

SANTA MONICA NEWS

Smoking Ban Allows Owners to Sue Renters

The Santa Monica City Council passed a ban on smoking in the common areas of apartment and condominium buildings. The ordinance will go back to the council for a second reading, at which time, pending approval, it will formally become effective.

While it puts the burden of notifying residents about the ordinance on property owners or homeowners' associations by requiring posting signage and giving each resident written notice of the ban, it pits neighbor against neighbor (including owners who can sue their smoking tenants on this) for compliance and remedy.

This was done due to the concerns of tenant advocates that

property owners would use violations of the ordinance as grounds for evictions.

The ordinance requires an aggrieved person to try and reach a "good faith" resolution with a violating smoker, and provide them with written notice of the law and a request to cease smoking in the common areas.

If that fails, the aggrieved person would have to file a civil action in Small Claims Court for an award of damages (payable to the aggrieved party) of at least \$100 for the first offense, at least \$200 for a second offense, or up to \$500 for a third and any subsequent violation of the ordinance within one year.

We will have more informa-

tion about this at our March Santa Monica Meeting.

Clo Hoover's Apartment Building a Landmark?

The City of Santa Monica Landmarks Commission voted 4-3 to landmark the former home of Clo Hoover located at 301 Ocean Avenue.

The 57-year-old apartment building, which sits on the corner of San Vicente and Ocean, was granted landmark status, apparently, because Clo was the first female mayor of the city.

The majority of the commission ignored its own staff and its consultant as both said the property did not qualify for landmark status because it is not architecturally or historically significant.

And it is apparent the property was not given landmark status because it was also the former home of Hoover's son, Chester (Chet), a staunch opponent of rent control and city hall gadfly who was often critical of the city, including the work done by the Landmarks Commission.

Those opposing the landmarking of the property, including several Landmarks Commissioners, felt it was improper to grant such status just because Mrs. Hoover once

Meeting Announcement

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

How to Rent Units In A Tough Economy

Mon., Feb. 23, 2009 • 7:00 P.M.
March Meeting • March 23, 2009

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Under the Dome It's Getting Toxic Here

By Steve Carlson,
Sacramento Lobbyist

At press time, the Legislature had only been back for about two weeks for the beginning of the two-year 2009-10 session. Due to the budget crisis, most legislators and staff had not really been away through the elections and early December swearing in. So, with little time off, a deficit in excess of \$40 billion over the next two years, and, at least at this writing, no real signs of resolution, you can imagine how toxic the atmosphere is around here.

The State of the State message was pushed back until the middle of January in hopes that a deal would be reached. None was. Instead of the usual upbeat, "Shining City on the Hill" tone, the Governor gave a sparse, somber, 10-minute talk pleading for cooperation.

The response was cordial, but right after that the Assembly took off the following week so many members could attend the Inauguration of President Obama, despite gloomy pronouncements from state fiscal officers that tax refunds might be replaced by IOU's, construction projects halted, and vendors unpaid. February 1 is looked at as a drop-dead date. Perhaps, by the time you read this a compromise will have been reached.

I am writing this article on the day of the historic inauguration of President Obama and can't help but marvel at the genius of our democracy. No matter how bitter the election, or how disappointed the losing candidate and party, the orderly, peaceful transition, and the incredible good will and wishes for success from all, supporters and opponents alike, can make us all feel proud and optimistic.

Maybe, our state officials can take a lesson from the mood in Washington, get the budget done, and move on to the issues all

Californians want to see addressed.

We are just beginning to see new bills introduced for this session. January 30 was the first deadline for legislative draft proposals to be submitted to the legislative counsel's office for drafting in bill form, about a week later this year than normal. Once that occurs, the proponents of legislation decide whether to put the language "across the desk"—legislative parlance for introduction.

The bill introduction deadline is February 27, also about a week later than normal. By early to mid March, we should have a pretty good idea of the bills of interest and concern to us that we will be dealing with this year. Those bills that are introduced are then assigned to Policy Committees and, if there is a fiscal impact to the state, also to Appropriations Committees.

We are so early in the session that Assembly committee members have not been appointed yet, and the Senate committees were just announced. We do know the chairs of the key committees that most of our bills go through. We are hopeful that the overwhelming focus on the budget will cause legislators to shy away from trying to further regulate our industry, but don't bet on it.

There are over 30 new members of the Legislature and they are all looking for "issues."

Early indications are that there will be legislation introduced by one of our allied industry organizations to try and take some positive steps on Megan's Law. The idea is to have the Attorney General prepare a handbook, in Q & A format, on issues related to a landlord's rights and obligations under Megan's Law.

The distribution of the book to tenants will be optional, but providing the information will provide some liability relief. We will be looking at the final version of the language when it is ready.

We have also heard about a proposal to impose unnecessary and burdensome requirements on those who purchase substandard properties for the purpose of rehab. We have gotten similar bills both vetoed

and killed in successive sessions, but one may well be reintroduced this year.

There is also a bill that would mandate a 20% reduction in urban water use. It might provide us a forum to argue that reasonable water allocation methods in master-metered properties can add to the reduction.

Finally, and there will undoubtedly be more, it is likely the tenant groups will argue for a continuation of the law passed a few years ago that provides a 60-day notice to vacate if a tenant has been in place for a year. It is due to sunset or expire at the end of this year, and they will no doubt point to the economic difficulties, foreclosure rates, and so forth as reasons to continue it. We will be looking at it with our allied groups and, at a minimum, argue that any extension must also have a reasonable sunset provision built into it.

There will be much more to report on in our next article so stay tuned.

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Mona's Musings How to Rent Units In a Tough Economy

By Mona Begum,
Westside Office Manager

Hopefully, you were able to start the year off by attending our January meeting.

Don't miss our next meeting on Monday, February 23. Our program will feature a discussion on how to rent units in this tough economy. We will also talk about your parkway rights and responsibilities. We will also tell you about city services that are available to you that you may not know about. And we plan on having the new administrator of the City of Santa Monica Housing Authority, Julie Lansing, on hand for you to meet.

Other speakers include attorney Craig Mordoh, who will discuss important legal issues, and

Walt Zambas on hand to give you some valuable maintenance tips.

Don't forget that 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.

After the February 23 meeting, our next Santa Monica meeting will be held on Monday, March 23, 2009, at 7:00 p.m.

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.

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lived there. They cited examples of other council members who have had buildings and parks named to commemorate their service, such as Ken Edwards Center and (Christine) Reed Park.

One of the more ridiculous comments was attributed to Commissioner Ruthann Leher, who voted to landmark the property because she felt that the ocean view helped to influence Mrs. Hoover.

Proponents of landmarking the 47-unit apartment property, which was constructed in three phases over a period of years, mainly consisted of tenants at the property seeking to keep their rent-controlled apartments and million dollar ocean views.

Landmarking a property is one of the means used by the city to prevent or delay development.

The new owners of the prop-

erty, who were seeking to re-develop the site, may appeal the decision to the city council.

Herb Katz and Clyde Smith Pass Away

Herb Katz, a longtime Sunset Park resident, passed away at age 78 on January 7 after battling prostate cancer. He was recently re-elected to another term on the city council, and was a former Mayor, planning commissioner, and member of the Architectural Review Board. He also served in the United

States Marine Corps.

Longtime Pico Neighborhood resident Clyde Smith, 62, also passed away, on January 1, after a brief illness. He was executive director of the now defunct Neighborhood Resource Development Corporation in Santa Monica. He served in the United States Marine Corps, was a member of the Rotary Club of Santa Monica, Chairman of the Salvation Army Corps in Santa Monica, and was active in a number of other organizations.

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