



Monthly Newsletter

February 2017

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San Luis Obispo's newly elected City Council voted unanimously on February 16 to direct City staff to come up with a plan to repeal the Rental Housing Inspection Ordinance and to stop all Rental Housing Inspections going forward.

San Luis Obispo's new City Council orders staff to create a plan to repeal the Rental Housing Inspection Ordinance.

In response to widespread opposition from renters and property owners, and with a potential special election looming, San Luis Obispo's newly elected City Council voted unanimously on February 16 to direct City staff to come up with a plan to repeal the Rental Housing Inspection Ordinance. The Council will consider a draft of that plan at its upcoming meeting on March 7.

In addition, the City Council also voted to stop all Rental Housing Inspections going forward.

Despite these decisions by the new City Council, there is still the possibility of a special election to replace the Rental Housing Inspection Ordinance with an initiative that would, in essence, prohibit City staff from treating rental properties and owner occupied properties differently.

One of the more forceful arguments against the current ordinance is that it discriminates against renters by making them, and only them, subject to involuntary government inspections of their homes.

If the special election happens, in addition to repealing the current ordinance it would also ask voters to adopt a new City ordinance that expressly prohibits the City from engaging in discrimination or choosing to inspect a dwelling "based substantially on any occupant's age, income, disability, gender, race, ethnicity, sexual identity or status as an owner or renter of such dwelling."

Former council-member Dan Carpenter and local attorneys Stew Jenkins and Dan Knight are spearheading the effort to conduct this special election.

According to Knight, the next step is for the City to validate the signatures that were collected and then the petition "is sent to City Council where they have the option of adopting the petition language as written or, they will reject the petition as written and it will go to special election."

In other words, Knight's position is that merely repealing the current ordinance is a good first step but it will not necessarily stop a special election because that is only one-half of what the petition requests.

Pet friendly units: yay or nay?

Nowadays, most property owners are hesitant to accept pets at their rental units because of the damage that animals may cause.

Nevertheless, a lot of times tenants just sneak-in a pet, assuming that we will never find out. When we do find out, the best approach is often for us to not renew a lease or to simply ask a month-to-month tenant to leave and to charge that tenant for any resulting damage upon move-out.

Of course, when this sort of problem arises we discuss appropriate actions with our clients and decide with them on an appropriate response.

The type of unit in question certainly dictates whether we will recommend that a property owner consider allowing pets.

That said, depending on the property and client there are some positives to making a unit “pet friendly” from the beginning. Here are some of the positives:

- The inventory of rentals that accept pets are really low, so when tenants find a suitable place, most likely they will stay for a while, which means less turnover expense for property owners;
- Due to low inventory, tenants are often willing to pay more for rentals that accept pets. We have seen certain units that are able to get as much as an extra \$300 per month as a result of being “pet friendly”; and
- Tenants expect to have to pay an additional pet deposit to protect against potential damage.

The type of unit in question certainly dictates whether we will recommend that a property owner consider allowing pets. Properties with durable hard surface floors such as tile or vinyl planks are easier to deal with and clean, which is definitely a plus for pets. Also, units with yard space may be well-suited for pets.

Finally, it is often easier for us to negotiate in advance for things like an additional deposit and a written pet agreement than to deal with situations after-the-fact where tenants are dishonest and sneak an animal into a unit or call it a “Service Animal” when it is really just an ordinary household pet. Our standard pet agreement requires, among other things, that tenants pay for a flea spray upon move-out. So, it is nice to have that on file to avoid later problems.

If this is an issue that any of our property owner clients wish to consider then we encourage them to let us know so we can discuss options.

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