

SANTA MONICA NEWS

New Anti-Smoking Proposal Floated at City Council

When the Santa Monica City Council adopted the ban on smoking in common areas of multi-family residential properties, it directed the city attorney's office to look into developing additional ordinances which could require the designation of smoking and non-smoking units in apartment and condominium buildings.

The staff has returned with some recommendations for an ordinance that would require that property owners designate certain units as smoking and non-smoking units, and to disclose to prospective tenants, and potential condominium purchasers, which units have the smoking and non-smoking

designations.

In its report, staff said it continues to receive complaints about the problem of second-hand smoke coming from the interior of adjacent units, and complaints about smoke drifting from adjacent balconies and patios.

Councilmember Bob Holbrook said he is not certain whether giving units designations and then disclosing this will eliminate the number of complaints about drifting smoke if some units permit smoking while others do not.

"It won't really solve the problem if half the units are smokers and half aren't," said Holbrook. He also noted

that those in the renters' rights organization have voiced concerns that property owners could use such a law to evict tenants because of their habits.

One of the recommendations proposed by staff is an ordinance that would require property owners to survey their tenants about their smoking habits, designate smoking and non-smoking units, and disclose the smoking status of each unit on the property to all existing and prospective tenants. This would not impact the rights of existing tenants, staff reported, and it could preserve the right for future tenants and occupants to smoke in units designated for that purpose.

However, staff said that if the council wants to enact a stronger ordinance, it could decide that when any units that are designated for smoking are vacated they would lose the smoking designation status and would bar new tenants and occupants from smoking.

This is something we will all have to keep an eye on because the current proposal requires owners to take the responsibility for accumulating information about their tenants and then disclosing this information to others.

Meeting Announcement

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

Don Oerlich - "Cool" Roof Systems
Monday, September 28, 2009

Monday, September 28, 2009 • 7:00 P.M.
October Meeting - October 26th • 7:00 P.M.

Colorado Center Comm. Rm. - 2500 Broadway - Across from Helen's Cycle Shop
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Under the Dome Legislature Passes Budget, Now the Sprint to the Finish

By Steve Carlson,
Sacramento Lobbyist

The budget deficit, estimated to be over \$26 billion, was finally addressed in late July. The Governor finished the job by using his line-item veto. That caused the predictable screaming from those whose oxen were gored, including a lawsuit by Senate President pro tem Darrel Steinberg challenging the legality of the line-item vetoes. At least one provision concerning Corrections was deferred for further discussion.

There were steep cuts in education, welfare and local government. One provision we were very pleased about not finding its way into the final agreement was one that proposed a 3% withholding requirement on contracts with independent contractors. We fought that along with our allies, including Realtors, Chambers and others.

The Governor announced a special session for September to consider the recommendations of the Commission on Taxation for the 21st Century. One thing that might find

its way into the commission recommendations is a split-roll tax, removing Prop. 13 protections from commercial property. The issue for us has always been whether multi-family residential property would be considered commercial. We will keep a close eye on the activities of the commission.

In early August, Executive Director Jim Clarke and I had the honor and pleasure of meeting with state government affairs professionals from around the country at their annual roundtable, hosted this year by the San Francisco Apartment Association, with major sponsorship provided by the National Apartment Association. It was a very productive session as we shared information on issues of common interest and concern affecting our industry in other states, and how issues were addressed by others that can be of great value. As usual, California led the way with crazy ideas at both the state and local levels.

The Legislature broke for a few weeks and is now back until the September 11 adjournment. Given the ongoing budget issues and the special session on the Tax Commission Recommendations, it is likely they will be around a lot this fall. We feel good at our success to date, however, there are couple of issues we continue to work on.

Key Bills of Concern

SB 782 (Yee) – Domestic violence. We met with the author to point out the dilemma if an owner cannot evict when a domestic violence situation endangers other tenants. Along with our regional apartment association allies, we continued to strongly oppose the bill unless amended to provide a safe harbor from legal jeopardy for owners, and we are provided the tools we negotiated in last year's AB 2052 (Lieu), also on domestic violence, that presumes the act is a nuisance facilitating eviction of the abuser.

We were very pleased and

relieved that just before its hearing in the Assembly Judiciary Committee, the author, responding to our opposition and questions from the committee staff, decided to make it a two-year bill, meaning it cannot be taken up again this year.

AB 331 (Hall) – Foreclosure notices to applicants to rent single-family homes. Much foreclosure legislation has attempted to include multi-family, but it is really an issue for single-family residences. Amended to apply to 1-4 units. Bill was pulled from hearing. Looks like it is dead for the year.

AB 1186 (Blumenfield) – Non-residential parking cash-out program. Attempts to modify an existing program where an employer can give tax-free subsidies if employees take alternative forms of transportation. Intent is to provide information to employees to encourage more effective use of the program. We worked out amendments with the author to assure that the language of the bill does not give employees access to lease information. With that amendment, we will remove our opposition.

AB 530 (Krekorian) – UD's. Removes sunset date, geographical limits, allowing City Attorneys to intervene where controlled substances and firearms are present. Passed Assembly. Support.

AB 568 (Lieu) – UD's. Counterfeit goods. Allows City Attorneys to initiate UD's if counterfeit goods are present. Got amendment so applies only to non-residential. Passed Assembly.

AB 49 (Feuer) – Mandate to reduce urban per capita water use. May result in costly and unworkable mandates on property owners. Passed Assembly. Working on amendments with author.

SB 407 (Padilla) – Low-flow plumbing devices. Working on amendments. Watch. Passed Senate.

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Mona's Musings Save Energy & Lower Costs

By Mona Begum,
Westside Office Manager

We hope you were able to enjoy taking a summer break in August. But now we're back and ready to go. We hope to see you on Monday, September 28, at 7:00 p.m. for our next Santa Monica Meeting.

We plan to have Don Oerlich of Roof Toppers on hand to explain "cool" roof systems that can help both lower energy costs and extend the life of the roof.

We also will discuss the new federal lead paint standards. And attorney Craig Mordoh is scheduled to be on hand to discuss legal issues, plus Walt Zambas will be there to tell you about more money-saving tips.

And 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 our September Santa Monica Meeting, our next scheduled Santa Monica meeting will be held on Monday, October 26, 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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Under the Dome

SB 290 (Leno) – Permanent 60-day notices to vacate when tenants in place over a year. We are opposing the bill unless amended with a sunset date of three years or less. Passed Senate.

SB 120 (Lowenthal) – Obligations to tenants placed on successors of interest as a result of foreclosure. Watch. Passed Senate.

AB 761 (Calderon) – Vacancy decontrol/Costa-Hawkins. Affects mobile home rent control. Passed the Assembly. Support.

SB 183 (Lowenthal) – Carbon monoxide devices. Similar to measure vetoed last year. Passed Senate. Watch.

AB 473 (Blumenfield) – Multi-family recycling mandate. Passed Assembly. Watch.

SB 1020 (Emmerson) – State compliance dates for pool anti-entrapment devices. Passed Assembly. Working on amendments. Watch.

AB 1160 (Fong) – Translation of contracts. Assembly Banking Committee. Watch.

SB 242 (Yee) – Prohibits language prohibitions in the workplace. Amendments to the bill remove or reduce the possibility that this could result in having to provide leases in languages other than English. Passed Senate. Watch.

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