

SANTA MONICA REPORT



A PUBLICATION OF THE APARTMENT ASSOCIATION OF GREATER LOS ANGELES

12012 WILSHIRE BLVD., WEST LOS ANGELES, CALIFORNIA 90025 - PH. 310-820-7651 EXT. 601 EDITOR: KEVIN B. POSTEMA

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SANTA MONICA NEWS

Warning: Warning Notice Required?

Santa Monica City Councilmembers Kevin McKeown and Glean Davis, both SMRR-backed councilmembers, raised the issue of requiring property owners to give tenants 7-day advance warning notices before being able to serve them with 3-day notices to perform or quit for violations of leases or rental agreements other than failure to pay rent.

AAGLA is closely monitoring this issue. We need to be vigilant because it affects how owners operate their properties and deal with violations at their buildings.

Requiring additional notice

presents problems, particularly where a violation is serious and it affects other tenants at the property.

If the issue appears before the council, we need to speak at any hearings and describe firsthand how such an ordinance is a detriment to both owners and tenants.

The idea of creating a warning period came from an Appellate Court decision last year upholding an Oakland rent control provision that provides for prior notice of a violation. McKeown commented that since the court ruled favorably on the provision, a similar law in Santa Monica could exist without the fear

of legal challenge.

Smoking Ban Effectiveness Studied

At the same council meeting, Councilmembers Davis and McKeown asked that city staff report to the council on the implementation and effectiveness of the common

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Meeting Announcement

Lainy Parry / Bill Dawson - Meeting Moderator
Legal Questions Answered
State Legislative Report
Rent Control/Owner Education

February Meeting Site Moved
AAGLA's Workers Comp. Program Explained

Mon., Feb. 22, 2010 • 7:00 P.M.

Santa Monica Public Library, Montana Ave. Branch
1704 Montana Ave., Santa Monica • Community Rm.

March Meeting • Mon., Mar. 29, 2010

Colorado Center Comm. Rm. - 2500 Broadway - Across from Helen's Cycle Shop
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Under the Dome Here We Go Again!

By Steve Carlson,
Sacramento Lobbyist

As I write this article, the positive feelings after the Governor's upbeat, and last, State of the State address (hard to be upbeat when the deficit still hovers around \$20 billion) are long gone. The convivial feelings waned quickly when a few days later he announced his budget proposal for the next fiscal year that includes deep cuts to many programs.

John Perez (D-L.A.) was officially elected Speaker of the Assembly, Sen. Bob Dutton (R-San Bernardino) announced he would succeed Dennis Hollingsworth (R-Murrieta) as Senate Republican Leader after the budget was resolved, former Assemblyman Paul Krekorian (D-Glendale) took his seat on the L.A. City Council, with several candidates announcing their desire to replace him, and Anthony Adams (R-Hesperia), against whom an unsuccessful recall effort was launched because he voted for the budget, announced he would not run for reelection. In short, business as usual.

We are in the second and, in this case, general election year of our biennial legislative session. As long-time readers know, bills that did not pass out of their "houses of origin" last session must have done so by the end of January this year or they are officially dead, or as dead as anything really is around here because we have until the third week in February for new bills to be introduced this session. They must get to the Governor by the end of the session or die.

Although we will not know all of the legislation we will be dealing with this session until early March, we are keeping an eye on a number of two-

year bills, some which we liked. Here is a brief summary of their status.

AB 1171 (Ammiano)

This bill would have made the already complex and burdensome Ellis Act (the process by which an owner of rental housing in a rent-controlled community may go out of business) even more burdensome. Happily, the bill was dropped by the author and will not be heard in January. However, there have been some Ellis Act issues getting press coverage in San Francisco so we are keeping an eye on whether the author will introduce another bill before the deadline.

SB 518 (Lowenthal)

We opposed this bill last year because it encouraged local communities to enact parking management ordinances which could have included a prohibition on bundling of rent and parking in residential housing – requiring a separate charge for each. We have been in discussions with the author's office. It is offering to remove all the objectionable language concerning apartments. We and our allies are analyzing their proposal. It might be enough to remove our opposition, but I think the bill will probably be vetoed even if these amendments are made.

AB 1263 (Strickland)

This well-intentioned bill was trying to address the difficulty, embarrassment and awkwardness of requiring attempts to serve a UD at a tenant's place of business. We suggested a number of amendments to the measure, but knew no matter what we did tenants' groups would oppose any change in existing law pertaining to service of UDs in a residential setting. The bill was amended to apply only to commercial UDs so we are neutral on the measure.

AB 505 (Furutani)

The measure was recently amended to make it illegal for unrelated sex offenders to live in the same house, apartment, etc. Although aimed at the Department

of Corrections' placement policies, we have reached out to the author's office and expressed concerns that the bill not create a duty or obligation on an owner or manager to investigate, comply, enforce or otherwise act on this issue and thereby create potential liability.

SB 500 (Steinberg)

Permanent source-of-funding for affordable housing. This measure is sponsored by the Department of Housing. At this point it is very general and contains no identified funding sources. Of course, we have regularly supported appropriate measures to encourage affordable housing, but we will keep an eye on this to make sure the funding sources do not unfairly burden our industry.

We have heard rumors that among the funding sources under consideration are increased document recording fees.

New committee make-ups are being announced. This will require us to do some readjustment on strategies in the committees our issues generally flow to. Over the last few years, committees have not been doing their traditional jobs of refining bills, fixing some and killing others. Rather, they are, basically, rubber stamps of Democratic bills. When the bad ones continue, we have to take them on in floor fights. I expect more of the same this session so stay tuned.

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Mona's Musings AAGLA's New Workers Comp Program

By Mona Begum,
Westside Office Manager

We hope to see you at our February Santa Monica Meeting on Monday, February 22, 2010, at 7:00 p.m. Please note that the February meeting will not be held at our usual location. Instead, we will be meeting at the Montana Avenue Branch of the Santa Monica Library, located at 1704 Montana Avenue. It's on the southeast corner of Montana Avenue and 17th Street.

Next month, the March Santa Monica Meeting will be held on

Monday, March 29, 2010, at 7:00 p.m. at our usual location at the Colorado Center Community Room.

For our February meeting, our featured speaker will be Jim Coady of ISU Derby & Associates. He will talk about AAGLA's new workers compensation insurance program, which is administered by his company.

We also plan on having Home Saving Termite give a presentation about the Dri-Out Dehydration System for treating infestation. And, of course, we will update you on any important legislation, a local attorney will fill you in on what's new, and answer your questions, and there will be helpful maintenance and management tips.

And remember, when you attend our Santa Monica meetings,

you have a chance to win a \$300 gift certificate, generously donated by Carlson's Appliances, located at 1342 5th Street in Santa Monica. So, in addition to all the information you can gather at the meeting, you have a chance to win something nice.

Generally, the Santa Monica Meeting is held in the Colorado Center Community Room, located at 2500 Broadway Avenue in Santa Monica. The meeting room is just across the street from Helen's Cycle Shop. Street and validated parking in the building are available.

And don't forget that we are here to help, so please give us a call at 310-820-7651, or just drop by the Westside office. We can provide all the AAGLA forms and low-cost tenant screening that you need.

Warning: Warning Notice Required?

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area smoking ban the city enacted last year for common areas of apartment and condominium buildings.

"Once we understand that better," McKeown said about the common area smoking ban, "we'll know how and if and where to move the policy forward," clearly hinting at a possible proposal for a complete ban on smoking in apartment and condominium buildings.

While the discussion at the council meeting was to address how the common area smoking ban has worked, several members of the public, including Rent Control Board Commissioner Robert Kronovet, spoke to the council on the need for a complete smoking ban. Kronovet proposed just such a ban at a board meeting last year, but it was not met with any enthusiasm.

This is another issue we will

continue to monitor and advise our members about.

Leaf Blower Liability for Owners: Blowing in the Wind

Finally, the City Council also considered whether to tighten the ban on the use of leaf blowers, and switch enforcement of the existing 19-year ordinance from the SMPD to the city's Office of Sustainability and the Environment (OSE), the agency that enforces violations of city water usage ordinances.

One of the major changes proposed was shifting liability to property owners instead of those actually using leaf blowers at a property, such as one's gardener.

City staff was directed to bring back a proposed ordinance, although some on the council said they had concerns about shifting responsibility to property owners.

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