

RG

RENTAL GUIDANCE SUGGESTED

UP TO  
CODE



Landlord/Tenant Law  
with John Forhan  
(AS Legal Services)

*With summer just a couple of months away, students' thoughts are turning to sub-lets and ideas for getting out from under three months of rent if they've signed a twelve-month lease. Do you have any advice for them?*

In our experience, probably the biggest mistake students make when they negotiate a sub-let is to assume that the presence in the apartment of these other people essentially absolves them of all responsibility towards the landlord. That's not true. It doesn't matter in the end who's living in the unit. The people who are responsible for seeing to it that all the terms and conditions spelled out in the original lease are still the people who signed it in the first place. That has to be uppermost in the mind of anyone who's looking for sub-tenants. If the sub-tenants mess up, the landlord is entitled to hold the original tenants responsible for everything, from any damage that might have been done all the way to non-payment of rent. The original tenants may well have a claim against the sub-tenants, but that's cold comfort when you're looking at an eviction order or bills for damage done to the apartment and its fixtures in your absence.

*What are the best ways for student tenants to protect themselves against those sorts of disasters?*

The only real protection comes about if the landlord agrees to negotiate a separate agreement altogether with the sub-tenants. That actually makes the deal an assignment rather than a sub-lease. In other words, the people who would have been sub-tenants are promoted to the position of original tenants and thus inherit all the liabilities enumerated in an original agreement. But you can get at least a measure of protection against sub-tenants' misdeeds by asking for a reasonable security deposit.

*That brings up another problem. As you know, the competition to find sub-letters gets pretty fierce, and just about everyone ends up discounting the rent just to avoid having to forfeit the whole amount. If you factor in a hefty security deposit, you make what you're offering that much less attractive to potential sub-tenants.*

This is a phenomenon that brings up the whole subject of twelve-month leases again. In fact, it used to be that nine-month leases were the rule. But that reflected a reasonable vacancy

*continued on page 2*

## METAMORPHOSIS: SUB-LETTING TURNS STUDENT TENANTS INTO LANDLORDS

by Jeremy Janes  
UCSB Community Housing Office

"All right.

"Here's what we're looking at.

"There are six of us, and we found this great three-bedroom place on Trigo. Downstairs unit in a duplex with a yard. Place seems like it's in decent shape, and the owner seems like a nice guy. So we come up with the \$4600 we need to clinch the deal, we sign the twelve-month lease, and we're set to move in right around June 15. The tough thing is, five of us are going to be gone during the summer, so we've got to find people to sub-let, or we end up deep in the dumpster.

"That's not going to be a problem, is it?"

"Is it?"

Sub-letting is a complex issue, entailing a sequence of decisions that students have to make while factoring in such variables as acceptable risk and the supply-and-demand condition of the housing market at the time planned for this enterprise.

There are no universal answers to renters' questions about sub-letting, but, in this issue of Household Words, John Forhan of AS Legal Services discusses different aspects of the law as it addresses sub-letting, and Joey Schwartz, one of CHO's student peers, offers a number of suggestions for reducing the possibility of a disaster happening while sub-tenants are in your apartment during the summer; we hope it helps.

Next issue: **The Great Move-Out.**

## IN THE NEIGHBORHOOD Perspectives on Isla Vista Housing

### 5. Carlos Fuentes

Perceptions of Isla Vista typically organize themselves around the somewhat misleading principle that this is exclusively a student community, fully attuned to the dynamic and lifestyles created by thousands of students living in a fairly constricted space.

But Isla Vista's demographic profile has been changing over the past eight years or so as more and more Latino families have settled here, many of them with limited skills in English.

The growing Latino presence in Isla Vista, in fact, has led to the establishment of Las Familias Unidas, an organization designed, as its name suggests, to serve as support for families in a community not well equipped with family-oriented resources.

It's to Las Familias Unidas that UCSB Seniors Carlos Fuentes and Benjamin Arrevalo have given many hours of their own time. Arrevalo, a native of Mexico now living in Los Angeles, is majoring in Microbiology and Spanish and is planning on attending medical school in the fall of 1993; Fuentes, from the Central Valley town of Livingston, is a Psychology major who expects to be attending Law School this fall. The commitment both men have demonstrated in their work with Las Familias Unidas has been acknowledged in their nomination, by Catherine Boyer of the IV/UCSB Community Relations Center, for a 1992 University Service Award.

Carlos Fuentes sat down with Household Words the other day to talk about the work he and his roommate, Benjamin Arrevalo, have been doing with Isla Vista's Latino community.

HW: What would you say is the most widespread misapprehension in the larger community of IV's Latino population?

CF: Not a lot of people recognize that most Latinos who live in IV live in traditional family units. This is their home. They're not passing through. This is where they've chosen to bring up their kids. My guess is that Latinos now constitute about a quarter of IV's total population. That fluctuates at different

**"¡Tenemos que ayudar  
a nuestra gente!"**

times of the year, as local needs for labor fluctuate. But there's a core of about 20%, who are here permanently. The first thing a lot of them have to deal with when they get here is the fact they don't have good skills in English. IV isn't a community that easily accommodates families. A number of Latino students at UCSB recognized the needs these people had, and that was a good part of the energy that got Las Familias Unidas going. For Benjamin and me, it's a way to give something back to our people and not just talk about it.

HW: What are the accomplishments that Las Familias Unidas are proudest of?

CF: What Las Familias Unidas is all about is empowerment. That's something that happens in

*continued on page 2*

## In the Neighborhood

continued from page 1

different ways with every individual as well as with the community as a whole. One of the clearest signs of the progress that's been made was the institutionalization of Spanish-language mass at St Mark's about two years ago. At the beginning, this happened every other week, but now it's every week. And that's made it possible to celebrate weddings and baptisms in Spanish as well as to offer catechism in Spanish. That kind of public acknowledgement is really important, even if you're not that involved in the church. Something else we've been able to do at St Mark's is organize tutorial classes for high-school students to help them improve their grades. Benjamin works as an aide at Dos Pueblos, but he really functions as a kind of Counselor, working with families, figuring out how students from these families can get a realistic shot at going to college. All that's on-going.

**HW:** What's the most significant factor for IV's Latino community with respect to housing?

**CF:** Economics. People ask me about employment in the Latino community, and I'd guess as many as 85% of our people here are either unemployed or working for about \$4 an hour, which is almost the same thing as being unemployed if you have a family to feed. It's really rare that I meet someone who's earning as much as \$7 an hour, let alone getting any benefits. Too many employers, not all of them, see our people as kind of disposable. No responsibility to give them raises, nothing like that. Fire them with no notice, even if they've been working for them for six or seven years. And it gets worse at peak times for seasonal work. It's not unusual to find twelve people sleeping in a two-bedroom unit at different times of the year. Benjamin and I choose to live with a family. That's been really good for us, really sustaining. We all eat together every day, we're part of each other's family. And it's paid off for the family, too. They have three kids in high school, and they look at Benjamin and me as role models,

they're really motivated to succeed. It'd really help, I think, for landlords who have Latino families as tenants to be more available, not just see them as a payment they expect at the beginning of the month. That and bilingual staff. I do have to mention that the owner of La Loma has set aside a recreation room for me in the complex so I have a home for my English classes there.

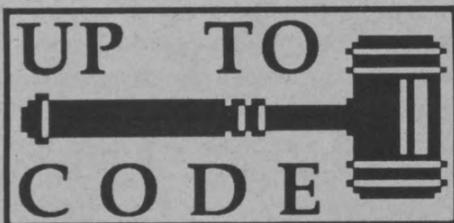
Both Benjamin and I would like to see a program organized that sets out to match incoming Latino students with Latino families in IV. There's so much to be done out there, but it'd be wrong to think the benefits would all be going in one direction. I think students coming to UCSB would find the adjustment they have to make a lot easier if they had a system of support like the one Benjamin and I have found. The rewards we've gotten out of the work we've put in more than make up for the demands we've imposed on our time.

Over the past few months, we've been working with the Pastoral Committee at St Mark's to come up with a series of goals for improving our people's lives in Isla Vista. Housing and jobs are obvious issues, but the first focus of our efforts is going to be recreation. Benjamin's already active promoting and organizing soccer games. Something else we've been doing is organizing family-oriented dances, where everyone can come and feel welcome and safe. The last one we had was at the Anaconda. About 300 people showed up, and it all went really well.

What my experiences here have showed me is that Isla Vista really needs more people who care about it as a community, not just as a place where students live for a while and party. We just have to keep this effort going.

One way to keep it going would be to start the program I told you about before, matching students with families in the community.

And I'd really urge other Latino students to carry on with what Benjamin and I have done. Don't look down on these people. These are our people. Isla Vista is their home.



continued from page 1

rate. About fifteen years ago, Isla Vista was one of the communities targeted for resettlement of southeast Asian refugees, and that really squeezed the vacancy rate. Twelve-month leases were a response to market conditions of the time. Secondary migration has led a lot of the refugees to the Central Valley, where rental housing is cheaper and more plentiful, so the pressure on the vacancy rate has been eased considerably. Every year is a new market adjustment. But if anyone's wondering about why those twelve-month leases are so prevalent, that's really how they came to be the norm. To get back to your question, though, the whole issue of sub-letting is really one that students need to think about before they sign a contract that obligates them to pay rent over a twelve-month period. Are you going to be here through the summer? Can you afford to eat three months of rent? How much are you prepared to discount the rent you're asking for? How much of your security deposit are you willing to risk, without having it covered by any deposit you might be able to get from your sub-tenants? Those aren't easy questions to answer, especially if you feel your contentment for a whole year is riding on your ability to rent a particular place with your friends.

*That brings something else up. That's the question of whether tenants are obliged to get the landlord's permission before they proceed with a sub-let. Is sub-letting a right or is it something that requires specific authorization from the owner or the manager?*

It's not a right that any tenant should assume that she or he has. You have to get the owner's permission before you move ahead with a sub-let. The owner's not absolutely obligated to grant that permission. The law says that permission cannot be

withheld unreasonably. And that's the catch. What does "unreasonably" mean? For example, it's not unreasonable for owners or managers to cite a proposed sub-tenant's credit or lack of credit as a reason for denying permission for a sub-let. But it is unreasonable for owners to apply criteria for sub-letters that are more rigorous than those they used in processing the original tenants' applications. So, if the sub-tenants are able to meet the same standards of credit and so on that the original tenants met, there's no substantive reason for the owner to deny permission for the sub-let. Most companies impose a standard charge for undertaking these sorts of checks, but we heard of one the other day that tried to get more than \$100 extra. That's also unreasonable.

*If you were sub-letting, how much of your own property or furniture would you leave behind for the sub-tenants?*

Nothing that was worth anything. That sounds terrible, I know. But it's not just a question of being paranoid about the sub-letters. It all comes down to what we were talking about before. Everyone has to figure out exactly what constitutes an acceptable level of risk. *(Asked if the burglary rate in Isla Vista shows any noticeable increase during the summer, a representative of the IV Foot Patrol observed that it was difficult, if not impossible, to assess the per capita change because the change in population numbers drops so precipitously. But he did offer this advice to twelve-month tenants: "Sub-letting is a good idea if you know the person to whom you're entrusting your apartment, but you're obviously taking a risk when you sub-let to someone you don't know.")* I guess my last word on this has to be, "Trust beats affection any time." This is business. It's fine to sub-let to your friends, but you still need to get the whole transaction in writing.

# SUBLETS

## HOW TO MINIMIZE THE RISKS

by

JOEY

SCHWARTZ

It's spring quarter, the sun is finally out, and your course load reflects your need to spend most of your days at the beach.

Everything seems perfect—until you remember that the lease you just signed was for twelve months and you're not planning to live here over the summer.

You're ready to panic because you've figured out that you'll be liable to pay over \$900 for months during the summer when you won't even be in Isla Vista.

Because most of the houses and apartments rented by UCSB students in Isla Vista are offered on 12-month leases, and many students choose to go home during the summer months, sub-letting is an issue that most off-campus renters will soon be obliged to confront. Many students have already begun to advertise their apartments on CHO's bulletin boards in search of sub-tenants.

According to the law, a sub-tenant is a person to whom a tenant sub-leases all or part of a property. In most cases, a sub-tenant does not have a separate rental agreement with the owner of the property.

A sub-tenant's rights of occupancy depend on the following:

*the continuing existence of the tenancy between the landlord and the primary tenant;*

*whatever implied, oral or written rental agreement the sub-tenant has with the primary tenant, who functions as the subtenant's landlord.*

Because the primary tenant remains responsible for the rent under the terms of the

# COMMUNITY HOUSING OFFICE: SUB-LEASE AGREEMENT

It is hereby agreed between: \_\_\_\_\_ and \_\_\_\_\_

that: \_\_\_\_\_ will sublease the premises located at:

for the period beginning on: \_\_\_\_\_ and ending on: \_\_\_\_\_

The rent is \$ \_\_\_\_\_ per month, payable

to: \_\_\_\_\_

on the \_\_\_\_\_ day of each month.

The security deposit is \$ \_\_\_\_\_, payable

to: \_\_\_\_\_ prior to moving in.

A copy of the original lease is attached to this agreement and incorporated herein. The Sub-Tenant agrees to comply with all the terms and conditions of the original lease.

### Signatures:

1. \_\_\_\_\_ Date: \_\_\_\_\_

Permanent Address & Phone Number:

2. \_\_\_\_\_ Date: \_\_\_\_\_

Permanent Address & Phone Number

Approved by Owner/Manager:

This format is reproduced solely as an informational service to tenants and landlords. The Regents, officers, agents and employees of the University of California shall not be liable for any damages whatsoever arising from any errors or omissions made herein.

Be sure to read your lease: You will be bound by all its legitimate provisions. If it says that tenants are "jointly and severally liable," it means that you can be held individually liable for the entire rent if your roommates don't pay their share.

original lease agreement, it's important for anyone trying to sublet an apartment to exercise some caution when making a decision about the actual subtenants. Ideally, people looking for subtenants should try to find friends they know fairly well in order to reduce the risk of having a subtenant who may default on rent payments or cause damage to the apartment.

If you have to consider sub-tenants you don't know every well, you should have them fill out a **Tenant Résumé** (copies are available at no cost from the **Community Housing Office**). The **Tenant Résumé** asks for personal and financial information that will give you a better idea of your prospective sub-tenant's ability to meet the responsibilities of being a sub-tenant.

Even when sub-letting to friends, it's important to collect a Security Deposit from them to protect yourself against liability for any damage that might be caused in the apartment during the sub-let period. This is a precaution everyone should take, no matter how good a friend the sub-

tenant is. Life in Isla Vista is too unpredictable for anything to be taken for granted.

Most leases require the landlord's consent for a sub-let. Existing case law indicates that a landlord may not unreasonably withhold consent (California Civil Code §1945.4, Kendall v. Pestana [1986] 40 Cal 3d 488). A landlord or manager may only withhold consent for valid or substantive reasons, one of which may be the prospective subtenant's poor credit.

Some leases also require the primary tenant to pay a sub-let fee, which is usually set aside to offset the costs of checking and screening sub-tenants. If you try to get away with not paying this fee by not notifying your landlord of a sub-let situation, your agreement with the subtenant will be null and void and he or she will be able to leave.

If you're planning on sub-letting your apartment, we recommend strongly that you take advantage of the sample **SubLease Agreement** above to record the transaction in writing.



TRANS  
WORLD  
RENTALS

S P A I N

With its population now about 4 million, Madrid has seen its housing problems worsen considerably over the past few years. Spiraling prices (apartments cost between \$150,000 and \$200,000 to buy) have made it increasingly difficult for people with middle-range incomes to purchase their own homes, propelling more and more people into the rental-housing market.

The rents on apartments in the central areas of Madrid tend to be pretty expensive. But the farther you move away from the center of the city, the easier it is to find affordable housing. The problem with that is that most jobs and schools are also in the center of the city, so if you want a cheap apartment you have to be ready to commute.

Like their counterparts all over the world, Spanish students live on limited budgets, and, for those who reside in Madrid, the preferred option is to continue to live at home with their parents.

If circumstance denies that possibility, some students find accommodation in dormitories (*colegios mayores*) or boarding-houses (*pensiones*). While some of the dormitories are owned and operated as private enterprises, others are run by various religious orders. Prices for accommodations here range from \$600 to \$1000 per month, including all meals and services. It's somewhat cheaper to find housing as a paying guest in someone's home or in a rented room, but most such housing is available only in older buildings near the center of the city.

Certain districts of Madrid, such as Moncloa, Cuatro Caminos and Arguelles, have sizeable student populations. Rents for apartments here, most of them unfurnished two- and three-bedroom units, range from \$400 to \$1000 per month, which, as in Isla Vista, obliges students to band together in groups to be able to afford this more independent way of life. Most leases run twelve months.

Landlords in Madrid, however, rent to students only if they can find nobody else. And the idea of students being able to rent a house, as so many UCSB students do, is generally unthinkable.

Rent control is a fact of life in Spain.

*José Luis Saleta & Anbl Harsha*

### HOUSEHOLD WORDS

#### Editorial Staff:

*Roane Akchurin, Lynn Hatzenbeler, Jeremy Janes (Editor), Tasha Lockyer, Eve Lopez, Joey Schwartz, Rutila Weeks, Laurie Wright*

Production: *Daily Nexus*

**COMMUNITY HOUSING OFFICE  
presents**

**FINDING  
THE RIGHT  
PLACE TO LIVE**

Nothing's more important in planning for next year than finding the right place to live.

Finding that elusive right place, though, means fully understanding all your options, from budget to roommates, before you make a decision.

On Wednesday, April 22, the Community Housing Office will be sponsoring a Rental Fair that will give you an opportunity to ask owners and property managers all the questions you need to ask about their respective apartments, duplexes and houses in Isla Vista.

*What's the policy on security deposits?  
What's the policy on maintenance requests?  
What's the parking situation? And so on...*

All the questions, in fact, that go beyond the statistical information that's included in the Tenant's Handbook. If you don't already have a copy of the Handbook, you'll be able to pick one up from CHO's table at the Fair.

**ISLA VISTA  
RENTAL FAIR**

**Wednesday April 22 10am - 2pm**

**under the trees on the promenade,  
in back of Storke Tower**

**and in front of the Community Housing Office**

---

**COMMUNITY HOUSING OFFICE \* MONDAY - FRIDAY 8AM - 5PM  
(805) 893-4371; 24-HOUR MESSAGE [NEW LISTINGS] (805) 893-4376**