

Santa Cruz Neighbors General Meeting Minutes

Feb 20, 2008

7pm – 8:30 pm

Police Community Room

155 Center Street, Santa Cruz

Welcome and Introductions: Mary Miller opened meeting. About 33 people attended.

Introduction of **Ed Chin, Attorney, Bosso - Williams**

Presentation:

What landlords and tenants should look for?

Should we have a lease?

Month to Month?

Handshake deal?

Landlords: Month to month or lease (6 months or longer) should be required with all items spelled out.

Landlords should also include rules and regulations not covered in the lease: uses and limits of use: other addendums such as parking, storage, length of guest stay. These forms are available for purchase from CAR (California Association of Realtors: <http://www.car.org/>

“Attorneys’ Fees” clause says if you have to bring suit, and you prevail, you can collect attorney’s fees.

Tenants should have a written rental agreement. Tenants cannot waive right of entry and cannot have tenant waive statutory rights.

Four Questions Landlords should ask:

1. Will the tenant(s) pay rent
2. Will the tenant take care of the property
3. Will the tenant bother the neighbors
4. Will the tenant comply with the rules

To consider a tenant, the landlord should consider credit history, income verification, references and rental history.

The Landlord cannot ask discriminatory questions related to race, ethnicity, gender or otherwise.

Tenants: Inspect the premises, walk through with landlord, take photos of premises before renting to record condition of premises.

Tenants obligations:

1. When and how to pay rent
2. What notices
3. Pets
4. Length of stay of guests
5. lease stipulations

Landlords obligations apply which may not be specified:

There is an implied covenant of habitability.

There is an implied covenant of quiet enjoyment

If these basic items are not maintained, the tenant can refuse to pay rent.

Landlord Remedies

Curable:

Tenant stops paying rent the landlord gives 3 day notice to vacate.

If the tenant pays rent within the 3 days, the landlord must accept and the lease continues.

If the 3 days pass and rent is paid later or not at all, the landlord then gives the required 30 day notice to vacate. If the tenant pays later than 3 days the landlord may choose to accept the rent and continue on with the lease, but is not obligated to do so.

Uncurable: 3 day notice given for drug dealing. This cannot be cured. The landlord has the right to evict the tenant for any illegal activity.

Party House:

Once a house is cited as a party house, this is probably incurable.

90% of tenant/landlord disputes are resolved out of court.

Security deposits can be used for specific purposes as stated in the security deposit statute. Procedure now states landlord has to notify tenant that they have a right to a walk through prior to vacating the premises. If tenant wants a walk through then landlord does this with a tenant and indicates on a form everything that is going to be deducted and this notice must be left with the tenant. Tenant does not have to be present. If landlord doesn't notify of a specific deduction then the landlord cannot deduct for this item.

Exception: Furniture in way and damage is not visible. Damage done after walk through such as damage done on move out.

Q: Who must keep up the yard?

A: Should be in the agreement with tenants who will maintain landscaping. Either the landlord or tenant. If it is not spelled out, the responsibility is on the landlord.

Q: Noise Ordinance: Are landlords required to make them sign lease with noise ordinance attached?

A: No. It is not required but it is recommended. If neighbors have no satisfaction with a landlord/tenant situation, there have been instances in the past where SCPD has set up a mediation between tenants/landlord/neighbors.

Q: If tenants have been in a house a long time, can addendums be added after the lease reverts to a month to month?

A: It can be done. 30-days notice is given of new addendums. Party ordinance can be added after the end of the fixed term and it is month to month.

Q: Nonresponsive tenants and landlords: who is liable if tenants are bothersome but not really breaking the law?

A: Putting the landlord on notice makes the landlord responsible. Private nuisance complaints: ask landlord to abate the nuisance. If they don't listen, you can take them to small claims court for \$5000 each. If several neighbors get together and all file actions in small claims court for \$5000 each this can add up and will likely get the attention of the landlord.

Note from Deborah: Party ordinance is becoming a model throughout California.

Q: If damages exceed the deposit how long do you have to go after the tenants?

A: 2 years.

Q: Mold/disclosure forms – can you ask if a prospective tenant is hypersensitive to mold?

A: Yes, you probably can.

Conclusion of Ed Chin's Presentation

Patty Sapone, Assistant Chief SCPD

Party Issues:

1. Keep a note pad next to you.

2. Note when the party started
3. It woke you up
4. You had to turn up the TV
5. It woke up the baby
6. It made it difficult to hear your husband speaking
7. Tape the party noise

Document & photograph & and make notes before any small claims suit.

Q: The house across the street has consistently been a problem – from kicking in my garage door to syphoning my gas. Will the court believe me?

A: Call the police every time. Document, photograph, make notes on everything and every incident. Feelings like: “I was afraid for my safety.” “I was afraid for the safety of my child.” Those are very powerful. If someone is causing you hardship and quality of life issues call the police and ask them to document the call.

Numbers:

11/01/07 to 01/31/08 563 calls regarding parties

Nov: 0 warnings given

Dec: 8 Notices given

Jan: 23 Notices given

Calls for Service:

Beach 54

Central 83

Downtown 59

Eastside 151

Westside 204

Metro Area 12

We are using the ordinance as a tool much more. We identify an address for repeat offenders and loud parties. A citation is issued.

UCSC has again this year given the SCPD \$2500 to address the party issue. This has resulted in:

18 officers on 68 separate patrols

81 citations

4 loud and unruly

4 warnings

Q: Does the landlord get warnings?

A: No. The landlord only gets copy of citation once house has been warned it stays on as flagged for 12 months. If a second call goes out for that house it is cited.

Q: How do parents get notified?

A: 2 parts: 1. Municipal code infraction: Fine

 2. Bill for service: \$500

Q: A neighbor called 911 for medical when a kid was passed out in the driveway. The police came and asked the other kids to drag that kid back inside.

A: If the kid is passed out on the driveway it's personal property. If you have a question about what happened – call SCPD and ask.

Q: Can 3 people at 3am be considered loud and unruly?

A: yes.

Q: Kids with a petition across the canyon are going to have a band. Before it was outside but now they want it inside. The say it will end by 8pm. Is that allowed?

A: No. A petition does not make it ok. Permit must be issued through SCPD. Even with a permit, you can call and complain. Basic penal code of disturbing the peace.

And last but not least. Always be willing to sign a complaint!

Clarification of terms:

Burglary: When your house/car is broken into but no one was home.

Robbery: You were robbed at knife point.

Home Invasion: You were home when your house was broken into.

Santa Cruz Neighbors, Inc. is now a registered Non-Profit Corporation thanks to the efforts of Mary Miller on our behalf. Your donations are greatly appreciated. We will have our tax ID number soon for your tax write-off. Please make donations at the meetings via our donation basket or by mail: **Santa Cruz Neighbors, Inc., 849 Almar Ave., Suite C-452, Santa Cruz, CA 95060**

New Website: www.santacruzneighbors.com The website has been updated and is now online thanks to all the hard work by Deborah Elston. Please take a few minutes to explore all the information provided there for your use. We invite your comments and suggestions to help make the site user friendly.

June is Your Neighborhood Month: There will *not* be a Santa Cruz Neighbors meeting in June this year. We would like to encourage you to have a neighborhood event such as a block party, a yard sale, a picnic, or other social event to bring you and your neighbors together. Please plan an event in your neighborhood during the month of June. If you would like one of our board members to attend, be sure to forward your date and time to us as soon as possible. We will try to attend as many events as possible.

Meth: Drugs continue to be a problem in our community. A direct impact of this phenomenon are car break-ins. Please remove all valuable items from your car such as cell phone, wallet, purse, keys, ipod, money, palm, etc.. These items invite a break in. The newest method employed by these thieves is to use a small hand held torch very close to the window during cold nights. This will cause the glass to shatter silently enabling the thief to reach in through the window and steal whatever is within reach without being heard and without setting off the car alarm. Do not count on your alarm to protect your vehicle or the valuables you leave there.

Please mark your calendars for March 26th when we will host our "**Judges Forum.**" Questions should be submitted in advance via our Santa Cruz Neighbors email: email@santacruzneighbors.com. Questions will not be taken at the forum because past meetings have shown us that several people often have similar questions. In an effort to field as many different issues as possible we will only be accepting questions submitted in advance.

Next Meetings:

March 26: Judges Forum

April 16: Chancellor Blumenthal

May 21: Speaker TBA

June: No SCN Meeting

July 16: Speaker TBA

Please check the new website for updates and information:

www.santacruzneighbors.com

Please email us with questions, comments and suggestions:

email@santacruzneighbors.com