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Save Costa Hawkins, Vote No on Prop 10 . . . page 12











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September 2018

Calendar5
President's Message & CalRHA/NAA Update7
Central Coast News11
No on 1012
10 who say no on 10
2018 Golf Sponsorship Opportunities & Registration15
Sacramento Report
Attorney's Corner29
Santa Barbara Happenings33
Directory of Advertisers38

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CALENDAR

Monday, September 3rd SBRPA Office Closed in honor of

Thursday, Sept. 6th & Thursday Oct. 4th 8:00 a.m. FIRST THURSDAY SERIES: Coffee with Counsel

Andersen's Bakery & Restaurant, State Street, Santa Barbara

Our September and October meetings will be held at Andersen's Bakery & Restaurant, 1106 State Street, Santa Barbara. \$20 includes coffee, juice, pastries, quiche & fruit.

RSVP to Angela at: (805) 687-7007 or programs@sbrpa.org



Payment required to reserve spot. (Sorry, non-refundable a week in advance as SBRPA needs to pay our host!)

Tuesday, Sept. 25th, 5:00 p.m. TOWN HALL: No on 10

Earl's Place, Earl Warren Showgrounds 3400 Calle Real, Santa Barbara



OPEN TO MEMBERS & INVITED GUESTS ONLY. YOU MUST RSVP TO ATTEND! RSVP: programs@sbrpa.org

If you are not a member, but own rental property in Santa Barbara, contact Angela at 805-687-7007 for more information.

Wednesday, Sept. 26th 5:00 p.m.

WINE & WISDOM: North County's Counsel Group

Far Western Tavern, 300 E. Clark St., Santa Maria

North County, this is your chance to get together with other rental property owners and discuss issues you are facing. Attorney Mario Juarez will be available to answer questions.



Appetizers Provided - Oak Grilled Steak Tips with Cilantro, Grilled Artichoke & Blonde Beer Battered Onion Rings. No Host Bar.

VINO VERITAS! RSVP programs@sbrpa.org

Friday, October 26th

SBRPA 2018 Annual Charity Golf Tournament

Glen Annie Golf Club, 405 Glen Annie Rd, Goleta, CA 93117



Our annual charity Golf
Tournament takes place at
Glen Annie Glen Annie Golf
Club this year on Friday,
October 26th.

This year's tourney will benefit Transition House.

Get ready for a day of fun and sun -golfing, putting contest, prizes, raffles, auctions and more.

We hope you will join us as a sponsor or participant this year. Sponsorship Opportunities and Registration form in this month's magazine.





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Wednesday Wine & Wisdom



Wednesday, September 26th at 5:00PM.

Your chance to get together with other rental property owners and discuss issues you are facing. Attorney Mario Juarez will be available to answer questions.

The meeting will be held at the Far Western Tavern, 300 E. Clark Ave., Santa Maria.

Appetizers Provided - Oak Grilled Steak Tips with Cilantro, Grilled Artichoke & Blonde Beer Battered Onion Rings. No Host Bar.



VINO VERITAS! RSVP programs@sbrpa.org

Mario Juarez

As a Santa Maria native, I am deeply committed to my community. After earning my Bachelor of Arts in Law and Society from UCSB and my Juris Doctorate from the UCLA School of Law, I began my practice back in my hometown. I serve the communities of San Luis Obispo, Santa Barbara, Ventura Counties, and all surrounding areas. I am grateful for my fluency in both English and Spanish as this allows me to assist more members of the community.

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SBRPA President's Message & CalRHA/NAA Update

James Carrillo • CPM®, SBRPA President



Following the Holiday fire, which struck Goleta in July, our community was ready for a welcome respite from any type of heat. Leave it to Mother Nature to respond with a heat wave that lasted through July and well into August. In addition, fires throughout the rest of the Golden State devastated communities and altered lives. We are grateful for all of the efforts of our firefighters and first responders, and we pray for the families of those most affected by this incredible spate of blazes throughout California and the western states.

From the standpoint of ballot initiatives, things are hotter than ever in California. As we have noted for many months, Proposition 10, the ballot initiative to repeal Costa Hawkins, will be voted on by Californians in November. If the initiative passes, municipalities will be free to enact different types of rent control in their communities. This includes Santa Barbara, where the cost of housing is high. An overview of rent control by the National Apartment Association (NAA) is the best description we can give:

Rent regulation policies (rent control) are government-enforced price control measures limiting the rents that property owners may charge in market rate rental housing. Rent control laws and regulations mandate an artificial cap on rent, without monetary investment or compensation by the governing jurisdiction. Rent control distorts the housing market by acting as a deterrent and disincentive to develop rental housing and invest in its maintenance and rehabilitation. With little or no ability to earn a profit, investors will shift their investments to other non-rent regulated jurisdictions. In practice, these policies have the effect of increasing the cost of all housing by forcing a growing community to compete for fewer housing units, and reducing the quality of rental housing.

As noted, there are three certainties with Prop. 10:

- ☐ Prop. 10 will NOT increase funding for affordable housing.
- Prop. 10 will NOT force local communities to build the housing approved in their general plans.
- Prop. 10 will NOT provide any immediate relief for people facing higher housing costs.

Proposition 10 will be the most hotly contested initiative on the ballot this year. We encourage you

to go to **Prop10Flaws.com** to learn more about what you can do to help defeat this initiative. **Prop10Flaws.com** is a combined effort by the Apartment Association of Greater Los Angeles, the California Rental Housing Association and the East Bay Rental Housing Association to bring awareness about this initiative to property owners and managers statewide.

As always, our incredible team of Laura Bode and Angela Gonzales stand ready to help with any questions you may need answered. If you have not heard, SBRPA has a new office! Centrally located downtown, feel free to stop by 123 West Padre St. and say hello to the SBRPA team.

Finally, we are gearing up for our annual golf tournament on October 26, 2018, at Glen Annie Golf Club. This year again, Yardi will be our title sponsor. Sponsorship and registration materials have been sent out and we are asking for your help finding sponsors, donating a raffle gift or even better, just coming out with your fellow members and suppliers for an enjoyable afternoon of golf, networking and fun. Mark down the date; **Friday October 26, 2018, at Glen Annie Golf Course.** Registration will be at 9:30 a.m., and the shotgun start will be at 11:00 am. We look forward to seeing you there.





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2018 SEPTEMBER/OCTOBER						
Sun	Mon	Tue	Wed	Thu	Fri	Sut
20	20	26	25	30	31	Sept. 1
2	3	•	5	SBRPA 1st Thursday	7	
9	10	11	12	13	34	15
16	17	18	19	30	21	22
28	24	25	26	27	28	29
.50	Oct. 1	2	3	SBRPA 1st Thursday	5	6



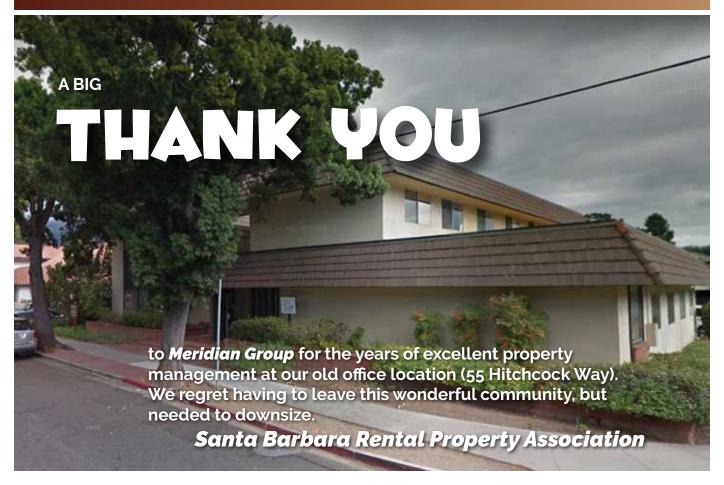
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\$20 includes coffee, juice, pastries, quiche & fruit

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Central Coast News

Derek Banducci, Guest Author



Credit Reporting Agencies are no longer providing information about judgments and major tax liens.

One of the most important factors to consider when screening potential tenants is their credit history as it appears on a credit report. An applicant with a history of paying debts as agreed is far more likely to pay rent on time when compared with someone who is unable to maintain a good credit history. That said, there are different types of debt that a traditional credit score fails to distinguish between and that are relevant in this context.

At California West, we tend to give less weight to late pays for medical expenses and more weight to late pays for utilities and credit cards because a person who is slow to pay an unexpected medical expense is often a better credit risk than someone who cannot pay an entirely predictable expense. The traditional credit score fails to take this distinction into account.

Another example of how a raw credit score number is less meaningful than the underlying information is when it reveals an eviction judgment against an applicant who dishonestly denies ever having been evicted. This is uncommon but we have seen it happen and it is clearly a huge red flag.

The raw credit score is now becoming even less meaningful because last year each of the national credit reporting agencies -- Equifax, Experian, and TransUnion -- announced that they will be removing all civil judgments and the majority of tax liens from their consumer credit reporting databases effective in 2018. As a result, this sort of information will no longer be used when calculating a traditional credit score. The problem that the reporting agencies were having is that sometimes this information about civil judgments and tax liens is wrong. For example, there might be a civil judgment against a person with a common name like "John Smith" and tying that civil judgment to the correct John Smith is often impossible given only public records. Therefore, many people were justifiably complaining about the inaccuracy of the information on their credit reports.

Unfortunately, the solution of removing all civil judgment and tax lien information from credit reports is a problem for landlords who look beyond the credit score number. However, for an additional fee the third-party credit report provider that California West uses is offering a service that adds this information about civil judgments and tax liens back into the reports that we receive. Given the importance of this information, and the fact that we consider more than just a raw credit score number, we will be paying the higher fee to have as much information as possible when weighing the relative strength of various rental applications.

Derek Banducci is the President of California-West, Inc., a real estate management company with offices in San Luis Obispo and Arroyo Grande. Derek is a real estate broker and attorney whose investing career began in 1997. California West has been managing investment real estate since 1975.

SBRPA would like to recognize the following new and returning members.

Steven Bruhns, Monica & James Egan,
Jared Holton, Judith Haskell & Barbara Laing,
Kerry Moriarity, Lighthouse Trust, Marcia & Tim
Tremblay, Anna & Craig Wines Deena Barnett,
David Thomas



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VOTE NO ON 10



FACT SHEET

Prop 10, the so-called "Affordable Housing Act," is anything but affordable housing. Don't be fooled, the initiative is bad for homeowners and renters – and will make California's housing crisis worse.

NO on Prop 10. It just has too many flaws.

Allows Regulation of Single Family Homes
Allows government to dictate pricing for privately owned single-family homes, controlling how much homeowners can charge to rent out their home – or even just a room. It may even lead to bureaucrats charging homeowners a fee for taking their home off he rental market.

Places Bureaucrats in Charge of Housing with the Power to Add Additional Fees

Puts as many as 539 rental boards in charge of housing and gives government agencies unlimited power to add fees on housing that will be passed on to tenants in the form of higher rents – making homes and apartments even more expensive.

Puts Taxpayers at Risk for Millions in Legal Costs
Requires California taxpayers to pay the proponents
of the initiative's legal bills if homeowners, tenants
or voters challenge the law in court. Even if the
proponents lose in court, taxpayers will still be on
the hook to pay their legal bills.

Adds Tens of Millions in New Costs to Local Governments
The state's non-partisan legislative analyst says the
easure could increase costs for local governments by
tens of millions of dollars per year and cost the state
millions more in lost revenue, which could mean
diverting funds from other vital state services.

Drives Up the Cost of Existing Housing

New government fees and regulations will give home owners a huge financial incentive to convert rental properties into more profitable uses like short-term acation rentals – increasing the cost of existing housing and making it even harder for renters to find an affordable place to live.

MYTH vs. FACT

MYTH Prop 10 will give renters immediate relief.

FACT Prop 10, the so-called "Affordable Housing Act," repeals current law and does not force the state or any city to lower rents. This flawed initiative:

- Will NOT provide any immediate relief for people facing higher housing costs.
- Will NOT increase funding for affordable housing.
- Will NOT force local communities to build the housing approved in their general plans.

MYTH Prop 10 will make housing more affordable across California.

FACT Numerous studies show that the exact opposite could happen. Prop 10 could increase prices for existing housing and make it even more difficult for families to purchase their first home. It could even force thousands of renters – including seniors and others living on fixed incomes – out of their apartments and communities. In fact, the initiative's new government fees and regulations on housing will give apartment owners a huge inancial incentive to convert rental properties into more profitable uses like short-term vacation rentals and condos. As a result, Prop 10 could increase the cost of existing housing and make it even harder for renters to find affordable housing in the future.

MYTH Prop 10 will not harm the construction of new homes.

FACT This flawed initiative will only make California's housing crisis worse. The state's nonpartisan Legislative Analyst's Office stated in their analysis of Prop 10 that, "A substantial expansion of rent control in California could result in economic effects more dramatic than those suggested by research on rent control to date, including significant reductions in construction of new housing."

MYTH Prop 10 will benefit California's economy.

FACT The state's nonpartisan Legislative Analyst's Office found that Prop 10 could increase costs for local governments by tens of millions of dollars per year and cost the state millions more in lost revenue. This could result in less money for schools and emergency services, reduced new home construction, and a loss of thousands of well-paid construction jobs.

BOTTOM LINE:

Prop 10 has too many flaws and will make the housing crisis worse.

Vote NO on November 6th!

This message was developed by "No on Prop 10 – A Flawed Initiative That Will Make The Housing Crisis Worse", a coalition of housing advocates, renters, large and small businesses, taxpayer groups, and veterans Committee major funding from Michael K. Hayde, including Western National Group & Affiliated Entities, California Association of Realtors, Lewis Pacific Partners including aggregated contributions from Lewis Investment Company, LLC. Funding details at www.fppc.ca.gov.

10 WHO SAY NO



With a properly funded campaign we can reach the undecided voters in California with a winning message. You can donate on line at: www.prop1oflaws.com





Larry Cannizzaro President, California Rental Housing Association

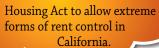


Unless our industry joins together, we will lose this fight in California and potentially in other markets across the country.

NATIONAL APPRITHENT ASSOCIATION

Robert Pinnegar President & CEO, National Apartment Association

Proposition 10 will be the most hotly contested initiative on the ballot this year. It repeals the Costa-Hawkins Rental





California's already
suffering from a housing crisis. Prop 10
will further drive up the cost of housing,
making California even more unaffordable for
those living paycheck-to-paycheck. It also gives
false hope to the working poor who find
themselves with even fewer and more

Robert Apodaca Executive Director, United Latinos Vote

expensive housing options.





Jim Carrillo President, SBRPA Board of Directors



Prop 10 could hurt homeowners by authorizing a new government bureaucracy that can tell homeowners what they can and cannot do with their own private residence. It could make homes more expensive for future buyers and hurt families trying to purchase their first home.

Steve White
President, California
Association of REALTORS



Jon Coupal President, Howard Jarvis Taxpayers Association

We oppose Prop 10 because it would allow unelected bureaucrats to impose fees on all housing, including singlefamily homes, with no vote of the people or local elected body. This will make housing more expensive, not less.

This message was developed by "No on Prop 10 – A Flawed Initiative That Will Make The Housing Crisis Worse", a coalition of housing advocates, renters, large and small businesses, taxpayer groups, and veterans Committee major funding from Michael K. Hayde, including Western National Group & Affiliated Entities, California Association of Realtors, Lewis Pacific Partners including aggregated contributions from Lewis Investment Company, LLC. Funding details at www.fppc.ca.gov.

Prop 10 does nothing to build new affordable housing that California families desperately need Instead, it will limit new construction, impose fees on housing and increase the cost of living for thousands of Californians. That is why I am urging people to vote no on Prop 10.



John Gamboa President, California Community Builders



Under Prop 10, ALL types of housing --- including single family and condominiums -- could be subject to rent control.

Laura Bode Executive Director, Santa Barbara Rental Properties Association



It will increase the cost of renting and make it even harder to find affordable housing.

Alice Huffman President, California State Conference NAACP For seniors on Social Security and fixed incomes, Prop 10 could be devastating.



Senior Advocates League



The rental housing industry in California is being turned upside down. Right now tenant activists are dominating the narrative that is being presented to our elected officials at the city, county and state level. Soon it may be too late to change proposed legislation that will severely and negatively impact both rental property ownership and the availability of housing. That is why now -- more than ever -- our members need to come together and make their voices heard by our elected officials.

What can you do?

- 1. DONATE TO SBRPA SO WE CAN EDUCATE OTHERS ABOUT BETTER SOLUTIONS THAN PROP 10.
- 2. ATTEND THE TOWNHALL 5 PM TUESDAY, SEPTEMBER 25 Earl's Place, Earl Warren Showgrounds
- 3. BECOME PART OF THE SBRPA GOVERNMENT AFFAIRS COMMITTEE

We need a diverse group to be part of the Committee to research, discuss, develop and communicate common sense solutions. If we don't speak up, the tenant groups and their solution of Rent Control will be the only voice heard in this discussion. Join other committee members and help be the voice of Santa Barbara's Mom and Pop housing providers! Email SBRPA Board Member Michelle Roberson: Michelle@sierrapropsb.com.

This message was developed by "No on Prop 10 – A Flawed Initiative That Will Make The Housing Crisis Worse", a coalition of housing advocates renters large and small businesses taxpaver groups and veterans Committee major funding from Michael K. Havde

TOWNHALL

5:00 PM, Tuesday · September 25, 2018

UPDATE!

STATE & LOCAL ACTIVITIES IMPACTING RENTAL PROPERTY OWNERS

Come hear the latest developments.

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YOU MUST RSVP TO ATTEND

RSVP: programs@sbrpa.org



Earl's Place

Earl Warren Showgrounds 3400 Calle Real Santa Barbara, CA



PLEASE, help give a child a warm bed



SBRPA's annual charity golf tournament supports TRANSITION HOUSE, Santa Barbara's only shelter for homeless families.

DONATE RAFFLE or AUCTION ITEMS for the tournament. All donations are tax deductible and we can provide donation receipt. We welcome any donation. Here are some ideas:

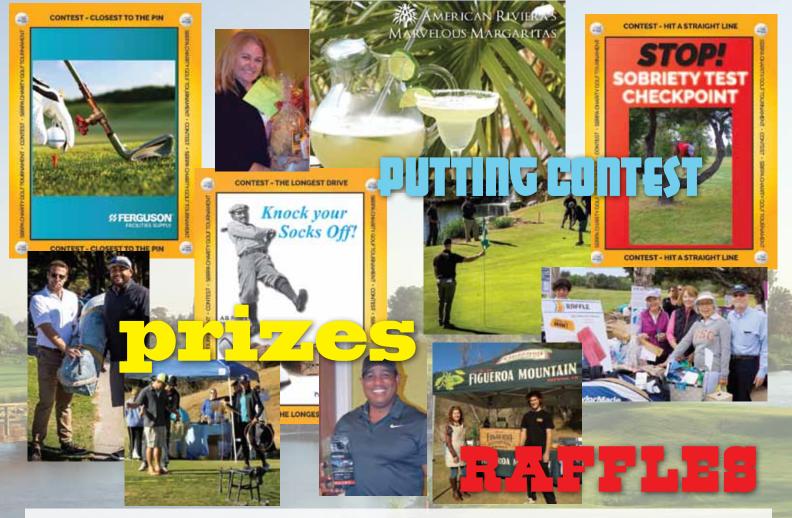
- UNIQUE EXPERIENCE: Your vacation home, Foursome at your golf club, boat trip, dinner at your home
- GIFT CERTIFICATES: Ask your favorite restaurant /clothing store/haircuts/massage to donate a gift certificate for charity
- TICKETS: theater, sport, museums
- BASKETS: Things for a theme basket beauty products, spa day, wines, beers, coffees, auto care, "Staycation", pet care
- FAVORITES: Fitbit, Kindle, Bluetooth speakers, SONOS, television

Donations can be dropped off at either location below, or we can pick up.

SBRPA

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Santa Barbara Rental Property Association's 2018 Fall Charity Golf Tournament

Sponsorship Opportunities

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- Four banquet dinners
- · Logo on the SBRPA banner
- 1/2 page ad in Program
- · Tee siar
- · Verbal recognition during Reception

Feed the Hungry Mob \$2,000

- · Logo on box lunches
- · Meet & Greet the hungry golfers!
- Two banquet dinners
- · Skirted table

Mulligan Sponsor \$1,750

- · Registration signage and tee sign
- One Foursome package
- Four banquet dinners

Attended Tee Box Package \$1,250

- Attended Tee Box -- Meet & Greet all the golfers!
- One Foursome package
- Four banquet dinners
- · Recognition in promotional materials

Cart Sponsor \$1,250 Sold!

• Exclusive signage on every cart

Putting Contest \$1,500 Sold!

Signage

Attended Tee Box \$750 each

- · One golfer, one banquet dinner
- · Skirted table -- Meet & Greet all the Golfers!
- Recognition in promotional materials

Closest to Pin \$500

- Signage
- Present award at dinner ceremony

Tee Sign \$200 each

- Unattended tee box
- Recognition in promotional materials & at event



Registration 9:30 AM · Putting Contest 9:30-10:45 AM · Shotgun 11:00 AM

Presenting \$7,500

4 Foursomes with golf packages, Presenting banner, 12 banquet dinners with reserved seating, 2 premium hole sponsorships with signage, presenting speaker at Awards reception, full page advertisement in SBRPA monthly magazine and logo in all print & online marketing material for 1 year.

Title \$5,000 Sold!

2 Foursomes with golf packages, Title banner, 4 banquet dinners with serseved seating, 1 premium hole sponsorship with signage, 1/2 page advertisement in SBRPA montlhy magazine and logo in all marketing material for 1 year.

Gold \$2,500

1 Foursome with golf packages, 4 banquet dinners with reserved table, 1/4 page advertisement in SBRPA monthly magazine and logo in all marketing material for 1 year.

Silver \$1,250

Card Name

1 Foursome, 4 banquet dinners, reserved seating. Acknowledgement in SBRPA monthly magazine, and signage.

Individual Golfer \$180

REGISTRATION www.sbrpa.org

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Name:						
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Package Name:	Total Due \$					
Golfer #1						
Golfer #2	_Golfer #4					
(For multiple foursomes, atta	nch separate sheet)					
METHOD OF PAYMENT						
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HayesCommercial.com 222 E. Carrillo St, Suite 101, Santa Barbara, California At the time of writing this update we are approaching the last two weeks of the legislative session. There are two big issues taking up all of the "air in the room": wildfire liability and bail reform. Lucky for the multifamily housing industry and for the time being, we are not under attack in the legislature, although there are a couple of bills we continue to work on:

- A bill that would require acceptance of veterans' housing vouchers, and
- A bill one that mandates balcony inspections, for which there will be a clean-up bill next year.

It is a welcome break, because starting with the Costa-Hawkins Rental Housing Act and continuing with the Ellis Act, unlawful detainers, and "just cause" evictions, we have spent the year battling a lot of issues and bills that if passed, might have negatively impacted housing providers. Often in the last month of the legislative session, some bills turn into "zombies" and try and make a comeback. While we had a decent year here in the legislature,

the big fight will be in November.

The outcome of Proposition 10 will likely have a ripple effect into next year's legislative session. If the housing providers come together as an industry to raise \$70+ million and crush Proposition 10, then it provides leverage going into next year. We hope to enter the next year with the California voters deciding to protect Costa-Hawkins and the housing providers in California having a reputation of being a force to reckon with. We won't get to that point if it is just large REITs writing big money checks. We need everyone to help out. We need to be able to say that we had thousands of small "mom and pop" housing providers writing checks to help protect their investment, the industry, and the protections of Costa-Hawkins.

We cannot overestimate the importance of a strong showing in the upcoming November battle. Everyone needs to help by supporting the Issues PAC of SBRPA. Give today, before it's too late! Please contribute by mailing your check to SBRPA at 123 W. Padre Street, Suite D, Santa Barbara 93105

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Contact The Radius Team for details or to schedule a showing.

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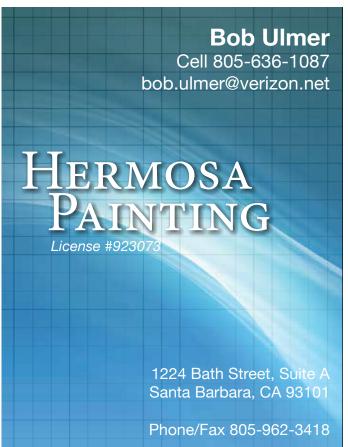
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The Attorney's Corner

David M. Grokenberger, Esq. • Rogers, Sheffield & Campbell, LLP

OWNING RENTAL PROPERTY THROUGH AN LLC

A limited liability company, or LLC, is a form of business organization that is treated as a partner-ship for income tax purposes and as a corporation for liability purposes. Generally, an LLC is a legal entity formed under a statutory scheme that allows one or more owners to carry on a business with none of the owners having personal liability for the obligations of the business. LLCs are a relatively new invention in the legal landscape, having only come into existence in 1977. In California, LLCs are governed by the California Revised Uniform Limited Liability Company Act (Corp. Code, § 17701.01 et seq.), which in 2014 replaced the Beverly-Killea Limited Liability Company Act of 1994 (Corp. Code § 17000 et seq.).

In recent years, LLCs have become one of the most preferred forms of business entities through which to hold title to investment real estate properties. Part of the reason is that LLC members are protected from the liabilities of the LLC, such as a civil judgment. Were someone to be injured at a party at a rental property, they might very well sue the property owner alleging some premises defect or unsafe condition, believing that the owner has the deep pockets. If that rental property were owned by an individual, he or she would be named in the lawsuit and would have to defend his or her personal assets from the plaintiff's claims. In contrast, if that property were owned by an LLC, the plaintiff would have to sue the LLC, and only the assets of the LLC would be available to satisfy a judgment. The individual owner would be insulated by the protection of the company, and his personal assets would not be available to satisfy a judgment against the LLC.

The other main benefit to the use of an LLC is pass through taxation. Most often, an LLC will elect to be treated as a partnership for income tax purposes, in which case the income, gains, losses, deductions, and credits of the LLC generally will flow through to its members for reporting on their personal tax returns. Since there is no separate LLC tax, the owner can avoid double taxation on both the rental income generated by the property and the appreciation in value of the property upon sale.

Moreover, the owner of a single-member LLC can deduct mortgage interest similar to a sole proprietor based on current IRS rules. Larger operations can create "multimember" LLCs that are generally taxed by the IRS like partnerships, meaning that the LLC files an "informational" tax return, but does not actually pay taxes itself.

Multimember LLCs also enjoy the benefits of passthrough taxation as the LLC passes its profits and losses through to its members, who report their portion of the LLC's business income or losses on either a Schedule C, K or Form 1065 with their individual income tax returns. This means that both single member and multimember LLCs offer the benefits of pass-through taxation of profits and losses and limited liability and personal protection for the owners.

While an LLC is similar to a limited partnership, in a limited partnership there must be one partner that is personally liable for the partnership's obligations, and if limited partners attempt to manage the partnership in some way, they could be found to be personally liable as well. With an LLC, there is no requirement that a member be personally liable for the company's obligations, and thus a corporation or another LLC can be the manager of an LLC. Additionally, members can participate in managing the company without subjecting themselves to individual liability for the company's obligations.

The insulation from personal risk exposure for real estate investors provided by LLCs, coupled with the relative ease of administration and potential tax benefits, make ownership of investment property through an LLC a very desirable option in most instances. However, where an individual, married couple, or trust is the sole owner of a property, some of these attributes may no longer be as beneficial. For example, if the property is owned by only one individual or trust, the trouble of forming and maintaining a company may not be worth the protection from the potential threat of a lawsuit. LLCs must register with the State of California and submit statements of information, just like corporations. Moreover, California LLCs must pay a fee



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of \$800.00 each year to the Franchise Tax Board regardless of the LLC's income or activities.

An individual owner who creates a single-member LLC to own a rental property must also be careful to avoid treating the LLC as his "alter ego", which would subject the owner to personal liability. In a lawsuit, the alter-ego doctrine can be invoked where a claimant proves an entity is merely the "alter-ego" of the owner/member, and that the entity should be disregarded so that the owner/ member is personally liable. Courts will "pierce the corporate veil" and extend the liability of an LLC to the owner/member where two key elements are shown: (1) a unity of interest and ownership between the company and its owner; and (2) it would be unfair to treat the underlying acts as those of the corporation alone. For landlords who want to form single-member LLCs to own rental properties and avoid a piercing of the corporate veil, it is critical to establish a business purpose for the LLC, maintain separate records and bank accounts, adhere to corporate formalities, and ensure adequate capitalization of the LLC.

The most common strategy to limit personal liability, other than forming an entity to hold a rental property, is insurance. Liability insurance is available to protect against the threat of litigation and is generally affordable. However, insurance carriers are notoriously unpredictable with regard to

handling claims, and should they provide an attorney for defense of a lawsuit, it will be an attorney selected by the carrier. Moreover, liability policies have limits, exclusions, and exceptions, and generally do not insure against intentional conduct. Thus, the "shield" provided by an insurance policy may not be as comprehensive as the prudent landlord would like.

As always, it is important to seek independent legal counsel as to your specific objectives and circumstances. If you have questions on these topics and/or need legal advice on these subjects, please call (805) 965-7746 or email David Grokenberger at david@rogerssheffield.com; Michael Brelje at mike@rogerssheffield.com, or Scott Soulages at ssoulages@rogerssheffield.com.





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Santa Barbara City Council Votes in Favor of Local Coastal Program Land Use Plan

On August 7, 2018, the Santa Barbara City Council voted 6-0 to approve a new Local Coastal Program Land Use Plan. The unanimous vote, with Randy Rowse abstaining due to a potential conflict of interest, means that the Plan will now go to the California Coastal Commission for its review and approval. If the Plan is approved by the California Coastal Commission, it will revise and replace the current Local Coastal Program Land Use Plan that was approved in 1986.

The new Plan will govern all land use activities inside the City's Coastal Zone, a region in the City of Santa Barbara around four miles in length. About 65% of the City's Coastal Zone is publicly owned land, which will also be subject to the Plan. Development of the land by the City is not very likely.

The impact of the Plan will be mostly felt by private individuals who hold about 35% of the land in the City's Coastal Zone currently. Those owners considering future development will need to comply with the Plan as finally approved by the Coastal Commission. Once approved, the City will administer the new Coastal Plan.

Employment Statistics Reflect Strong Economy, Growing Construction Workforce

The U.S. Bureau of Labor Statistics recently released its labor summary for June 2018. A total of 2.4 million new jobs have been added nationwide over the past 12 months, an indication of a strong and growing economy.

The continued job additions create an increased demand for housing. However, a lack of construction workers has contributed to an already existing housing inventory shortage. Encouragingly, construction employment has increased by 282,000 jobs over the past 12 months and continued the trend in June by adding 13,000 jobs. The nationwide trend is expected to trickle down to Santa Barbara County.

(Editor's note: Love him, or hate him, or a little of both, the Trump economy is showing legs!)

Homeowners Can Expect More Frequent Blackouts under Southern California Edison's New Policy

Recently, Southern California Edison ("SCE") announced that it will allow power to be shut off when SCE determines that there may be extreme weather conditions. Since the recent change in implementation, SCE has already ordered two shutdowns in the southern parts of its coverage area.

SCE frames the reason for this change in policy implementation as a public safety issue; however, it is likely that the flood lawsuits against SCE have played a major role. The lawsuits stem from allegations that fires were caused by downed power lines. The most notable for Santa Barbara County are lawsuits arising out of the Thomas Fire and the subsequent Montecito Debris Flow events.

It appears that SCE, and other utility companies who are following suit, are fed up with the financial burden that they have faced due to the injuries resulting from natural disasters. They are now seeking to insulate themselves anyway they can, including being much quicker to turn off the power—potentially for days on end.

For California homeowners, especially those in more rural areas, this means that blackouts will likely be more frequent. Steps should be taken to ensure that you and your property are prepared for those blackouts. SCE has been holding public hearings, and there will likely be more upcoming, so there may still be time to try to change SCE's mind. Let them know what you think about this revision of their policies.

(Editor's note: I'm so old, I remember when delivering electric power to customers was SCE's highest priority!)



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California Coastal Commission Shoots Down Short-Term Rental Ban

In May, the County's short-term vacation rental ban was shot down by the California Coastal Commission by way of a 7-5 vote. The reason for the denial was that the ordinance banning shortterm vacation rentals was said to improperly limit the public's access to housing near the coast.

It is rare that a Coastal Commission decision is pro-landowner, so this was a notable and significant development.

(Editor's note: Expect more from the California Coastal Commission on this issue before it is finally resolved.)

Renewed Plans for Wind Farm near Lompoc in Santa Barbara County

A proposed wind energy project in Lompoc seeks to install 30 wind tower generators just south of Lompoc off San Miguelito Road. A wind farm was previously planned for the same site a decade ago, but that plan never came to fruition. The new proposal seeks to install fewer – but much larger – wind tower generators, which will generate energy to be sold and transmitted to Pacific Gas & Electric Co. through a new 8.6-mile line to be constructed as part of the project.

The project is relying on the earlier proposal's environmental impact report (EIR) from 2009, with a draft supplemental EIR to be prepared and circulated for public comment. Some argue that circumstances have changed so drastically in the last 10 years that the 2009 EIR with its old data is practically obsolete, and that a brand new EIR should be prepared. However, despite state-of-the-art technology, birds continue to be killed and injured by the big windmills. Bird protection and bird collisions with the generator blades are serious problems for these energy sources.

If approved, the project would be Santa Barbara County's first commercial wind energy farm. Construction is estimated to take approximately 10 months, but the project still requires coastal development permits, as well as a conditional use permit from Santa Barbara County.

Two Target Stores Coming to Santa Barbara County

After years of rumors, the highly-anticipated retailer Target is finally coming to the 805. Earlier this year, Target officials announced their plans to

bring a "small-format" store to Santa Barbara. The mini store will be located in the 34,000-square-foot Galleria building at 3891 State Street and is expected to open in October 2018

Following the announcement of the small-scale version of a typical Target store, representatives from the retail chain said that a full-scale Target was still in the works.

In July 2018, Target revealed it would open a location in Goleta in 2019. The full-scale store will assume the place of the K-Mart, located at 6805 Hollister Avenue, which is scheduled to close this October. This store will be one of Target's "new generation" stores. It will feature a sleek, minimalist design and will include convenient options like self-checkout, a nursing room, and online "order-pickup."

In a time when brick and mortar businesses are failing, Target hopes to change that by rallying support from the Santa Barbara and Goleta communities. Target hopes the new stores' presence will attract shoppers, increase revenue, create jobs, and breathe new life back into the areas surrounding the stores.

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INDEX OF ADVERTISERS Battaglia Commercial Real Estate.... 10 Beach House Inn......30 Beau Brunner Painting...... 31 Betty Jeppesen, Esq......11 Berkshire Hathaway – Ken Switzer ... 23, 27 Bill Terry Insurance......2 Central Coast Investments............ 25 Central Coast Paving 4 DMH Properties 30 Don's Heating & Air Conditioning 34 Frederick Lang R.E. Appraiser......... 31 Hayes Commercial Real Estate 20 Hermosa Painting 26 John E. Peakes Insurance Agency ... 28 Jody's Windows & Floors...... 18 Keller Williams Commercial 22 Loadstar Movers......7 Magid Masonry 25 MasterCare Home Cleaning Services 26 Mendez Building Services 31 Meridian Group 30 Pearl Bay Corporation 26 Radius Group 24 Rogers, Sheffield & Campbell, LLP... 25 Salsbury Industries...... 10 Sandpiper Property Management 37 San Roque Realty 5 Sensor Industries 36 Sierra Property Management......... 32 Spectrum Realty.......35 The Laurel Company 8 Tower Property Management 5 Wash Laundry Systems 40

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