



Evaluation of the Rights and Duties of Landlords and Tenants of Residential Property **FINAL REPORT**

Santa Barbara County
Board of Supervisors
April 20, 2010



Overview

- **Board Hearing on August 18, 2009 directed HCD to conduct an evaluation on:**
 - The effectiveness of Chapter 44 of County Code
 - Related issues, including “mass evictions”
 - Strong emphasis on community input and consensus



5-Phase Process

1. Preliminary Research
2. Input from Stakeholders
 - 45 individuals: 18 Community groups, 6 County agencies
 - Identified 30 problems and 50 solutions
3. Synthesis and Secondary Research
4. Confirmation of Stakeholder References
5. Drafting the Final Report

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	Reason for Eviction
	a) Resident Caused	a) Resident Caused	a) Resident Caused
	b) Code Violation (imminent danger)	b) Code Violation (imminent danger)	b) Code Violation (imminent danger)
	c) Code Violation (illegal dwelling/no permit)	c) Code Violation (illegal dwelling/no permit)	c) Code Violation (illegal dwelling/no permit)
	d) Owner Move-in	d) Owner Move-in	d) Owner Move-in
	e) Rezone	e) Rezone	e) Rezone
	f) Demolition, Remodel (same # units)	f) Demolition, Remodel (same # units)	f) Demolition, Remodel (same # units)
	g) Demolition, Remodel (reduced # units)	g) Demolition, Remodel (reduced # units)	g) Demolition, Remodel (reduced # units)
	h) Condo Conversion	h) Condo Conversion	h) Condo Conversion
	End of Contract (Lease up, proper noticing)	Reason for Eviction	Reason for Eviction
a) Resident Caused		a) Resident Caused	a) Resident Caused
b) Code Violation (imminent danger)		b) Code Violation (imminent danger)	b) Code Violation (imminent danger)
c) Code Violation (illegal dwelling/no permit)		c) Code Violation (illegal dwelling/no permit)	c) Code Violation (illegal dwelling/no permit)
d) Owner Move-in		d) Owner Move-in	d) Owner Move-in
e) Rezone		e) Rezone	e) Rezone
f) Demolition, Remodel (same # units)		f) Demolition, Remodel (same # units)	f) Demolition, Remodel (same # units)
g) Demolition, Remodel (reduced # units)		g) Demolition, Remodel (reduced # units)	g) Demolition, Remodel (reduced # units)
h) Condo Conversion		h) Condo Conversion	h) Condo Conversion



History

- Balboa-Cortez incident led to Board's Adoption of Chapter 44 (2002)
- Since 2000, six mass evictions county-side, two in the unincorporated area

#	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.



3 Key Provisions of Chapter 44

1. Tenant Relocation Assistance

- Applies when a tenant is ordered to vacate as a result of repairs required to bring the property into code compliance (“red tag”)
- Landlord may be required to pay a displaced tenant up to 3 months fair market rent; State only requires 2 months
- Three incidents triggered eligibility for relocation assistance, no record of tenant having pursued or received payment

2. Notice to Owner

3. Report of Notice to Quit

- Only 590 forms submitted since 2002



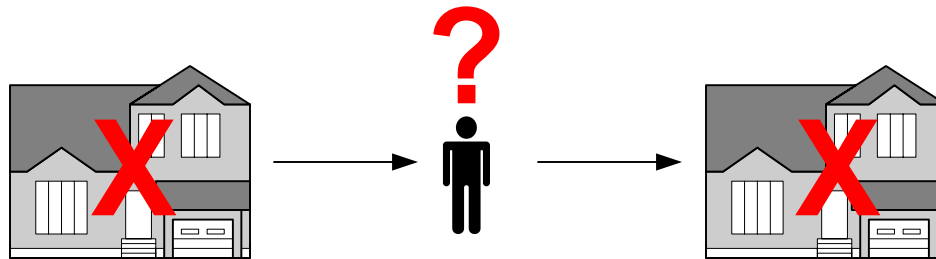
State Legal Framework

- California state law generally regulates tenant and landlord relationships, and frames the County's options
- Ellis Act
- California Health & Safety Code Article 2.5
- California Civil Code Section 1946.1



Stakeholder Identified Problems

- **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.



Stakeholder Identified Solutions

- **Over 50 solutions proposed to address 5 problems**
- **Categories of Solutions**
 1. County Funding
 2. County Leadership
 3. County Policy
 4. County Program/Process
 5. Non-government Service
- **Solutions were highlighted in the Report that were:**
 - Frequently recommended;
 - Achieved some consensus; and
 - May be easiest to execute



Solution Examples

- Expand categories of Chapter 44 to include relocation assistance when tenancy is terminated due to remodel, rezoning, demolition, or condominium conversion
- Early deposit refund for tenants in mass eviction incidents
- Increase notice requirement from 60 to 90 days in mass eviction incidents
- Collaborative partnerships among community organizations, landlords and public agencies to educate landlords and tenants of their rights and duties



Existing Related Services

- **County services**
 - **Housing & Community Dev**
 - **Planning & Development:** Standard Condition of Approval Housing 17
 - **Clerk of the Board**
 - **Social Services**
 - **Public Health**
 - **Workforce Investment Board**
 - **RDA**
- **Non-governmental local services**
- **Existing services are not well coordinated to assist tenants during a mass eviction**



Conclusion

- Board has opportunity to select any, some or none of the proposed action options, to suggest different actions or to direct staff to conduct further investigation
- Thank you to all participating stakeholders and County staff for their time and cooperation

