

Landlord Link

The Housing Authority of the
City of Santa Barbara

Successful Landlord Meeting!

In June, the Housing Authority hosted a luncheon to honor our Section 8 landlords. Besides great food, the meeting provided information on issuing proper notices to tenants, rent increases and fair housing law. Our guest attorney, Alex Lambrous of Legal Aid, presented a range of information for landlords, including several alternatives to costly calls attorneys by accessing free resources. As we've expressed before, the Section 8 Program would not be possible without your participation. Although our conversation at the luncheon centered on lease violations and evictions, the majority of your tenants are lease-abiding and grateful for the subsidy. As always, feel free to contact our office with any questions or concerns—although we cannot provide legal advice, we can advise you on the Section 8 program requirements and

regulations. The following is a summary of the free resources available to landlords presented by Legal Aid:

The Legal Resource Center of Santa Barbara County is staffed by a California licensed attorney, and open to the public on a first-come, first-served basis. Assistance is offered in the completion of legal and court documents for various civil matters and infractions, and in properly presenting your case to the court. They also have a self-help website at www.sbcourts.org/srl/.

City of SB Rental Mediation Task Force provides information on the California Rules and Regulations pertaining to Landlord/Tenants rights and

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Serving Notices to Section 8 Tenants

We frequently receive questions about the correct notice to serve Section 8 tenants, and although we touched on this topic at the landlord luncheon we thought further explanation would be beneficial, especially for those who were unable to attend. Please note that this information is provided for informational and educational purposes only and not intended as legal advice.

Section 8 landlords must follow the provisions in the Section 8 HAP contract, as well as California law when serving eviction notices to tenants. During the term of the lease (the initial term or any extension) the owner may only terminate the tenancy because of serious or repeated violation of the lease, criminal activity, or other good cause which must be something the family did or failed to do, i.e. disturbance of neighbors, living or housekeeping habits that cause damage

to the unit, etc. (please refer to your HAP Contract Part C 8B for more detailed explanation). The landlord must give the tenant a 3-day, 30-day or 60-day notice of termination under California law, and *both the landlord and the tenant must give the Housing Authority a copy of the notice*. (Important Note: the copy of the Notice must be provided to the Housing Authority by the landlord on the same day it is served.) For tenants who have resided in the premises for one year or more, landlords who wish to terminate that tenancy are required to give 60-days notice.

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Serving Notices

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(See Civil Code section 1946.1 for more information and exceptions). If a tenant is an occupant of the unit for less than a year, a 30-day notice may be given. A 3-day notice may be given under certain circumstances, i.e. failure to pay rent (see Code of Civil Procedure Sections 1161(2)-(4)).

After the initial term of the lease, if a landlord wants to terminate the lease for other than a lease violation and choose not state cause, a 90-day notice must be served. During the 90 day period, the tenant's portion of the rent cannot be increased.

State law requires owners to give subsidized tenants a

lengthier notice to vacate than unassisted tenants, to reflect the difficulty low-income families face in locating housing.

If the tenant doesn't move out by the end of a notice served, the landlord must follow California law to evict the tenant.

Most the information from this article can be found in the Section 8 HAP Contract and the guide published by the California Department of Consumer Affairs "*California Tenant-A Guide to Residential Tenants' and Landlords' Rights and Responsibilities.*" In Addition to these resources, we encourage landlords to contact their attorney for more information and legal advice.



"It's difficult to put into words the happiness that surrounds El Carrillo! Thank you so much for the opportunity to become a viable part of society again—to feel like a person who can now work and come home to her own light switch. I can come home and tell myself, "Good job!" Instead of getting off work and having no place to go other than my car. I am so very thankful for this opportunity to be a whole person again. There's no place like home for my weary soul."

In the words of a resident of El Carrillo, the Housing Authority's award winning supportive housing development for the homeless.

Photograph by Zach Johnson, www.zachjohnsonphoto.com

Landlord Meeting

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responsibilities and an inexpensive and effective means to resolve rental housing disputes without resorting to the State justice system.

The CA Dept. of Consumer Affairs publishes the guide "*California Tenant-A Guide to Residential Tenants' and Landlords' Rights and Responsibilities.*" You can download

a copy at <http://www.dca.ca.gov/publications/landlordbook/> or call (800) 952-5210 to have a copy mailed to you.

You can pick up several good books on California landlord/tenant law, specifically David Brown/Nolo Press's *California Landlord's Law Book* was suggested as a good source for all the plain English legal information & forms a landlord needs.

Protecting Section 8 Tenants at Foreclosure

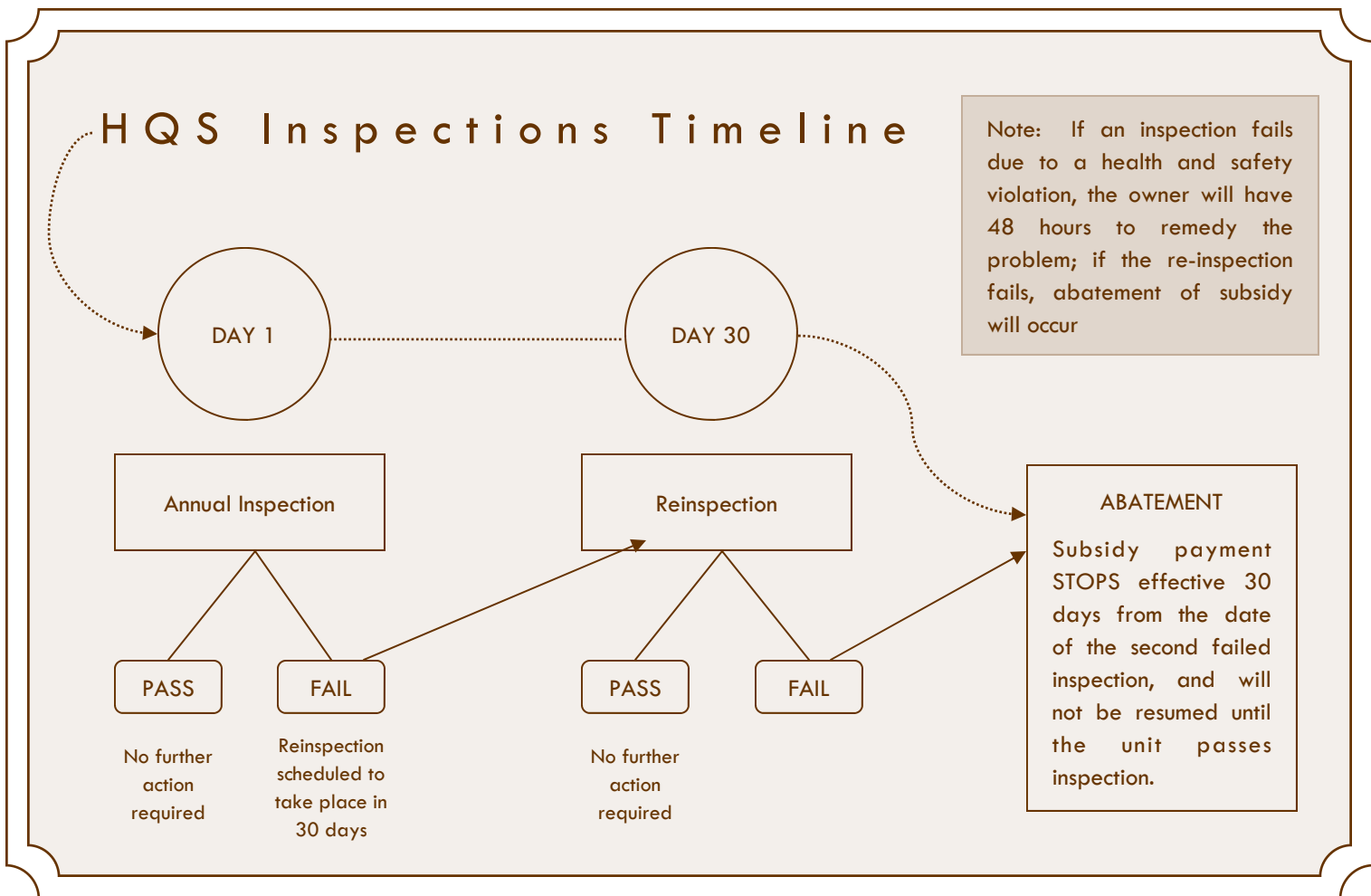
On May 20, 2009, President Obama signed the “Helping Families Save Their Homes Act of 2009” (the Act). The Act includes protections for tenants, including Section 8 tenants, who are living in homes subject to foreclosure. These protections were effective immediately as of May 20, 2009.

Pursuant to the changes, the “immediate successor or interest” (generally the bank or other lending institution) shall assume both the existing Section 8 lease and the existing Housing Assistance Payments Contract. Foreclosure does not constitute “other good cause” for termination of an existing Section 8 lease with one exception, if the unit will be owner-occupied as a primary

residence, the owner must provide the tenant with a minimum of 90 day notice to vacate.

The Act provides that these protections are the minimum to which Section 8 tenants are entitled. The Act specifically does not affect any state or local laws that provide additional protection for tenants, including longer time limits.

These changes are effective for all Section 8 tenants, even those living in units that have already been foreclosed. Under the law, the immediate successor in interest to a foreclosed property must assume responsibility for a current Section 8 tenancy even if the foreclosure occurred prior to May 20th.





Housing Authority of the City of Santa Barbara

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OUR MISSION:

The Housing Authority of the City of Santa Barbara is a local public agency created under state law for the purpose of providing safe, decent, and quality affordable housing and supportive services to eligible persons with limited incomes, through a variety of federal, state, local and private resources.

OUR VISION:

The Housing Authority does more than handle the day-to-day demands of providing affordable housing solutions to lower income families, seniors and the disabled. We strive to craft solutions to our community's affordable housing dilemma in a holistic manner and turn them into a reality.

News Flash!

List Your Vacancies...FREE!

As a reminder, the Housing Authority maintains a **FREE** listing service for your vacancies. If you want to fill a vacancy quickly, contact Ramon Escobedo at 897-1049 to add it to our list which is sent out to all Voucher holders currently looking for a unit. It is our recommendation to always screen any potential tenant, whether Section 8 or not, for suitability.

Changes Requiring a New Lease

Any changes in the lease governing who pays for (or provides) utilities or appliances (Utilities and appliances include gas, electricity, water, trash collection, and the cost of furnishing a refrigerator and a range or microwave. It does not include telephone or cable); Any changes in the

lease governing the term of the lease; and if a family moves to a new unit, even if the unit is in the same building or complex. In these cases, assistance may be stopped until the Housing Authority has approved a new tenancy in accordance with program requirements and executed a new HAP contract with the owner.

Who to Call...

For HAP contract/lease-up questions:
Andrea Fink, 897-1034

For inspection questions: **Ramon Escobedo, 897-1049** or **Ronnie Anderson, 897-1045**

For HAP payment questions: **Ruben Venegas, 897-1046**

Director of Housing Management:
Veronica Loza, 897-1032

Got Direct Deposit?

Direct deposit is the safest and fastest

way to get your HAP payment. Please contact Andrea Fink at 897-1034 for more information.



Photograph by Mark Kuroda, www.markkuroda.com