3d 97.) In 1985, the California legislature superseded Nash by enacting the Ellis Act, which generally prohibits local governments from compelling residential property owners to continue to offer accommodations in their property. (Government Code § 7060(a).) As part of this prohibition, the Ellis Act imposes limits on the County’s ability to exercise its police power to create substantive defenses for use in summary eviction proceedings. (City of Santa Monica v. Yarmark (1988) 203 Cal.App.3d 153, 164.) The Ellis

Act preserves, however, the County's power to mitigate impacts on tenants displaced by the withdrawal of residential units from the market. (Government Code § 7060.1(c).) Courts analyzing potential changes to County Code Chapter 44 would determine whether the Ellis Act expressly or impliedly preempts those amendments. In considering residential relocation payments, for example, a California Court of Appeal concluded that an ordinance requiring owners of residential rental properties to pay "reasonable relocation assistance compensation for displaced tenants" does not violate the Ellis Act. (*Pieri v. City and County of San Francisco* (2006) 137 Cal.App.4th 886, 893-894.)

California Health & Safety Code Article 2.5: In 2004, California Health & Safety Code article 2.5 "Tenant Relocation Assistance" was added, which provides that tenants displaced from a residential unit as a result of a severe building code violation are eligible to receive a sum equal to two months of the established fair market rent for the area as determined by the Department of Housing and Urban Development, plus utility service deposits. Santa Barbara County Code Section 44-2 (Chapter 44) provides that residential relocation payments shall be a sum equal to three months of the established fair market rent for the area, a payment of 33% more than State code requires. While this tenant relocation assistance law was passed two years after Chapter 44 was enacted, the anti-preemption language in California Health & Safety Code section 17975.7 states that relocation assistance provided under Section 17975.2 is "cumulative and in addition to any other remedies available under federal, state, or local law." The Board may consider updating Chapter 44 to be consistent with this law.

California Civil Code Section 1946.1: In 2002 Senate Bill No. 1403 amended Civil Code Section 1946.1 to provide more time for tenants that have lived in a unit over a year to relocate after eviction. An owner of a residential dwelling giving notice pursuant to this section must now give notice at least 60 days prior to the proposed date of termination, an increase from 30 days as previously required. There are exceptions to the 60 days notice in which the tenant is only eligible for a 30 days notice. These exceptions include circumstances under which the tenancy is less than one year (1946.1.c) or the owner intends to occupy the unit for at least one year (1946.1.d).

Local Policies

Santa Barbara County Planning and Development Standard Conditions of Approval (Housing-17): Staff research revealed that a local code related to condominium conversions and demolition is already in effect at the County to condition condominium conversion and demolition. The Department of Planning and Development's Standard Conditions of Approval direct Development and Review staff to apply conditions of approval under applicable circumstances when State or local regulations, including Community and General Plan policies and development standards, zoning and building regulations exist. Specifically, Condition 17 in the Housing section²⁰ requires property owners demolishing rental units or converting rental units to condominiums to provide existing tenants with relocation payments equivalent to the first month's rent at their new residence, not to exceed \$500. The owner must submit proof of relocation payment to all tenants to P&D prior to the receipt of permit or clearance. According to Planning and Development staff, there is no record of enforcement in the recent past.

City of Santa Barbara Tenant Displacement Assistance Ordinance: The City of Santa Barbara adopted a related ordinance (Chapter 28.89 Tenant Displacement Assistance) in 2006, which requires landlords to pay for relocation assistance in various situations when evictions result in the permanent loss of rental units such as condominium conversions²¹. According Danny Kato²² of the City of Santa Barbara, the City's database indicates of the 45 projects that have invoked the Ordinance, two owners have made a payment.

²⁰ "A Planner's Guide to Conditions of Approval and Mitigation Measures" (February 2010)

²¹ Information on the City's Ordinance is contained in Appendix F.

Methodology

To gather the information contained in this report, HCD staff conducted a thorough investigation, which included the following five phases.

1. Preliminary Research

This phase included a detailed review of the current provisions of Chapter 44, as well as related State legal guides, past board hearings, case studies and analysis of available data. Staff also identified key stakeholder groups as well as key County contacts with either 1) a role in enforcing Chapter 44, such as the staff from Planning and Development staff, the Clerk of the Board or the Treasurer/Tax Collector or 2) topical expertise, such as staff from the County Counsel, the Redevelopment Agency, Public Health, and Social Services.

2. Input from Stakeholders

HCD staff contacted nearly 25 community stakeholder groups to seek balanced and varied input, including service providers, policy advocacy groups and associations representing both tenant and landlord interests. Organizations were chosen that had a history of relevant experience and involvement with issues related to Chapter 44. Of those, approximately 35 representatives from 18 stakeholder groups agreed to meet with HCD staff over the course of two months. These meetings were typically held on site at locations throughout both North and South County.

Based on the direction of the Board, HCD staff developed a framework for each meeting using a standard workshop-format. This format guided stakeholders through a logical process to 1) identify related areas of concern, 2) provide anecdotal or quantifiable data to substantiate those concerns, and 3) identify possible solutions to address the problems identified. HCD staff developed a standard introduction and set of facilitating questions, as well as a poster-sized diagram to record input (see Appendix E). This provided a standardized means of collecting input, and could also facilitate and add structure to conversations. This process sought to respect the specific types of expertise and perspectives brought by each stakeholder, and engage them as active and rational problem solvers, encouraging them to also think about the possible unintended consequences of suggested solutions and ways in which their respective organizations could collaborate and help. Many stakeholder participants indicated that they were pleased with the process.

3. Synthesis and Secondary Research

The stakeholder meetings revealed a great deal of information, and also presented a great deal of work for staff in compiling and synthesizing the input. The meetings also unveiled additional questions that required additional staff research and analysis.

4. Confirmation of Stakeholder References

HCD staff compiled all the references to input provided by stakeholders and provided each stakeholder group contact an opportunity to confirm that their individual input was accurately characterized. If it was not, the reference was changed as requested.

5. Drafting the Final Report

Once input and research had been compiled and synthesized, staff interpreted the evaluation results in order to present them in a clear and useful format for use by the Board of Supervisors.

Evaluation Results

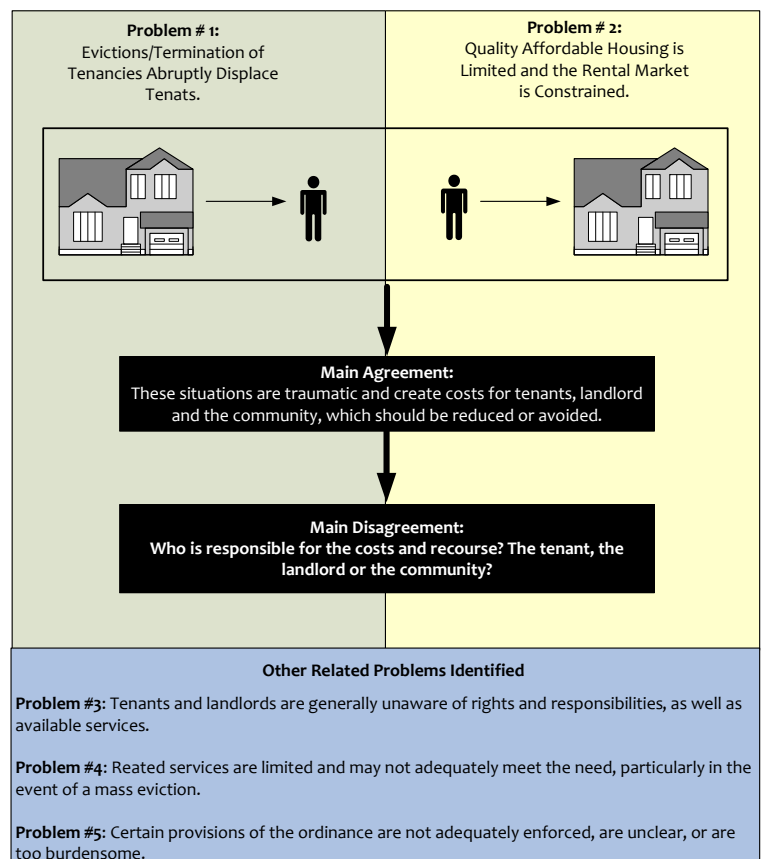
This section presents the results of extensive research and outreach to a broad and balanced cross-section of the community. In aggregate, approximately 30 issue-related problems and 50 potential solutions were identified by stakeholders. Summary analysis yielded five main problem areas:

- Problem 1:** Evictions, or Termination of Tenancies, Abruptly Displace Tenants.
- Problem 2:** Quality Affordable Housing is Limited and the Rental Market is Constrained.
- Problem 3:** Tenants and Landlords are Generally Unaware of Rights and Responsibilities as well as Available Services.
- Problem 4:** Related Services are Limited, and may not Adequately Meet the Need, Particularly in the Event of a Mass Eviction.
- Problem 5:** Certain Provisions of the Current Ordinance are not Adequately Enforced, are Unclear, or are too Burdensome.

Interestingly, while the original scope of the evaluation primarily sought to learn more about Problem 1, the majority of community concerns raised were related to Problem 2. While data related to Problem 1 is scarce, the scale of Problem 2 was far easier to substantiate with data. However it is important to reiterate that substantively addressing the affordable housing dilemma faced by the County is far beyond the scope of this report.

As shown in Figure 1, the main results of this evaluation indicate that the fundamental problem is the combination of Problem 1 and 2. Disadvantaged tenants become abruptly displaced from rental units, and lack the necessary resources to quickly relocate into quality housing, because the rental stock is constrained and expensive in certain communities, such as Isla Vista. This situation becomes magnified during a mass eviction. While mass evictions are rare, they are traumatic, inducing substantial social and financial costs to tenants, landlords and the community at large, which could impact community-wide quality of life and regional economic stability.

Figure 1. Problems Identified By Stakeholders



Overall, the majority of participants in stakeholder input meetings were found to share general consensus on many issues. For example, most stakeholder representatives agree that the limited availability of affordable housing in the area is troublesome for many residents. Additionally, stakeholders generally agree that the majority of landlords uphold a moral obligation to the humane treatment of their tenants. Those landlords should not be discouraged from renovating their properties, thereby improving the general condition of the available rental stock throughout the County. Most also agreed that it is unfavorable and regrettable when disadvantaged tenants face abrupt termination of tenancy in circumstances they did not cause. Stakeholders also agree that the costs associated with that displacement should be reduced or avoided without unduly burdening local landlords or taxpayer dollars, or putting the County at risk of legal challenge.

However, stakeholders largely disagree about how best to avoid such situations and costs. For example, some participants believe that landlords should be responsible to pay for the costs of relocation in any circumstance that displaces a tenant for the benefit of the landlord (such as demolition, remodel or condo conversion). These stakeholder groups believe such a policy can serve as an effective deterrent to help avoid mass evictions.²³ Other stakeholders do not believe a landlord should be penalized if no violation of State or local law has occurred, particularly if a contractual relationship (or lease term) has expired. Several stakeholders assert that the County should not interfere with a private legal contract between a landlord and tenant. Consequently, the potential solutions recommended by stakeholders are wide-ranging and attempt to creatively address the problems identified from a variety of angles.

In the pages that follow, the five problems are addressed individually using a standardized three-page format, which briefly describe the following:

- **Page 1:** The scale and scope of the concerns raised, given available data and information. In general, little data (anecdotal or quantifiable) was provided by stakeholder groups to substantiate these problems.
- **Page 2:** The ideas for solutions as recommended by participating stakeholders are complimented by brief staff analysis and labeled as one of five broad categories of actions:
 - 1) **County Funding:** Actions that require an investment of funding by the County.
 - 2) **County Leadership:** Actions that require legislative support or community coordination.
 - 3) **County Policy:** Actions that require County Code changes or other policy decisions.
 - 4) **County Program/Process:** Actions implemented by a County department that would require ongoing staff-time along with related costs.
 - 5) **Non-government Service:** Actions that could be implemented by a non-governmental agency and do not necessarily require County costs.
- **Page 3:** Additional staff analysis is provided to help the Board consider the related costs and benefits of actions in order to balance the level of action taken proportionately with the scale of problems. This analysis includes consideration of unintended consequences, the associated costs to the County of implementation, related services that are already provided by the County or non-governmental agencies, and opportunities for enhanced coordination and collaboration with various stakeholder groups.

²³ The Planning and Development Department already utilizes a standard condition that requires an owner to provide up to \$500 in relocation payments to tenants displaced by condominium conversions or demolitions prior to receiving a permit or clearance “A Planner’s Guide to Conditions of Approval and Mitigation Measures” (Updated February 2010), Standard Condition: Housing 17 (page 45)

Problem 1: Evictions/Termination of Tenancies Abruptly Displace Tenants

Problem Defined	Groups Identifying Problem
<p>Several rental situations may displace tenants from their rental unit due to circumstances beyond their control. Such displacement is often traumatic as a tenant must struggle to relocate. Tenants that are low-income or have special needs may be at risk of becoming homeless, overcrowding or relocating out of the community. The individual costs to the tenant include: emotional, self esteem, mental health, stability, security, childcare/ children's education, employment, and safety. Mass eviction situations also produce significant community-wide social costs including: the potential loss of essential services provided by low-income residents, the expenditure of tax payer dollars required to support the needs of homeless or struggling residents, the expenditure of the limited resources of non-governmental service agencies, and disruption to local schools.</p>	<ul style="list-style-type: none"> • CLUE • City Housing Authority • UCSB ASI • IV Tenants Union • IVPAC • SBRPA • RHMT • League of Women Voters • Pueblo/RHR/SB CAN
Related Sub-problems	
<ul style="list-style-type: none"> • Landlords also assume costs including: lost rent, legal fees, and relocation payments (IVPAC, RHMT) • Recently, foreclosures are causing an increased number of tenant evictions/displacements, many without proper notice. (Conflict Solutions Center, SS Cal Works, Pueblo/RHR/SB CAN) • Out of town developers buy property and either "condo-ize" or increase rent/gentrify (Mobile Home Association, City Housing Authority, IV Tenants Union, Pueblo/RHR/SB CAN) • Event spurs time consuming process and community groups are too overwhelmed by needs to properly manage all of the cases. Pueblo, CLUE and others have gotten involved by default. (Legal Aid, CLUE, IV Tenants Union, Pueblo) 	
<p>Who is Responsible/At Fault? Varies based on circumstance. Many stakeholders agreed that aside from incidents that trigger health and safety violations, landlords have the "right" to terminate tenancy. Some believe landlords should not be penalized in the absence of a violation, but others believe landlords shouldn't "benefit at the expense of tenants" and are responsible for sharing profits.</p>	
<p>Who is Negatively Effected? Community, students, low income and special needs population</p>	
Data Available to Substantiate Problem	
<p>Frank Mejia in County Social Services indicates clientele intakes related to mass evictions are "sporadic and rare." Jenny Begley from Catholic Charities indicates that "most clients" seek help as a result of "tenant caused" situations. Andrea Fink of the City Housing Authority indicated that 99.9% of cases are renter caused. Of note, HCD staff requested intake data from IV Tenants Union and a student survey from UCSB's Associated Students, but neither were provided. Hilary Kleger of IV Tenants Union indicated that while no mass evictions are taking place currently, out of town developers are targeting low-income family rental housing to remodel and rent to students at increased rates. When this happens, individuals and families are displaced, disrupting children's social and educational lives, sometimes resulting in separation of families and families moving out of the area.</p> <p>Staff learned of six incidents in the County since 2000 that have resulted in "mass evictions." Of these, two incidents have occurred in the unincorporated area, both in Isla Vista, displacing a total of approximatey 300 people. One incident was related to health and safety risks and building code violations already covered by Chapter 44. The other, "Cedarwood," was related to owner remodeling. According to County Planning and Development data, there have been few large scale condominium conversion in the unincorporated area since 2000, and none have resulted in high profile mass evictions of low-income tenants. Notably, the City of Santa Barbara adopted an ordinance targeting mass evictions (Ch. 28.89 Tenant Displacement Assistance) in 2006 which requires landlords to pay for relocation assistance in various eviction situations when evictions result in the permanent loss of rental units such as condominium conversions. According Danny Kato (3/12/10) the City's database indicates that 45 projects have invoked the Ordinance, and two owners have made a relocation payment.</p>	

Problem 1: Evictions/Termination of Tenancies Abruptly Displace Tenants

Solutions for Problem 1

#	Solutions Recommended by Stakeholders	Type of Solution	Identified By	Unintended Consequences	Cost to County to Implement	Related Case Studies
1	Landlord provides relocation assistance if tenancy is terminated due to remodel, rezoning, demolition or condominium conversion (triggered by permit).	County Policy	Pueblo/RHR/SB CAN CLUE, IV Tenants Union	May exaggerate other problems identified, such as discouraging landlords from upgrading property. Catholic Charities: "don't penalize, we don't want to discourage property owners to bring building up to code." May discourage landlords from renting at all.	none to low	City of Santa Barbara is the only City known to have a similar ordinance(28.89), enacted in 2006. Planning and Dev already utilizes a standard condition that requires
2	Landlord provides relocation assistance only to low- and moderate-income tenants if tenancy is terminated due to remodel, demolition or condominium conversion.	County Policy	League of Women Voters	May discourage landlords from renting to low and moderate income tenants.	none to low	None.
3	Amend Chapter 44 to include provision that landlord provide early/immediate refund of deposit in "mass eviction" situations to make it easier for the displaced tenant to arrange for new accommodations.	County Policy	IVPAC, Pueblo/RHRT/SB CAN (on day of eviction), SBRPA (within 21 days)	This could be an alternative or an addition to relocation assistance. However, this may not be legally feasible.	none to low	Berkeley, Seattle, Beverly Hills
4	Make mass eviction process more fair and respectful.	County Policy	League of Women Voters	Unknown.	Unknown	None.
5	Incentivize evicting landlord by fast tracking permits for remodel, demolition, condo conversions if landlord meets certain criteria, such as: early security deposit return and adequate information resource provided to tenants.	County Policy	SBRPA	Many types of projects are seeking priority for fast permitting, which may strain Building and Safety resources.	low to moderate	None.
6	Force landlords to remodel units one by one to avoid mass evictions.	County Policy	Pueblo/RHR/SBCAN	May exaggerate other problems identified, such as discouraging landlords from upgrading property and keeping them in good repair.	none to low	Some landlords in town currently practice this technique.
7	Assess a fee on landlords in mass evictions and dedicate to a pooled County fund to provide relocation assistance or loans.	County Policy	Legal Aid	May exaggerate other problems identified, such as discouraging landlords from upgrading property and keeping them in good repair.	moderate	None provided.
8	Increase mediation services.	County Funding	City Housing Authority, RHMT	None.	moderate	None provided.
9	Increase legal assistance services.	County Funding	City Housing Authority	None.	moderate	None provided.
10	Because the problem is a community-wide responsibility, not necessarily just that of the landlord, create a pooled County fund to provide relocation assistance or loans. Funds could come from fees assessed (see above), or from donor advised funds.	County Program/Process	League of Women Voters, SBRPA, Catholic Charities	None.	moderate	Currently, County HCD can provide some relocation assistance through HPRP. City Housing Authority provides limited relocation assistance.
11	County refer tenants to community and social services.	County Program/Process	Catholic Charities	None.	low	See Existing Related Services (Appendix B)
12	Tenant representation on a County-wide taskforce/committee/commission	County Leadership	Pueblo/RHR/SBCAN	May be time consuming for staff and contentious for stakeholders.	low to moderate	2001-2002 taskforce created prior to Ordinance 4444.
13	Terminating property owner provides an adequate information resource to help the tenants being terminated in a mass eviction.	Non-Governmental Service	SBRPA	None.	none	None provided.
14	To avoid termination of tenancy related to foreclosures, improve communication with banks on behalf of property owners.	Non-Governmental Service	Conflict Solutions Center	None.	none	None provided.
15	There may be no adequate solution to predatory landlords or gentrification. Market can self-correct	Other	City Housing Authority	None provided.	none	None provided.

Problem 1: Evictions/Termination of Tenancies Abruptly Displace Tenants

Additional Staff Analysis of Solutions

This is an area where State law frames the County's options. According to the Ellis Act, while a landlord cannot be required to provide replacement units, an ordinance that requires landlords to provide "reasonable" monetary relocation assistance to displaced tenants is permitted under the Act. Therefore while Solution #1 (for Problem 1) may be legally permissible and has support from several community organizations, a significant segment of the community opposes any provision that would expand the categories covered by Chapter 44. Such an amendment may produce unfavorable unintended consequences, and other solutions may more directly or effectively address Problem 1. Broad but not complete community support was noted for problems #3 and #12.

Existing Services/Solutions to Address Problem

Currently, while several services exist to provide some assistance to tenants in these circumstances, no collaborative community process is in place to adequately manage these emergency cases. See Appendix B for more details.

- County Planning and Development: standard condition Housing-17 requires an owner to provide up to \$500 in relocation payments to tenants displaced by condominium conversions or demolitions prior to receiving a permit or clearance.
- HCD: Referrals to non-County services, subgrants to nonprofits including one time funding for Homelessness Prevention and Rapid Rehousing from the American Recovery and Reinvestment Act.
- County Social Services: Limited Cal Works financial assistance for living expenses to eligible residents
- City Housing Authority: Limited relocation assistance
- CLUE: Homeless advocacy, members provide individual assistance
- Pueblo: Tenant advocacy and organization
- IV Tenants Union: Tenant advocacy, support, referrals
- Rental Housing Mediation Taskforce: Mediation services (not currently included in County's contract) and referrals
- Legal Aid: Legal assistance to tenants
- Public Health: Healthcare for the Homeless and referrals
- Homeless/transitional housing services including: Casa Esperanza and New Beginnings

Opportunities for Collaboration

CLUE offered to continue to provide homeless advocacy and its members provide individual assistance in emergencies.

City Housing Authority offered to survey their landlord directory to gather data.

Problem 2: The Rental Market is Constrained and Quality Affordable Housing is Limited.

Problem Defined	Groups Identifying Problem
<p>Low- and moderate-income tenants find it difficult identifying quality affordable housing to relocate into after being displaced out of a rental unit because the rental market is constrained and expensive. Over time, because this population must struggle, overcrowd or leave the area, the ability to sustain the presence of various income levels may be affected, thereby potentially impacting the regional economy and quality of life.</p> <p>In some areas, most notably Isla Vista, a portion of the stock of available rental property is in poor condition, and in some cases, is “uninhabitable,” despite comparatively high rental prices. These situations can potentially produce health and safety costs.</p>	<ul style="list-style-type: none"> • CLUE • City Housing Authority • UCSB ASI • IV Tenants Union • SS Cal Works • Catholic Charities • Public Health • Mobile Home Association • League of Women Voters • Pueblo/RHR/SB CAN

Related Sub-problems

- Not enough qualified affordable housing developers. (City Housing Authority, IV Tenants Union, IVPAC)
- Not enough land or protections for mobile home parks. (Mobile Home Association)
- Demand for housing is increasing. (UCSB ASI)
- State law limits the number of people allowed per unit (Pueblo/RHR/SB CAN)
- Lack of moderate- to high-income jobs in region to support high housing prices (City Housing Authority, SS Cal Works)

Who is Responsible/At Fault? The problem is the result of a variety of factors over a long period of time, therefore the responsibility is community-wide.

Who is Negatively Affected? Community, students, low-income and special needs population

Data Available to Substantiate Problem

The County 2009-14 Housing Element indicates “in 2000, there were 5,100 more lower-income households in the unincorporated county than there were rental units available with rents affordable to those households” and that “40% of all households in the unincorporated County (including Goleta) and 45% of all households countywide experience overcrowding, overpayment or both.” The Rental Housing Roundtable suggests that vacancy rates are low for affordable units. However, Charles Eckert (SBRPA) and Craig Geyer (IVPAC) note that the rental market is not as constrained under today’s market.

In Isla Vista, students indicated that they have to look for housing in Sept-Jan for following year. They pay roughly \$700 to share a room and believe that affordable units like Cedarwood are being lost. Andy Caldwell of COLAB notes that, “affordability is a function of quality, supply and demand.” The Dyer Sheehan Group for the County’s Economic Forecast, indicates that rents for two- and three-bedroom apartments in the City of Goleta increased by 10.3 percent and 6.4 percent respectively from 2008-2009, while in Isla Vista the overall average rent increased by 3.4 percent over the same period, to \$1,570. The Dyer Sheehan report also notes that “UCSB has plans to develop additional family oriented housing for students and faculty on property the University owns. This new competition may mitigate the price of larger units in Goleta, but it could easily be offset by UCSB’s plans to increase future enrollment” UCSB’s current Long Range Development Plan calls for enrollment growth of 1 percent per year to 25,00 students by 2025, with an increase in faculty and staff of 340 and 1,400 respectively.

Some believe the problem is not isolated in Isla Vista. For example, Catholic Charities indicates that in Lompoc rent prices are approximately \$800 for 1 bedroom, plus deposit and \$150 for utilities, which requires some low- or fixed-income residents to pay 75% of their income on rent. An annual national report issued by the Low Income Housing Coalition explains that all rental housing types in Santa Barbara County, from studios to four-bedroom units, have risen 50% since 2000. The report adds that the percent of area median income (currently \$70,400 for a household of four), necessary to afford a two-, three- or four-bedroom apartment in Santa Barbara County is 72%, 94% and 108% respectively. This is of course exacerbated among lower income household earning 30- to 80- percent of area median income. The City Housing Authority notes that the most significant need is for more 2-3 bedroom units. Alex Lambrous of Legal Aid notes that “many tolerate the situation because of fear or because it is burdensome to find a better situation.”

Problem 2: The Rental Market is Constrained and Quality Affordable Housing is Limited.

Solutions for Problem 2

Note: While Problem #2 highlights an important aspect of the discussion of rental rights and duties, solutions recommended in this section are generally beyond the scope of this evaluation.

#	Solutions Recommended by Stakeholders	Type of Solution	Identified By	Unintended Consequences	Cost to County to Implement	Related Case Studies
1	More flexibility in County code for parking to make it easier to develop rental units	County Policy	IV Tenants Union	May trigger environmental issues. A policy like this should be considered in the context of the County's General Plan.	low	None.
2	Increase notice requirement for order to vacate from 60 to 90 days to provide tenants more time to relocate.	County Policy	IV Tenant Union, Pueblo/RHR/SB CAN, SBRPA (only in mass eviction situations)	May supplement state laws governing landlord-tenant relationships where appropriate.	none to low	None.
3	Provide tax advantage to property owners of vacant property to allow occupancy by 501©3 affordable housing providers to use.	County Policy	Catholic Charities	Unknown.	moderate	None provided.
4	Create "midpoint" building code enforcement to prevent rental units from reaching point of significant disrepair which may cause eviction, encourage ongoing maintenance.	County Policy	IV Tenants Union	Increased enforcement may displace more people and reduce the overall number of available rental units. Code enforcement is a complaint-driven process.	high	None.
5	Create better remodeling standards.	County Policy	IV Tenants Union	A policy like this should be considered in the context of the County's General Plan.	none to low	None.
6	Zone to increase land for mobile homes and protect rent control to preserve existing mobile homes	County Policy	Mobile Home Association	A policy like this should be considered in the context of the County's General Plan.	low	In US, over 9 million people live in mobile home, 3% of entire population. [2]
7	Provide incentives to preserve existing and attract new qualified affordable housing developers	County Funding	HCD, IVPAC, Pueblo/RHR/SB CAN, League of Women Voters, CLUE, Public Health	None.	moderate	Incentives listed in Isla Vista Master Plan.
8	County provided incentives to community groups to provide assistance to tenants in need.	County Funding	IV Tenants Union, UCSB ASI	None.	moderate	Describe subsidies already provided to community groups performing existing related services.
9	Produce more farmworker housing.	County Funding	SS Cal Works	None.	high	None provided.
10	Provide and/or encourage housing coops	County Program/Process	Pueblo/RHR/SB CAN, Student Housing Coop	May trigger environmental issues. Long term residents and student perspectives clash on development.	high	Student Housing Coop in Isla Vista.
11	Increased building inspector enforcement to prevent rental units from reaching point of significant disrepair which may cause eviction, encourage ongoing maintenance.	County Program/Process	UCSB ASI, Catholic Charities, Legal Aid, IV Tenants Union	Increased enforcement may displace more people and reduce the overall number of available rental units. Code enforcement is a complaint-driven process.	high	None.
12	Housing and Financial Education Workshops.	County Program/Process	City Housing Authority	None.	moderate	City Housing Authority provides workshops
13	Provide housing that also combines support services.	County Program/Process	Public Health, City Housing Authority	None.	high	El Carillo, Home Base on G, Rancho Hermosa
14	County should encourage UCSB and Community Colleges to build more housing more quickly than is scheduled (including graduate housing).	County Leadership	IV Tenants Union, UCSB ASI	May trigger environmental issues.	none to low	UCSB LRDP. Students have taken it upon themselves to advocate.
15	Lobby State to increase the number of people/room (2+1)	County Leadership	Pueblo/RHR/SB CAN	May induce overcrowding, and health and safety risks.	low	None.
16	Encourage public-private partnerships to develop more affordable housing.	Non-Governmental Service	IVPAC, Pueblo/ RHR/SB CAN, League of Women Voters, CLUE, Public Health	None provided.	none to low	HCD Inclusionary Housing Program, incentives listed in Isla Vista Master Plan

Problem 2: The Rental Market is Constrained and Quality Affordable Housing is Limited.

Additional Staff Analysis of Solutions

As mentioned, solving the County’s affordable housing issues is beyond the scope of this evaluation. Many solutions recommended in this section may best be considered in the context of the County’s General Plan or in other public processes such as the Isla Vista Master Plan.

Solutions #4 and #12 for Problem 2 (pertaining to increased building code enforcement) may prompt owners to improve the condition of rental units, but may also produce unfavorable unintended consequences such as displacing many tenants out of rental units. In addition, there are limits on active code enforcement, which would also be costly to the County to implement. Broad community support was noted for Solution #2 pertaining to increased noticing, however this may be limited by state laws governing landlord-tenant relationships.

Existing Services/Solutions to Address Problem

- HCD: Since 1995, the County and its partner cities have received over \$20 million in federal housing funds. This funding has leveraged over \$200,000,000 and has resulted in the production and/or preservation of approximately 1,200 units of affordable housing.
- HCD: Referrals and subgrants to non-County services, such as mediation and legal services
- HCD: HOME and CDBG grants to community, economic, and workforce development programs and services
- Planning and Development: Building inspectors provide complaint-driven code enforcement investigation.
- City Housing Authority: Education workshops on financial management
- SS Cal Works: Financial assistance to eligible residents
- Housing Authorities: Provides relocation assistance, offers housing and financial education workshops, and develops affordable rental housing. Also provides rental subsidies to lower-income households to rent homes in the private –market under the Section 8 program. Roughly 5,380 Section 8 vouchers are provided locally (3,400 from the County Housing Authority and 1,980 from the City Housing Authority). In the aggregate, these vouchers provide over \$50,000,000 annually in rent subsidy to local low-income residents as well as rent to landlords.

Opportunities for Collaboration

The Rental Housing Roundtable expressed willingness to track “gentrification” and loss of affordable housing units.

Problem 3: Tenants and landlords are generally unaware of rights and responsibilities as well as available services.

Problem Defined	Groups Identifying Problem
<p>Tenant and landlords are inadequately informed regarding the related laws and rental processes that pertain to termination of tenancy, including deposits, noticing, and exemptions. Additionally, tenants and landlords are uncertain where to go first for assistance and are unaware of the community services currently available.</p>	<ul style="list-style-type: none"> • Conflict Solutions Center • City Housing Authority • UCSB ASI • IV Tenants Union • IVPAC • RHMT • SS Cal Works • Public Health • SBRPA • Legal Aid • League of Women Voters • Pueblo/RHR/SB CAN
Related Sub-problems	
<ul style="list-style-type: none"> • There is no standard process within the County to handle cases related termination of tenancy. 	
<p>Who is Responsible/At Fault? Landlord, tenants and community.</p> <p>Who is Negatively Affected? Mainly tenants, but also landlords.</p>	
Data Available to Substantiate Problem	
<p>Charles Eckert (SBPCA) notes that tenants in mass eviction situations appear to lack adequate information concerning what they are supposed to do and could do in response to tenancy termination notices.</p> <p>Jeanie Class (Conflict Solutions Center of Santa Maria) notes that "most tenants and landlords" do not understand their rights or responsibilities. She also notes that 95% of the disputes handled by Conflict Solutions Center are related to communication and respect between landlord and tenants.</p> <p>Craig Geyer (IVPAC) reported that many of the problems he sees stem from a lack of information. However he also noted that property owners generally know their rights and responsibilities, and that tenants have many educational resources available to them to help them understand their rights and responsibilities.</p>	

Problem 3: Tenants and landlords are generally unaware of rights and responsibilities as well as available services.

Solutions for Problem 3

#	Solutions Recommended by Stakeholders	Type of Solution	Identified By	Unintended Consequences	Cost to County to Implement	Case Studies
1	The County should mandate that a packet of information be provided by the landlord to the tenant upon eviction.	County Policy	Public Health, IV Tenants Union, Catholic Charities, Pueblo/RHR/SB CAN	The Ellis Act may impact the County's ability to create substantive defenses in eviction proceedings.	none	None.
2	The County should mandate that information on tenant rights be provided by the landlord to the tenant along with contract/lease.	County Policy	Legal Aid, IV Tenants Union	None.	none	None.
3	Broadcast Public Service Announcement	County Funding	Conflict Solutions Center, Pueblo/RHR/SB CAN	None.	moderate	None.
4	One-pager of information to landlord provided with property tax or permit	County Program/Process	Conflict Solutions Center, Pueblo/RHR/SB CAN	None.	high	The Treasurer-Tax Collector is to be providing this information already, but was unaware of this responsibility when asked.
5	One-stop-shop County resource with one phone number, an ombudsman, and a clearinghouse of information.	County Program/Process	Public Health, UCSB ASI, Conflict Solutions Center, SS Cal Works; Legal Aid	None.	high	Mental Health Crisis Program, CARES, 211
6	Community education facilitated by County.	County Program/Process	IV Tenants Union, IVPAC	None.	moderate to high	Many local organizations are already providing educational services. See Existing Related Services (Appendix B)
7	Provide access to information and assistance for landlords who want to provide assistance to their tenants upon eviction.	County Program/Process	Public Health	None.	low	None.
8	County should facilitate a Regional Human Services Summit to network amongst service providers	County Leadership	SS Cal Works	None.	moderate	None.
9	Cross-agency referrals to help agencies better connect tenants to available services. "No Wrong Door"	Non-Governmental Service	Conflict Solutions Center, SS Cal Works, Catholic Charities, Public Health	None.	none	See Existing Related Services (Appendix B).
10	Landlords should create a "code of ethics" to pledge to act in good faith.	Non-Governmental Service	IV Tenants Union	None.	none	None.

Problem 3: Tenants and landlords are generally unaware of rights and responsibilities, as well as available services.

Additional Staff Analysis of Solutions

This is an area where State law frames the County's options. The Ellis Act impacts the County's ability to exercise its police power to create substantive defenses for use in summary eviction proceedings, which may apply to Solution #1 for Problem 3.

While many solutions in this section do not present considerable unintended consequences and were recommended by many stakeholder groups, they may require significant County resources and staff time. For example, the Office of the Treasurer/Tax Collector reported that implementation of Solution #4 would require expenses related to material production and postage. Solutions #5-#8 would require dedicated County staff. The Board will likely need to consider which other services may be affected by redistributing resources or assigning new staff responsibilities. This is an area where the level of expenditure should be considered relative to the scale of the problem.

Existing Services/Solutions to Address Problem

- California Department of Consumer Affairs: Publishes "A Guide to Residential Tenants' and Landlords' Rights and Responsibilities".
- HCD: Referrals to non-County services, subgrants to nonprofits to assist landlords and tenants involved in disputes.
- IV Tenants Union: Provides tenant education and outreach, but conveyed that it does not have the capacity to provide enough on its own.
- Pueblo: Provides tenant education.
- Legal Aid: Provides legal advice to tenants.
- SBRPA: Provides landlord education.
- RHMT: Provides information to both tenants and landlords during a rental dispute.
- All stakeholder agencies: Provide some cross referrals, but lists are largely not comprehensive.

Opportunities for Collaboration

All stakeholder groups indicated willingness to collaborate to help educate tenants, landlords and other services providers about rights, responsibilities, and available services. This could include sharing referral directories, providing workshops or collateral information to their members or target populations. Specifically Dana Gamble in County Public Health offered to help publicize, market and create a public service announcement. Frank Mejia in County Social Services offered to help coordinate a Regional Human Services Summit. RHR offered to provide tenant workshops and media. RHMT will help if services are included in a contract with the County. COLAB also offered to help with community outreach and education.

Problem 4: Tenant/landlord services are limited, and may not adequately meet the need, particularly in the event of a mass eviction.

Problem Defined	Groups Identifying Problem
<p>A mass eviction event prompts a large and immediate demand for services that are typically time consuming to provide. Community groups and service providers become overwhelmed by the need and find it difficult to properly manage all the cases at once. No collaborative coordinated community response exists when a mass eviction or other troublesome rental housing situation occurs. To fill this gap, PUEBLO, CLUE, Catholic Charities, IV Tenants Union and others have become involved by default.</p>	<ul style="list-style-type: none"> • CLUE • IV Tenants Union • Legal Aid • Pueblo/RHR/SB CAN
Related Sub-problems	
<ul style="list-style-type: none"> • Insufficient funding is available for Legal Aid services and for the Rental Housing Mediation Task Force. (Pueblo/RHR/SB CAN) • Services in Isla Vista are particularly scarce. There are currently no mediation services available to the residents of Isla Vista. (IV Tenants Union, UCSB ASI) 	
<p>Who is Responsible/At Fault? The responsibility is community-wide.</p> <p>Who is Negatively Effected? Community, students, low income and special needs population</p>	
Data Available to Substantiate Problem	
<p>See “Spotlight” on page 5 for a detailed example of the lack of adequate or coordinated services in the case of the mass eviction at Cedarwood Apartment in 2006.</p> <p>The Rental Housing Mediation Taskforce (RHMT) no longer provides mediation services to the unincorporated area due to cost increases. Services provided to unincorporated residents currently only include information and referral assistance.</p> <p>IV Tenants Union provides some services and has begun providing unofficial mediation on a case by case basis, but indicates that it does not have the capacity to handle mass eviction events.</p>	

Problem 4: Tenant/landlord services are limited, and may not adequately meet the need, particularly in the event of a mass eviction.

Solutions for Problem 3

#	Solutions Recommended by Stakeholders	Type of Solution	Identified By	Unintended Consequences	Cost to County to Implement	Related Case Studies
1	Additional County resources to support non-governmental services such as mediation, legal assistance, transitional housing.	County Funding	IV Tenants Union, Legal Aid, RHMT, Conflict Solutions Center	None.	moderate	See Existing Related Services (Appendix B) for the HCD's current investment in mediation services, legal assistance, and transitional housing.
2	One-stop-shop County resource with one phone number, an ombudsperson, and a clearinghouse of information.	County Program/Process	Public Health, UCSB ASI, Conflict Solutions Center, SS Cal Works; Legal Aid	None.	high	Mental Health Crisis Program CARES, 211

Problem 4: Tenant/landlord services are limited, and may not adequately meet the need, particularly in the event of a mass eviction.

Additional Staff Analysis of Solutions

During stakeholder meetings, the lack of a coordinated community response to mass evictions became very clear. The creation of such a protocol may be the most effective means of providing assistance to tenants experiencing mass eviction. Of course, such an approach may require County resource.

It is important to note that while both solutions in this section do not present unintended consequences and were recommended by many stakeholder groups, they may require significant County resources and staff time. For example, Solution #1 for Problem 4 would require additional funding for mediation or legal services. Solution #2 would require dedicated County staff. The Board should also consider which other services may be affected by redistributing resources or assigning new staff responsibilities. This is an area where the level of expenditure should be considered relative to the scale of the problem.

Existing Services/Solutions to Address Problem

- HCD: Referrals to non-County services, subgrants to nonprofits to assist landlords and tenants involved in disputes.
- IV Tenants Union, Pueblo and CLUE: Primarily provide a wide range of supportive services to tenants in troublesome and traumatic rental situations, but conveyed that they do not have the capacity to the appropriate level of assistance.
- PUEBLO: Organizes tenants in mass eviction situations.
- Legal Aid: Provides legal advice and assistance to tenants.
- RHMT: Provides information to both tenants and landlords during a rental dispute, but County's current contract is limited to referrals.
- All stakeholder agencies: make some cross referrals to support tenants in these situations, but the process is uncoordinated.

Opportunities for Collaboration

Most stakeholder groups indicated willingness to collaborate to help resolve troublesome and traumatic tenants and landlords disputes.

Problem 5: Certain provisions of the current ordinance are not adequately enforced, are unclear, or are too burdensome.

Problem Defined	Groups Identifying Problem
<p>As it currently stands, Chapter 44 could be improved in several ways to be more effective and user-friendly. For example, provisions relating to County enforcement or responsibilities could be clarified.</p>	<ul style="list-style-type: none"> • CLUE • City Housing Authority • UCSB ASI • IV Tenants Union • IVPAC • SS Cal Works • Public Health • HCD • Mobil Home Association • League of Women Voters • Pueblo/RHRT/SB CAN
Related Sub-problems	
<ul style="list-style-type: none"> • The “order to vacate” procedure is could be less harsh and more helpful (RHMT). • “Red tags” are not adequately enforced (RHMT, IVPAC, Pueblo/RHRT/SB CAN) • Tenants are not receiving relocation payments pursuant to the ordinance (RHMT, IVPAC, Pueblo/RHRT, SB CAN) • Relocation payments not tied to geographical area to reflect rental price differences (RHMT, IVPAC) • The Report of Notice to Quit form collection process is unclear and landlords are not filing regularly, therefore the data being gathered to help inform decisions is limited (IVPAC, UCSB ASI, IV Tenants Union, and Pueblo). 	
<p>Who is Responsible/At Fault? The County is responsible.</p> <p>Who is Negatively Effected? Community, landlords, all rental tenants, particularly low income and special needs population</p>	
Data Available to Substantiate Problem	
<p>No department at the County has been made directly responsible for enforcing the provisions of Chapter 44. The onus of enforcement of a relocation payment is on the tenant if he or she wishes to pursue civil action. However, Chapter 44 states that the “local enforcement agency” is to determine the eligibility of tenants for benefits pursuant to this chapter, and is to attempt to provide telephonic or written notice to the owner that the benefits are payable immediately. County Building Inspectors normally post copies of Chapter 44 to help landlords and tenants understand their rights and responsibilities along with an order to vacate. As a courtesy, Building and Safety also provides some referrals to services.</p> <p>Andrea Bifano of RHMT reports that the number one problem since 2002 is that eligible tenants are not receiving relocation payments under the current provisions of Chapter 44. She has no knowledge that anyone has received relocation assistance since the ordinance was enacted. Alex Lambrous of Legal Aid in South County reports handling only one case in late 2008 related to enforcing a relocation payment under Chapter 44. However, Rick Corbo of Legal Aid in North County indicates that he has cited Chapter 44 approximately 20 times in 3 years when mediating between landlords and tenants in habitability-related cases and found it to be an influential factor for compelling landlord’s to make needed property improvements.</p> <p>Some stakeholder groups claimed that building inspectors had never “red tagged” a property. In fact, three properties have been “red tagged” since 2002. These groups were asked to help provide testimonials and/or pictures to substantiate their claim that Building and Safety was not adequately enforcing “red tags”, but did not provide this information.</p> <p>Pursuant to Section 44-3, property owners are required to report to the County when a Notice to Quit is given to a tenant. However, less than 600 Rental Data Collection forms have been collected since 2002. This data is incomplete and doesn’t provide conclusive information regarding eviction trends (see data analysis on page 8). Lastly, Treasurer/Tax Collector staff was not aware of its responsibility to send information to property owners, pursuant to Section 44-2.</p>	

Problem 5: Certain provisions of the current ordinance are not adequately enforced, are unclear, or are too burdensome.

Solutions for Problem 5

#	Solution Recommended by Stakeholders	Type of Solution	Identified By	Unintended Consequences	Cost to County to Implement	Related Case Studies
1	Landlord must provide proof of relocation payment to receive permit (like City ordinance)	County Policy	RHMT	Unknown.	none-low	City of Santa Barbara Tenant Displacement Ordinance 28.89
2	Become a rent control jurisdiction so County can require forms (i.e. Notice to Quit) to be filed.	County Policy	UCSB ASI	May discourage rental property maintenance. The process to become a rent control jurisdiction is a significant legal and administrative undertaking.	moderate	None.
3	Tie relocation payments to geographical area to reflect rental price differences.	County Policy	IVPAC	None.	none-low	None.
4	Provide a (bilingual) form to more clearly describe the steps to receive relocation payments.	County Program/Process	Legal Aid, Pueblo/RHRT/SB CAN	None.	low	Building Official provides little information along with order to vacate.
5	Improve "order to vacate" by including 1 page of FAQs with hours of service, and a contact to speak with (owner representative).	County Program/Process	SBRPA	None provided.	low	Building Official provides information along with order to vacate.
6	Increased building inspector enforcement	County Program/Process	RHMT, UCSB ASI, Pueblo/RHRT/SB CAN	Increased enforcement may displace more people and reduce the overall number of available rental units. Code enforcement is a complain-driven process.	high	None.

Problem 5: Certain provisions of the current ordinance are not adequately enforced, are unclear, or are too burdensome.

Additional Staff Analysis of Solutions

Staff evaluation revealed that certain aspects of Chapter 44 have not been routinely executed. The Board may consider revising Chapter 44 to clarify responsibilities of specific County departments. However, it should be noted that additional staff responsibilities create additional County costs. The Board should also consider which other services may be affected by redistributing resources or assigning new staff responsibilities. This is an area where the level of expenditure should be considered relative to the scale of the problem.

Planning and Development staff noted that they would be happy to distribute information as suggested in Solutions #4 and #5 for Problem 5 along with the order to vacate. This may be an effective strategy to educate displaced tenants about their rights under Chapter 44 and help tenants connect to available services and information.

Existing Services/Solutions to Address Problem

- **Building and Safety:** When Chapter 44 is invoked, the Building Official has acted as the local enforcement agent by providing a written notice on the premises stating that the tenants may be entitled to relocation benefits. The Building Official also has the authority to render a decision with respect to a code violation, issue a citation, and order a notice and order to the property owner. As a courtesy, Building and Safety also contacts the local American Red Cross Chapter, as well as the local Housing Authority to alert them of potential residents in need of services. Additionally, in major incidents, Building and Safety will also submit a news release.
- **County Code:** As a means of enforcement, Chapter 44 states that if a landlord fails to provide the relocation payment within 10 days of receiving an “order to vacate,” the landlord is liable to the tenant for an amount equal to one and one-half times the relocation benefit.
- **County Clerk:** Pursuant to section 3(3), the County Clerk currently collects and stores the Report of Notice to Quit forms when submitted.

Opportunities for Collaboration

None provided.

Summary of Action Options

As shown in the previous section, over 50 potential solutions were suggested by stakeholders to address five main problems from a broad range of angles. The solutions provide potential options for Board action. As expected, stakeholders did discuss potential ordinance revisions to provide relocation assistance to tenants displaced due to reasons other than those already covered by Chapter 44. However, when taken through the stakeholder workshop process, discussion was vastly dominated by other ideas that may effectively and directly address the specific problems identified.

This section presents the action options in order of “type” of solution²⁴: County Funding, County Leadership, County Program/Process, or Non-governmental Services. To assist Board consideration, solutions are highlighted if they were:

- 1) **Frequently Recommended:** There were 11 solutions that were identified by 3 or more stakeholder groups.
- 2) **Achieved Consensus:** There were 3 solutions that have broad - but not necessarily complete - community support from service providers and both landlord and tenant advocates.
- 3) **Easiest to Execute:** While other solutions may be possible to implement, these 15 solutions are associated with relatively minor unintended consequences, limitations or implementation costs. These solutions do not necessarily represent the most effective solutions.

Table 2. Summary of Action Options

Type of Solution	Solutions Recommended by Stakeholders	Solution #	Frequently Recommended	Achieved Consensus	Easiest to Execute
County Funding	Increase mediation services.	1.8			X
	Increase legal assistance services.	1.9			X
	County provided incentives to community groups to provide assistance to tenants in need.	2.9			X
	Broadcast PSA	3.3			X
	Additional County resources to support non-governmental services such as mediation, legal assistance, transitional housing.	4.1	X		X
County Leadership	Tenant representation on a County-wide taskforce/committee/commission	1.12			X
	County should facilitate a Regional Human Services Summit to network amongst service providers	3.8			

²⁴ Solutions relating to solving the County’s affordable housing problems are eliminated as they are beyond the scope of this report.

Table 2. Summary of Action Options (Continued)

Type of Solution	Solutions Recommended by Stakeholders	Solution #	Frequently Recommended	Achieved Consensus	Easiest to Execute
County Policy	Landlord provides relocation assistance if tenancy is terminated due to remodel, rezoning, demolition or condominium conversion (triggered by permit).	1.1	X		
	Landlord provides relocation assistance only to low- and moderate-income tenants if tenancy is terminated due to remodel, demolition or condominium conversion.	1.2			
	Amend Chapter 44 to include provision that landlord provide early/immediate refund of deposit in "mass eviction" situations to make it easier for the displaced tenant to arrange for new accommodations.	1.3	X	X	
	Make mass eviction process more fair and respectful.	1.4			
	Incentivize evicting landlord by fast tracking permits for remodel, demolition, condo conversions if landlord meets certain criteria, such as: early security deposit return and adequate information resource provided to tenants.	1.5			X
	Force landlords to remodel units one by one to avoid mass evictions.	1.6			
	Assess a fee on landlords in mass evictions and dedicate to a pooled County fund to provide relocation assistance or loans.	1.7			
	Increase notice requirement for order to vacate from 60 to 90 days to provide tenants more time to relocate.	2.2	X	X	
	Provide tax advantage to property owners of vacant property to allow occupancy by 501©3 affordable housing providers to use.	2.3			
	Create "midpoint" building code enforcement to prevent rental units from reaching point of significant disrepair which may cause eviction, encourage ongoing maintenance.	2.4			
	Create better remodeling standards.	2.5			
	Become a rent control jurisdiction.	2.7, 5.2			
	The County should mandate that a packet of information be provided by the landlord to the tenant upon eviction.	3.1	X		
	The County should mandate that information on tenant rights be provided by the landlord to the tenant along with contract/lease.	3.2			
	Landlord must provide proof of relocation payment to receive permit (like City ordinance)	5.1			X
	Tie relocation payments to geographical area to reflect rental price differences.	5.3			X

Table 2. Summary of Action Options (Continued)

Type of Solution	Solutions Recommended by Stakeholders	Solution #	Frequently Recommended	Achieved Consensus	Easiest to Execute
County Program/Process	Because the problem is a community-wide responsibility, not necessarily just that of the landlord, create a pooled County fund to provide relocation assistance or loans. Funds could come from fees assessed (see above), or from donor advised funds.	1.10	X	X	
	County refer tenants to community and social services.	1.11			X
	Increased building inspector enforcement to prevent rental units from reaching point of significant disrepair which may cause eviction, encourage ongoing maintenance.	2.12	X		
	Housing and Financial Education Workshops.	2.13			X
	One-pager of information to landlord provided with property tax or permit	3.4			
	One-stop-shop County resource with one phone number, an om-budsperson, and a clearinghouse of information.	3.5	X		
	Community education facilitated by County.	3.6			
	Provide access to information and assistance for landlords who want to provide assistance to their tenants upon eviction.	3.7			X
	One-stop-shop County resource with one phone number, an om-budsperson, and a clearinghouse of information.	4.2	X		
	Provide a (bilingual) form to more clearly describe the steps to receive relocation payments.	5.4			X
	Improve "order to vacate" by including 1 page of FAQs with hours of service, and a contact to speak with (owner representative).	5.5			X
Non-Governmental Service	Increased building inspector enforcement	5.6	X		
	Terminating property owner provide an adequate information resource to help the tenants being terminated in a mass eviction context.	1.13			
	To avoid termination of tenancy related to foreclosures, improve communication with banks on behalf of property owners.	1.14			
	Landlords should create a "code of ethics" to pledge to act in good faith.	3.10			
	Cross-agency referrals to help agencies better connect tenants to available services. "No Wrong Door"	3.9	X		X

Additionally, staff also adds the following solutions for Board consideration as “action options”:

- Clarify roles and responsibilities of departments associated with Chapter 44.
- Facilitate the development of a collaborative community response protocol for mass evictions events with key service providers and community groups.

When considering the action options, staff recommends that the Board consider the following questions:

- Does the action effectively solve the specific problem identified?

- Does the action disproportionately burden any segments of the community?
- Is the action impacted by state laws governing landlord-tenant relationships?
- Does the action create unintended consequences that may exaggerate other problems identified in this report?
- Is the action excessively costly?

In conclusion, this evaluation was intended to provide useful information to help the Board consider possible strategies to address the individual and community-wide costs associated with mass evictions and related issues within the County. Moving forward, the Board has the option choose any, some or none of the actions presented in this report, to suggest different actions or to direct staff to conduct further investigation. While considering options, it should be recognized that the County has already made strategic investments to provide significant direct services to residents as well as funding to related non-governmental service providers, as described in “Existing Related Services” (Appendix B). Additionally, current provisions of the Chapter 44 affords eligible tenants 50% more relocation assistance in imminent health risk circumstances than state law. With that said, this evaluation highlights areas where the Board may decide to do more.

HCD Staff would like to thank all participating stakeholders and County staff for their time and cooperation during this evaluation.

Appendices

Appendix A: Chapter 44, Santa Barbara County Code

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA, ADDING CHAPTER 44 TO THE SANTA BARBARA COUNTY CODE, SUPPLEMENTING THE PROVISIONS OF STATE LAW GOVERNING THE RIGHTS AND DUTIES OF LANDLORDS AND TENANTS OF RESIDENTIAL PROPERTY IN THE COUNTY OF SANTA BARBARA

SECTION I

Section 44-1, Article I, Chapter 44 of the Santa Barbara County Code is added to read as follows:

Sec. 44-1 Legislative Intent.

The purpose of this chapter is to supplement the provisions of state law governing the rights and duties of landlords and tenants of residential property in the County of Santa Barbara.

SECTION II

Section 44-2, Article I, Chapter 44 of the Santa Barbara County Code is added to read as follows:

Sec. 44-2 Relocation Payments for Residential Household.

(1) Findings

- (a) The County of Santa Barbara is experiencing a rapid reduction of the supply of rental housing available to low and moderate-income residents. Rents have been increasing rapidly and vacancies in rental housing are at historically low levels, making it increasingly difficult for residents, especially those with low incomes, to locate affordable rental housing.
- (b) Several rental units and rooms in Santa Barbara County have been found to have severe code violations, which threaten the safety of the residents and require the units or rooms to be vacated to allow for extensive repairs.
- (c) The relocation payment obligations imposed on property owners by this chapter partially mitigate the financial hardships faced by displaced resident households. They also have the additional purpose of encouraging Owners to maintain their properties in habitable condition. The level of payments provided in this chapter are similar to those provided to resident households relocated as a result of government sponsored rehabilitation programs in other locales and reflect the actual relocation costs likely to be incurred by displaced households.

- (g) "Property owner" means a person, persons, landlord, corporation, or any entity holding all or any part of the legal title to a property or their agent, successors or assigns.
 - (h) "Rental agreement" means all oral or written agreements between the Property owner and Resident household, which establishes or modifies the terms, conditions, rules, regulations, or any other provisions concerning the use and occupancy of a Rental unit or room.
 - (i) "Building code violation" means a violation of a state or local housing or Building code which poses a serious threat to the health and safety of the resident household.
- (4) Any tenant who is displaced or subject to displacement from a residential rental unit as a result of an order to vacate or an order requiring the vacation of a residential unit by a local enforcement agency as a result of a violation so extensive and of such a nature that the immediate health and safety of the residents is endangered, shall be entitled to receive relocation benefits from the owner as specified in this chapter. The local enforcement agency shall determine the eligibility of tenants for benefits pursuant to this chapter.
- (5) Payment of the relocation benefits shall be made as follows:
- (a) In the event the owner does not provide alternative housing pursuant to this Section, the relocation benefits required by this chapter shall be paid to the tenant within 10 days after the date that the order to vacate is first mailed to the owner or agent and posted on the premises, or at least 20 days prior to the vacation date set forth in the order to vacate, whichever occurs later.
 - (b) If there are fewer than 10 days between the first posting and mailing of the order to vacate and the vacation date, the relocation benefits shall be paid by the owner or designated agent to the tenant within 24 hours after the notice is posted and mailed. The local enforcement agency shall attempt to provide telephonic or written notice to the owner to notify the owner that the benefits are payable immediately. Failure to provide the notice as specified in this section shall not relieve the owner of any obligations imposed by this chapter.
 - (c) If a tenant is entitled to relocation benefits pursuant to Section IV, the local enforcement agency shall provide either telephonic or written notice to the tenant of his or her entitlement to the benefits. Written notice may be satisfied by posting a written notice on the premises stating that tenants may be entitled to relocation benefits.

- 5/1/00
- (d) The relocation payment shall be made available by the owner or designated agent to one tenant household in each residential unit and shall be a sum equal to three months of the established fair market rent for the area as determined by the Department of Housing and Urban Development pursuant to Section 1437f of Title 42 of the United States Code. In addition, the relocation payment shall include an amount, as determined by the local enforcement agency, sufficient for utility service deposits. The relocation benefits shall be paid by the owner or designated agent in addition to the return, as required by law, of any security deposit held by the owner. The relocation benefits shall be payable on a per residential unit basis.
 - (e) Any owner who does not make timely payment as specified herein shall be liable to the tenant for an amount equal to one and one-half times the relocation benefits payable pursuant to this chapter.
 - (f) Subdivision (e) shall not apply when relocation benefits are payable fewer than 10 days after the date the order to vacate is first mailed and posted on the premises, if the owner makes the payment no later than 10 days after the order is first mailed and posted.

(6) Eligibility For Relocation Assistance.

- (a) If after code enforcement activities, a code violation is determined, a resident household may be considered eligible for relocation payments described under VI below, if the owner is cited for a code violation pursuant to any state or local building or housing code, and the code enforcement official determines that the resident household occupying the rental unit or room must vacate the premises in order to effectuate the correction of the code violation.
- (b) Exception: A Resident Household shall not be eligible for relocation assistance and payments under the following conditions:
 - (i) The resident household is offered the right to return to the rehabilitated unit upon clearance by the appropriate code enforcement official. The resident household may still assert its rights and remedies under the law to recover its losses and damages for the period in which it was required to vacate the premises; or
 - (ii) The property owner provides a replacement dwelling of comparable size and appurtenances to the resident household; or

- (iii) The tenant has caused or substantially contributed to the condition giving rise to the order to vacate, as determined by the local enforcement agency, nor shall any relocation benefits be payable to a tenant if any guest or invitee of the tenant has caused or substantially contributed to the condition giving rise to the order to vacate, as determined by the local enforcement agency. The local enforcement agency shall make the determination whether a tenant, tenant's guest, or invitee caused or substantially contributed to the condition, giving rise to the order to vacate at the same time that the order to vacate the tenants is made.
- (iv) An owner shall not be liable for relocation payments if the unit or structure becomes unsafe or hazardous as the result of a natural disaster or act of God.
- (v) An owner shall not be liable to make any payment as prescribed by this section if the local enforcement agency does not provide for an appeals process for the order of the violation cited.
- (vi) An owner shall not be liable if the dwelling unit is operated as an emergency or temporary shelter for homeless persons (whether such persons have assigned rooms or beds, and regardless of duration of stay by any occupant) by a nonprofit organization or public agency owning, leasing, or managing such dwelling unit; or
- (vii) An owner shall not be liable for relocation benefits or if the resident household is in default in payment of rent, unless rent is being lawfully withheld by the residents.

(7) Notice To Owner

The Treasurer-Tax Collector for the County of Santa Barbara shall enclose a written notice in the annual property tax statements, advising owners of the provisions of this Section. Failure of owners to receive notice does not exempt owners from compliance. ➤

(8) Private Right of Action

Any person or organization aggrieved by a violation of any provision of this Section shall have the right to file an action for injunctive relief and/or damages. Attorney fees and costs shall be awarded to the prevailing party in any such action. These remedies shall be in addition to those provided by any other law.

SECTION III

Section 44-3, Article I, Chapter 44 of the Santa Barbara County Code is added to read as follows:

Sec. 44-3 Report of Notice to Quit.

(1) Findings and Purposes

The Board of Supervisors finds and determines that, in order to effectively study the number of Notices to Quit which are given to tenants in the County of Santa Barbara for reasons other than failure to pay rent, it is necessary that landlords who issue such notices to quit to tenants send reports of such notices to quit to the County. The Board of Supervisors finds that the requirement for such reports would not materially affect a landlord's ability to regain possession of the leased property pursuant to California law.

(2) Definitions

"Landlord and rental unit," when used in this chapter, shall be construed as defined herein. Other words and phrases used herein shall have the meaning stated elsewhere in this Code.

(a) "Landlord." An owner, lessor, or sublessor (including any person, firm, corporation, partnership, or other entity) who receives or is entitled to receive rent for the use of any rental unit, or the agent, representative or successor of any of the foregoing.

(b) "Rental unit." A dwelling unit, as defined herein, rented or offered for rent for living or dwelling purposes, the land and buildings appurtenant thereto, and all housing services, privileges, furnishings and facilities supplied in connection with the use or occupancy thereof, including garage and parking facilities. This term shall include a dwelling unit in a condominium or similar project. The term shall not include:

(i) Housing accommodations in hotels and boarding houses, provided that at such time as an accommodation has been occupied by one or more of the same tenants for sixty (60) days or more, such accommodation shall become a rental unit subject to the provisions of this chapter.

(ii) A dwelling unit in a nonprofit or limited equity stock cooperative while occupied by a shareholder tenant of the stock cooperative.

- (iii) Housing accommodations in any hospital; state licensed community care facility; convent, monastery, extended medical care facility; asylum; fraternity or sorority house; or housing accommodations owned, operated or managed by an institution of higher education, a high school, or an elementary school for occupancy by its students or teachers.
- (iv) Housing accommodations which a governmental agency, or authority owns, operates, or manages, or as to which rental or mortgage assistance is paid pursuant to 24 CFR 882 ("HUD section 8 Federal rent subsidy program") or a similar federal rental assistance program.
- (v) Housing accommodations operated by an organization exempt from Federal income tax under Section 501(c)(3) of the Internal Revenue Code provided that the gross income derived therefrom does not constitute unrelated business income as defined in Section 512 of the Internal Revenue Code, or a nonprofit public benefit corporation under California Corporations Code Section 5110 et seq., whose principal purpose is to provide low or moderate income housing.

(3) Notices to Quit

- (a) Prior to or at the same time as the written notice of the landlord's intention to terminate the tenancy required by Code of Civil Procedure Section 1161 is served on the tenant of a rental unit, the landlord shall file with the County Clerk an executed statement in the form provided by the County.
- (b) The completed forms shall be maintained by the County Clerk, Housing and Community Development Department or other designated County office and shall not be made available to any person except a person whose name appears on the form until 60 days after filing with the Clerk by the landlord.
- (c) Notwithstanding subdivision (a) of this subsection no filing shall be required for notices to pay rent or quit.

(4) Enforcement

In any action by a landlord to recover possession of a rental unit, the tenant may raise as an affirmative defense any failure by the landlord to comply with the requirements of this section. Such defect may be cured by the filing of the required notice with the County Clerk. Failure of the landlord to comply with the terms of this section shall constitute an infraction, for which a fine of \$50 shall be assessed for each violation.


PASSED AND ADOPTED this 19th day of February 2002, by the following vote:

AYES: Supervisor Schwartz, Rose, Marshall

NOES: Supervisor Gray, Urbanske

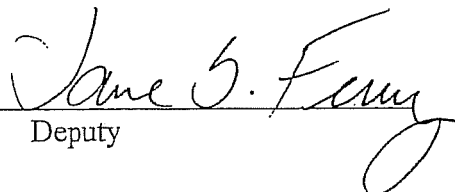
ABSTAIN: None

ABSENT: None


Chair, Board of Supervisors

ATTEST:

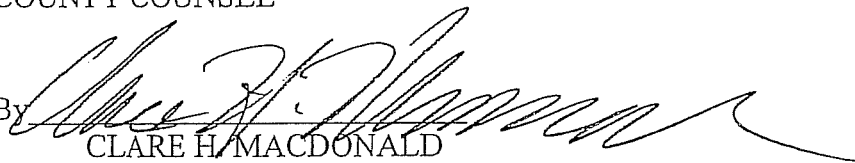
MICHAEL F. BROWN
CLERK OF THE BOARD

By 
Deputy

[DO NOT PUBLISH APPROVAL]

APPROVED AS TO FORM:

STEPHEN SHANE STARK
COUNTY COUNSEL

By 
CLARE H. MACDONALD
Assistant County Counsel

Other County Agencies also provide assistance:

Planning and Development: The Department of Planning and Development's standard conditions of approval direct Development and Review staff to apply conditions of approval under applicable circumstances when State or local regulations, including Community and General Plan policies and development standards, zoning and building regulations, etc. Specifically, Condition 17 in the Housing section requires property owners demolishing rental units or converting rental units to condominiums to provide existing tenants with relocation payments equivalent to the first month's rent at their new residence, not to exceed \$500. The owner must submit proof of relocation payment to all tenants to P&D prior to the receipt of permit or clearance.

In addition, inspectors in Building and Safety evaluate properties posing a potential imminent health risk. If the inspector finds unsafe or uninhabitable conditions, he or she will proceed to file a violation, known as a "red tag." If the conditions cannot be improved within a reasonable time, Building and Safety will file a notice or order to vacate (see Appendix D). As a courtesy, the Building Inspector normally also posts copies of the Ordinance 4444 to help landlords and tenants understand their rights and responsibilities. Building and Safety also contacts the local American Red Cross Chapter, as well as the local Housing Authority to alert them of potential residents in need of services. Additionally, in major incidents like Del Playa, Building and Safety will also submit a news release.

Redevelopment Agency (RDA): The RDA provides a number of services through a State allocation, including:

- Relocation assistance: When the RDA is involved in the construction, acquisition or funding of a project, it pays to assist in finding a new location, helps cover moving costs, and provides other costs as allowed by law.
- 20% Affordable Housing Set Aside: Redevelopment Law requires California redevelopment agencies set aside not less than 20% of all tax increment revenues into a low and moderate income housing fund to be used for the purpose of increasing, improving and/or preserving the supply of low and moderate income housing.
- Replacement Housing: Since 1976, redevelopment agencies have been required to assure that at least 30% of all new or substantially rehabilitated units developed by an agency are available at affordable costs to households of very low, low, or moderate income. Of this 30%, not less than 50% are required to be available at affordable costs to very low-income households. Further, for all units developed in the redevelopment project area the law requires that at least 15% of all new or substantially rehabilitated dwelling units be made available at affordable costs to low or moderate-income households. Of these, not less than 40% of the dwelling units are required to be available at affordable costs to very low-income households. These requirements are applicable to housing units as aggregated, and not on a project-by-project basis to each dwelling unit created or substantially rehabilitated unless so required by an agency. The RDA is actively looking for a site to partner with a not-for-profit to provide transitional housing for the homeless.

Clerk of the Board: The Clerk of the Board collects and stores Notice to Quit forms submitted voluntarily by landlords, pursuant to Ordinance 4444. The Clerk collected nearly 600 forms since 2002, which does not represent all of the occurrences in which a tenancy was terminated.

Social Services: Social Services does not provide direct funding for homelessness prevention or services, but does provide financial assistance to eligible residents through CalWORKS. CalWORKS is a welfare program that gives cash aid and services to eligible needy California families. The program serves all 58 counties in the state and is operated locally by county welfare departments. If a family has little or no cash and needs housing, food, utilities, clothing or medical care, they may be eligible to receive immediate short-term help

up to \$125/day for up to 16 days. Families that apply and qualify for ongoing assistance receive money each month to help pay for housing, food and other necessary expenses.

Social Services also provides transitional housing for youth aging out of the Foster Care system at the La Morada housing units as well as scattered-site housing units in Santa Maria. As youth aging out of the foster care system have a high likelihood of potentially becoming homeless, these transitional programs and support service allow them to develop increased self-sufficiency and identify resources necessary to move on to permanent housing of their own.

Public Health: Under a grant allocated by the federal Department of Health and Human Services, the County's Public Health Department provides health related to services to homeless persons and families who are homeless and have entered the shelter system. Public Health Department nurses provide these services not only at emergency shelters throughout the county, but also conduct outreach into areas where homeless persons are who may choose not to utilize the current shelter system for one reason or another.

The County Public Health Department also provides funding to a number of local agencies that provide resources assisting household who are either homeless or at-risk of becoming homeless through the Human Services Commission. Utilizing approximately \$1 million in general funds annually, \$343,000 of which is allocated specifically to support operations of the three principal emergency shelters across the county—Casa Esperanza, Bridgehouse, and Good Samaritan—the Human Services Commission provides financial resources to local non-profits providing transitional housing services, food programs, programs directed to helping homeless children and families, as well as victims of domestic violence and foster youth.

Alcohol Drug and Mental Health Department: ADMHS provides direct services to persons with drug and/or related alcohol problems, as well as mental health issues generally. Under the State of California's Proposition 63, the State Mental Health Services Act, ADMHS has provided project \$1.2 million development financing and operational support to the 50-unit supportive-services enriched housing project, \$800,000 in development and operational support to the HOME Base on G project in the City of Lompoc that provides 39 total housing units, 19 of which are for person with mental health and/or drug/alcohol issues and the Rancho Hermosa project in the City of Santa Maria that is currently moving forward. This is in addition to the funding provided to other non-profit groups such as Phoenix House who also operate housing and provide services to address housing needs of persons affected by mental health issues.

Workforce Investment Board (WIB): The WIB is a private, non-profit, federally funded agency that operates in partnership with Santa Barbara County. The WIB provides Santa Barbara County business services programs to meet the needs of business and the workforce by integrating and linking services to build a strong workforce development system specializing in helping people gain the skills and confidence necessary to find jobs and career opportunities that lead to self sufficiency and long term employment. Such services can benefit low to moderate income residents by increasing their ability to support themselves within a constrained and relatively high priced rental market.

Services Provided by Non-County Local Agencies

City of Santa Barbara: The City of Santa Barbara offers a useful rental housing mediation website which lists many resources²⁵, as well as the following services:

- **Mediation: Rental Housing Mediation Task Force:** The City of Santa Barbara Rental Housing Mediation Task Force provides tenant and landlord information and referrals as well as mediation services. There is a formal board structure with trained mediators that address issues between tenants and landlords to avoid legal issues. The approximately \$100,000 program budget that is part of the city's personnel, is supported in part by the \$25,000 contract with the County; other jurisdictions participate financially as well.
- **Legal Services:** The City of Santa Barbara contributes \$24,000 to the Legal Aid Foundation through its General Fund/ CDBG Public Services Funding for legal services related to tenant/landlord issues to address those issues that cannot be resolved through mediation.
- **Security Deposit/Emergency Rental Assistance:** Under the American Recovery and Reinvestment Act of 2009, the City of Santa Barbara applied for a competitive grant to the State of California and was awarded \$1.2 million in Homeless Prevention and Rapid Re-housing (HPRP), funding. HPRP funding can be used for security deposits, rental assistance for up to 18 months, as well as other costs-- storage, case management, credit counseling, etc. for eligible households who are either homeless or at imminent risk of becoming homeless.

City of Lompoc: The City of Lompoc offers the following services:

- **Mediation and Legal:** The City of Lompoc provides \$5,225 per year in City General Funds to the Legal Aid Foundation for Legal and Mediation services for Lompoc Residents. The contract includes legal services, testing for discrimination and provision of two community outreach workshops per year to provide information related to policy and law with regard to landlord/tenant issues. The information is provided to renters and landlords alike.
- **Legal Services:** The City also has a supplemental contract with Legal Aid in the amount of \$11,100 for essential legal services that largely benefit low-income senior citizens of Lompoc.

City of Santa Maria: The City of Santa Maria offers the following services:

- **Mediation:** The City of Santa Maria has a contract in the amount of \$7,500, with Conflict Solutions Centers for mediation services in the City of Santa Maria, and another contract in the amount of \$7,500 with the Legal Aid Foundation for legal services related to tenant/landlord issues affecting city residents; the contracts are funded through city CDBG funding.
- **Security Deposit/Emergency Rental Assistance:** Under the American Recovery and Reinvestment Act of 2009, the City of Santa Maria was awarded \$542,000 in Homeless Prevention and Rapid Re-housing funding through a supplemental appropriation of Emergency Shelter Grant (ESG), program funding. The funding can be used for security deposits, rental assistance for up to 18 months, as well as other costs-- storage, case management, credit counseling, etc. for eligible households who are either homeless or at imminent risk of becoming homeless.

City of Goleta: The City of Goleta currently has a contract in the amount of \$7,500 with Legal Aid Foundation for legal services related to fair housing issues, funded through city CDBG.

Other cities: Buellton and Carpinteria each have contract for services for fair housing funded through their CDBG allocations provided under the CDBG Urban County. Buellton contracts with the Legal Aid Foundation and provides \$1.814 annually for services, while the City of Carpinteria has a

²⁵ http://www.santabarbaraca.gov/Business/Records_and_Property_Information/Rental_Housing_Mediation/resources.htm

contract with the City of Santa Barbara's Rental Housing Mediation Task Force in an annual amount of \$7,500. The City of Carpinteria also provides a CDBG allocation to the RHMT in the amount of \$10,000 specifically for services for residents of the city.

Rental Housing Mediation Taskforce: The RHMT provides mediation to create binding settlement agreement terms between landlord and tenant in rental housing incidents. RHMT provides referrals to tenants with questions regarding issues associated with their tenancy. Landlords may use RHMT services as well. RHMT provides approximately 377 units of service annually to County residents, of which 77% of the cases addressed by RHMT involve the South Coast housing market area covering zip codes 93105, 93108, 93110, 93111, and 93117. It is worth noting that none of the services currently provided through this contract involve direct mediation as the County contribution no longer covers these costs, according to RHMT staff.

Legal Aid: HCD provides \$7,651 in pass-through funding through the Community Development Block Grant (CDBG) program's Human Services component. In addition, under the Public Health Department's Human Services subdivision, approximately \$109,000 for legal services is provided through Legal Aid. Although this funding is not targeted specifically to rental housing issues proper, a component of the work that Legal Aid provides would cover this type of activity.

Housing Authorities: The County and City Housing Authorities develop affordable rental housing and also provide rental subsidies to lower-income households to rent homes in the private –market under the Section 8 program. Between the two housing authorities, they allocate 5,380 Section 8 vouchers (3,400 for the County Housing Authority and 1,980 for the City Housing Authority). In the aggregate, these vouchers provide over \$50,000,000 annually in rent subsidy to local low-income residents as well as rent to landlords.. They also provide Housing and Financial Education Workshops.

Rental Housing Roundtable: Provides principled advocacy for affordable housing and tenant's rights generally as well as a vision that encompasses healthy, diverse communities in which all economic sectors are eligible to have their shelter needs met, that this is within the context of a sustainable economy and that insures the health and well being of present and future generations.

Isla Vista Tenants Union: The Isla Vista Tenants Union empowers tenants through education, advocacy, and grassroots organizing. IVTU promotes tenant interests and acts against violations of tenants' rights, as well as working with local groups, the County, the University, and businesses to realize its mission.

PUEBLO: PUEBLO has been called upon on a number of occasions to represent low-income tenants and provide advocacy in situations of mass evictions and other housing –related issues. The group provides representation and raises media attention to issues that might otherwise not be in the public light. In this sense they illuminate and raise awareness of tenant's rights and often, with other parties involvement as well, serve in a negotiating, mediation and facilitative role.

Clergy and Laity United for Equality (CLUE): A grassroots organization consisting of local clergy often advocates for the interests of low-income persons and households who have been evicted and/or who face imminent homelessness resulting from a number of causes. Often times the group will intervene directly on behalf of the tenants in concert with other community groups such as PUEBLO and IVTU, and other times they will provide direct advocacy such as authoring letters on behalf of tenants and raising community awareness of emerging issues affecting them.

Catholic Charities: Provides emergency financial assistance and other services, food, some shelter (hotel vouchers), to low-income families to prevent them from becoming homeless in instances where unforeseen expenses may affect their ability to pay rent or come up with security deposits. Generally, the financial assistance has been limited to \$200-\$300 maximum per household resulting from limited resources.

Emergency Shelters: Emergency Shelters such as Casa Esperanza, Good Samaritan and Bridgehouse, Willbridge, the Salvation Army, Santa Barbara County Rescue Missions, and Domestic Violence Solutions, provide emergency shelter beds and assistance in meeting basic human needs for single persons and some families, who have become homeless. In the event that there are sufficient resources available, families are often referred to transitional housing programs from these emergency shelters.

Transitional Housing Programs: Programs throughout the County, for example, Transition House, Good Samaritan Shelter, and Mark's House, that provide transitional housing and supportive services to homeless households in order to transition them back to permanent housing. These programs also receive funding from Santa Barbara County through HUD federal entitlement funding as well as the County General Fund.

Permanent Housing/Permanent Supportive Housing: Public and non-profit, as well as private developers, provide affordable housing encompassing a broad spectrum of community need. Local Housing Authorities, non-profit housing developers such as Peoples' Self Help Housing, Good Samaritan Shelters, and the Lompoc Housing and Community Development Corporation, all have significant property portfolios of affordable housing addressing low-income family, senior, and special needs populations. Development of the great majority of these units has received financial support through Santa Barbara County in one form or another.

Community Action Commission (CAC): The Community Action Commission provides services that address low-income households immediate financial needs to assist them in paying utility bills as well as other related expenses. For example, the Home Energy Assistance Program (HEAP) provides direct financial assistance with low-income household's energy bills, allowing them to utilize household income for housing costs and other bills. The Weatherization provides weatherization to homes owned or rented by low-income households to lower energy costs and save income. Senior nutrition and food programs generally, help low income residents with these basic needs.

Santa Barbara County Rental Property Owners Association: Provides information and services to owners and managers of rental property throughout Santa Barbara County and conducts workshops related to rental trends, emerging legislative issues, and Fair Housing and tenancy law.

New Beginnings: Provides a safe respite for persons living in vehicles who are attempting to identify and transition to permanent housing opportunities. Santa Barbara County has supported this program which has now grown to sites throughout the county providing not only a safe place to park your vehicle for the evening, but support services to help in attaining the resources to move to permanent housing.

California Rural Legal Assistance: Provides advocacy, legal services and representation to low-income groups addressing housing, employment and accessibility issues. While this generally occurs on a class-action basis, some level of assistance is provided to individual households as well.

211 Hotline: Sponsored by the Santa Barbara County First 5 Commission and the Family Service Agency, this one-stop phone referral service includes a directory to nearly every on-profit service being provided across the county, including homelessness, housing, tenants rights and domestic violence.

Appendix C: Report of Notice to Quit Form

For County Use Only
Date Rec'd:

RENTAL HOUSING DATA COLLECTION FORM

Name(s) of Tenant(s):

Address of Premises:

Type of Notice:

Please check the applicable boxes:

1. ☐ Three Day Notice to Conform to Covenants or Quit.
Date served: _____
2. ☐ Thirty-day (or more) Notice of Termination of Tenancy.
Date served: _____

Reasons for Service of Notice (Optional):

1. ☐ Tenant did not pay rent
2. ☐ Tenant violated other term of rental agreement
3. ☐ Landlord wishes to use premises for family member
4. ☐ Landlord wishes to renovate
5. ☐ Landlord is selling/has sold premises
6. ☐ Other: _____

Signature of Person completing form

Name of person completing form (PRINT)

Name of Landlord (PRINT)
Or Property Manager

Address of Landlord (PRINT)
Or Property Manager

Appendix D: Stakeholder List

Organization	Name	Area	Meeting Date
Community Groups			
Catholic Charities - North County	Jenny Begley	Lompoc	Tues, October 20
Clergy (CLUE)	Nancy Rowan	Santa Barbara - Downtown	Wed, November 18
Coalition of Labor, Agriculture & Business (COLAB)	Andy Caldwell	Santa Maria	Wed, October 21
Conflict Solutions Center	Jeannie Middle Class	Santa Maria	Wed, October 21
Goleta Mobile Home Owners Coalition	Sharon Rose and members	Goleta/IV	Thur, November 5
Isla Vista Planning Advisory Committee (IVPAC)	Craig Geyer	Goleta/IV	Mon, November 16
Isla Vista Tenants Union	Hilary Kleger and Students	Goleta/IV	Mon, October 26
League of Women Voters of Santa Barbara	Linda Phillips and Emily Allen	Santa Barbara - Downtown	Tues, November 10
Legal Aid	Ellen M. Goodstein and Alex Lambrous	Santa Barbara - Downtown	Mon, November 9
Pueblo Education Fund - South County	Belen Seara	Santa Barbara - Downtown	Mon, October 19
Rental Housing Mediation Taskforce (RHMT)	Andrea Bifano	Santa Barbara - Downtown	Wed, October 21
Rental Housing Roundtable (RHRT)	10 representatives	Santa Barbara - Downtown	Mon, October 19
Santa Barbara City Housing Authority	Andrea Fink	Santa Barbara - Downtown	Fri, November 6
Santa Barbara County Tax Payers Association	Joe Armendariz	Santa Barbara - Downtown	Fri, October 30
Santa Barbara Rental Property Association - South County (SBRPA)	Charles Eckert	Santa Barbara - Downtown	Tues, October 20
SB Student Housing Coop	Emily Lippold Cheney	Goleta/IV	Mon, October 26
SBCAN	Mickey Flacks	Santa Barbara - Downtown	Mon, October 19
UCSB Associated Students (UCSB ASI)	Clayton Carlson and Students	Goleta/IV	Thurs, October 22
Santa Barbara County Agencies			
County Counsel	Mike Ghizonni, Mike Munoz	Santa Barbara - Downtown	Several meetings
County Housing and Community Development - Housing Development Division	HCD Staff	Santa Barbara - Downtown	Fri, November 13
County Planning and Development	Dianne Black, Mike Zimmer	Santa Barbara - Downtown	Fri, February 19, March 31
County Public Health	Dana Gamble	Santa Barbara - Downtown	Fri, November 6
County Redevelopment Agency	Jeff Lindgren	Santa Barbara - County Campus	Thurs, October 22
County Social Services	Frank Mejia	Santa Maria	Wednesday, October 21
Declined to Participate			
People's Self Help Housing	Scott Smith	Santa Barbara - Downtown	N/A
Reetz Fox & Bartlett	Terri Bartlett	Santa Barbara - Downtown	N/A
Santa Barbara Rental Property Association - North County	Noreen Pond	Santa Barbara - Downtown	N/A
South Coast Homeless Advisory Committee of Santa Barbara County	Nancy J. Madsen	Santa Barbara - County Campus	N/A

Appendix E: Stakeholder Input Worksheet

Ordinance 4444 Evaluation Input Worksheet

Stakeholder discussion with:
Date:

Input Steps	Problem 1		Problem 3		Problem 5		Problem 7
2) Define Problem (Circumstances/Quadrant)							
4) Ideas for Solutions							
6) Opportunities for Collaboration							

Other Notes

Eviction Type	Rental Agreement Type	
	Annual/Term	Month-to-Month
Breach Contract (Lease not up or improper noticing)	Reason for Eviction	Reason for Eviction
	a) Resident Caused	a) Resident Caused
	b) Code Violation (eminent danger)	b) Code Violation (eminent danger)
	c) Code Violation (illegal dwelling/no permit)	c) Code Violation (illegal dwelling/no permit)
	d) Owner Move-in	d) Owner Move-in
	e) Rezone	e) Rezone
	f) Demolition, Remodel (same # units)	f) Demolition, Remodel (same # units)
	g) Demolition, Remodel (reduced # units)	g) Demolition, Remodel (reduced # units)
End of Contract (Lease up, proper noticing)	h) Condo Conversion	h) Condo Conversion
	Reason for Eviction	Reason for Eviction
	a) Resident Caused	a) Resident Caused
	b) Code Violation (eminent danger)	b) Code Violation (eminent danger)
	c) Code Violation (illegal dwelling/no permit)	c) Code Violation (illegal dwelling/no permit)
	d) Owner Move-in	d) Owner Move-in
	e) Rezone	e) Rezone
	f) Demolition, Remodel (same # units)	f) Demolition, Remodel (same # units)
	g) Demolition, Remodel (reduced # units)	g) Demolition, Remodel (reduced # units)
	h) Condo Conversion	h) Condo Conversion

Appendix F: Ch. 28.89 City of Santa Barbara Code

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SANTA BARBARA AMENDING TITLE 28 OF THE
SANTA BARBARA MUNICIPAL CODE TO ADD
CHAPTER 28.89, THE TENANT DISPLACEMENT
ASSISTANCE ORDINANCE, CONCERNING
RELOCATION ASSISTANCE FOR RESIDENTIAL
TENANTS DISPLACED BY LAND USE CHANGES.

SECTION 1. The purpose of this ordinance is to mitigate the social and economic impacts experienced by residents of rental housing who are displaced from their residences due to a demolition of a rental unit, a remodel or redevelopment that results in a reduction of the number of rental units on the lot, a conversion of a single residential unit to a condominium unit, or a change of use of real property from a residential use to a non-residential use by requiring the property owner to provide the residents with advance notice of such actions and financial assistance for relocation.

SECTION 2. Title 28 of the Santa Barbara Municipal Code is hereby amended, by adding a new Chapter, Chapter 28.89 entitled “The Tenant Displacement Assistance Ordinance”, to read as follows:

28.89.010 Definitions.

Except where the context or particular provisions require otherwise, the following definitions shall govern the construction of this Chapter.

A. **Application.** Any application required to be submitted to the City of Santa Barbara for discretionary or ministerial approval of a land use change or improvement of real property that will result in a displacement of a resident household.

B. **Displacement.** The vacating of a rental unit by a resident household upon notice from the property owner as the result of or to enable any of the following: 1. the demolition of any rental unit on the lot, 2. the alteration of any structure on the lot in a manner that requires a permit from the City and which reduces the number of rental units on the lot, 3. the conversion of a single residential unit to a condominium unit, or 4. a change of use of real property from a residential use to a non-residential use that requires a permit from the City. For purposes of this Chapter, a displacement does not include a vacation of a rental unit as the result of the following: 1. a condominium conversion regulated and processed pursuant to Chapter 28.88 of this Code, 2. a conversion of any portion of a mobilehome park or a permanent recreational vehicle park regulated and processed pursuant to Chapter 28.78 of this Code, 3. a property owner’s compliance with an enforcement order of the City Building Official for which the property owner has been ordered to pay relocation expenses pursuant to Health and Safety Code section 17980.7 or any other state or federal law, or 4. a vacation of a rental unit resulting from the damage or destruction of the unit which is caused by a natural disaster.

C. **Eligible Resident Household.** A resident household occupying a rental unit at the time an application is filed with the City. There shall be a rebuttable presumption that any resident household which received a notice to quit pursuant to Section 1946 of the Civil Code within the six (6) month period preceding the filing of an application is an eligible resident household for purposes of receiving displacement assistance pursuant to this Chapter. The presumption specified in the preceding sentence shall not apply where the property owner provides evidence of either of the following: 1. the resident household’s occupancy ended due to the expiration of a term lease and the tenancy was not extended by the operation of Section 1945 of the Civil Code, or 2. the resident household was found to have committed an unlawful detainer pursuant to Subdivisions 2, 3, 4 or 5 of Section 1161 of the Code of Civil Procedure as evidenced by a final judgment of a court of competent jurisdiction.

D. **Immediate Family.** Immediate family includes a spouse, registered domestic partner, children, parents, and the spouses or registered domestic partners of children of a property owner.

E. **Median Advertised Rental Rate.** An estimate of rental rates for residential rental units within the City prepared annually by the staff of the Community Development Department. For the purposes of this Chapter, the median advertised rental rate shall be calculated annually based on the median of a representative sample of rental units advertised in a newspaper of general circulation for one Sunday during the month of April. The median advertised rental rate shall be published by the City each May 1 and shall remain in effect for the next twelve (12) months or until a new median advertised rental rate is provided by the City. The median advertised rental rate shall be calculated and published for the following categories of rental units: 1. studio units (no bedrooms), 2. one bedroom units, 3. two bedroom units, and 4. units with three or more bedrooms. As used in this Chapter, the applicable median advertised rental rate shall be determined based on the number of bedrooms in the rental unit to be vacated by the residential household. The methodology for calculating the median advertised rental rate shall be approved by the Community Development Director and described in detail in the City's Affordable Housing Policies and Procedures.

F. **Rental Unit.** A structure (or part thereof) used as a place of permanent or customary and usual abode of a resident household. A rental unit shall not include a room or any other portion of any residential unit which is occupied by the property owner or a member of the property owner's immediate family.

G. **Resident Household.** Any person or group of persons entitled to occupy a rental unit under a valid lease or rental agreement (written or oral) including all persons who are considered residents under the Civil Code, but not including the owner of the rental unit or members of the owner's immediate family.

H. **Special Needs Resident Household.** An eligible resident household with any of the following characteristics: 1. at least one member who is 62 years of age or older, 2. at least one member qualifies as a disabled person pursuant to section 295.5 of the Vehicle Code, or 3. the household qualifies as a low income household pursuant to the City's Affordable Housing Policies and Procedures.

28.89.020 Submittal Requirements.

A. **Notice of Intent.** At least sixty (60) days prior to filing an application, either the property owner or the owner's agent shall notify each resident household residing on the subject real property of the owner's intent to file an application. The notice shall be provided by either: 1. personal delivery, or 2. certified mail, postage prepaid, with return receipt requested. Evidence of compliance with this section must be submitted to the City in order for the application to be deemed complete. The form of the notice shall be approved by the Community Development Department and shall contain at least the following information:

1. The name and address of current owner;
2. The name and address of the proposed applicant;
3. The approximate date on which the application is to be filed;
4. The resident's right to purchase a resulting residential unit, if applicable;
5. The resident's right of notice before being required to vacate the rental unit;
6. The resident's right to terminate lease without obligation for future rent;
7. A statement regarding the applicable limitations on rent increases;
8. An explanation of displacement assistance available for eligible resident households and special needs resident households under this Chapter (i.e.,

monetary assistance, relocation counseling, contact information for the Rental Housing Mediation Task Force, qualifications for Special Needs Resident Households, etc.);

9. The resident household's right to receive written notice for each hearing and right to appear and be heard at land use hearings, if applicable; and
10. Other information as may be deemed necessary or desirable by the Community Development Department.

B. Resident Information. Concurrent with the filing of the application, either the property owner or the owner's agent shall provide the Community Development Department with all of the following information for each rental unit that will be subject to a displacement as a result of the application:

1. The name of every member of the resident household who is a signatory on a written lease or the name of every person the property owner considers to be a resident under an oral lease; and
2. The names of all members of resident households that were issued a notice to vacate within the six (6) months preceding the filing of the application.

28.89.030 Displacement Assistance.

A. Monetary Assistance. As a condition of the City approval of any application that will result in a displacement, the property owner is obligated to pay to each eligible resident household monetary displacement assistance in an amount equal to four (4) times the median advertised rental rate or \$5,000, whichever is greater. The displacement assistance to be paid to an eligible special needs resident household shall be equal to five (5) times the median advertised rental rate or \$6,000, whichever is greater.

The displacement assistance shall be calculated on a "per rental unit" basis and shall be paid jointly, in one lump sum, to all members of the eligible resident household occupying the rental unit.

B. Waiver of Assistance. The payment of the monetary displacement assistance required pursuant to subsection A above, or the right of first refusal provided for in Section 28.89.050, may be waived or otherwise altered by mutual written agreement of the property owner and all members of the eligible resident household; provided, the a waiver is executed after the members of the resident household have received notice of the application and notice of the provisions of this Chapter pursuant to Section 28.89.020.

28.89.040 Certification of Displacement Assistance.

Prior to any displacement or the issuance of any permit pursuant to the application, whichever occurs first, the property owner shall provide the Community Development Director with either: 1. a copy of a cancelled check evidencing payment of the displacement assistance required by this Chapter to the members of the eligible resident household or 2. a copy of a written waiver or modification of the displacement assistance obligation executed by the property owner and all of the members of the eligible resident household. In order to satisfy the requirements of this Section 28.89.040, the written waiver must be executed after the members of the resident household have received notice of the application and the provisions of this Chapter pursuant to Section 28.89.020.

28.89.050 Protections for Resident Households

A. Right to Purchase (Right of First Refusal). The members of any eligible resident household or eligible special needs resident household shall be given an exclusive right to contract for the purchase of a residential unit within any resulting development upon the same terms and conditions that

the residential unit will be initially offered to the general public or on terms more favorable to the members of the eligible resident household or eligible special needs resident household. The exclusive right to contract shall be valid for at least ninety (90) days from the date of issuance of a Subdivision Public Report or the commencement of sales, whichever date is later. The manner in which any exclusive right to contract shall be exercised shall be in accordance with administrative rules established by the Community Development Department in the City's affordable housing policies and procedures. This Subsection shall not apply to applications for conversions of rental units to hotels or similar commercial uses.

B. Right to Terminate Lease. After receipt of the notice required pursuant to subsection 28.89.020.A and until the applicant's withdrawal of the application or the displacement of the resident household, the resident household shall have the right to terminate the lease or rental agreement without obligation for any rent that would accrue under the lease or rental agreement after the vacation of the residential unit by the resident household. An eligible resident household's election to terminate the lease and relinquish possession of the rental unit following receipt of the notice required pursuant to subsection 28.89.020.A shall not constitute a waiver of the eligible resident household's right to assistance pursuant to subsection 28.89.030.A.

C. Notice to New Residents. Any prospective resident household that applies for residency after an application has been filed shall be notified in writing of the pending application and the potential for displacement prior to occupying any rental unit. The form of this notice shall be approved by the Community Development Department. The failure of the property owner or applicant to give notice in accordance with this subsection shall not be a ground to deny the proposed land use action; however, the property owner shall pay monetary displacement assistance in the manner specified in Section 28.89.030 to each resident household that was entitled to notice pursuant to this subsection and who did not receive such notice.