

# New Laws for 2022 Affecting Real Estate

*Courtesy of Sheppard • Uziel Law Firm (415) 296-0900 [www.sheppardlaw.com](http://www.sheppardlaw.com)*

**Eviction Moratorium and The Housing Recovery Act:** California's eviction moratorium ended September 30, 2021. Commencing October 1, 2021, landlords can demand the full amount of rent in a special 3-day notice but must apply for governmental emergency rental assistance before filing an unlawful detainer (eviction) lawsuit. For rent due between March 1, 2020, and October 1, 2021, a 15-day notice is required. The standard exemptions (single family properties, and new construction) to the just cause eviction rules are back in effect.

**Emotional Support Animals:** Restrictions are imposed on how health care practitioners may provide documentation relating to Emotional Support Animals (ESAs). A person who provides an emotional support dog must give notice that the dog does not have the special training required to be a guide, signal or service dog. A person who provides a certificate, tag, vest, leash or harness for an emotional support dog must give notice to the buyer that the material does not entitle the emotional support dog to the rights and privileges afforded to a guide, signal or service dog. A health care practitioner must not provide documentation relating to an individual's need for an emotional support dog unless the practitioner holds a valid license, establishes a client-provider relationship with the individual for at least 30 days prior to providing the documentation, and completes a clinical evaluation of the individual regarding the need for an emotional support dog.

**Short Term Rentals/Higher Fines:** A new fine violation structure is created specifically for short-term rentals when short-term rentals are threats to public health and safety. These new increased fines are in addition to already existed criminal sanctions.

**Government Inspections for Lead Hazards or Substandard Buildings:** Starting 7-1-22, local governments must respond to lead hazard and substandard building complaints from tenants and other parties and provide free copies of inspection reports and citations to the requestor and others who may be impacted.

**Mobilehomes Rent Cap and Just Cause Eviction:** The owners of mobilehome rentals owned by a mobilehome park are now subject to the statewide rent cap and just cause eviction rules under the Statewide Tenant Protection Act (AB 1482). There is no exemption for newly built mobilehomes.

**Homeowner's Associations Owners: Notices and Delivery of Documents:** An HOA must communicate with homeowners via email if that is the homeowner's preferred method of communication (for notices that are required to be delivered individually under the Davis-Sterling Act, which regulates condos, co-ops, and planned unit developments).

**Partition Actions/"Heirs Property":** The Uniform Partition of Heirs Property Act is enacted, granting co-owners of "heirs property" the first option to buy at an appraised price in a partition action. Heirs property is property that is in part owned by or acquired from related persons.

**Duplexes and Lot Splits Permitted in Single-Family Zoning:** This law requires local governments to give ministerial approval of a housing development of no more than two units in a single-family zone, and the subdivision of a parcel zoned for residential use into two parcels, or both. However, myriad rules, conditions and exceptions govern its implementation.

# Sheppard • Uziel Law Firm

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Real Estate Law Transactions Trials & Litigation Dispute Resolution/Mediations

## For-Sale-By-Owner (“FSBO”) Transaction Work



*(Jaime Uziel, Partner)*

### (When Buyer and Seller Have Already Found Each Other)

In a low-cost, high quality way, Sheppard • Uziel can do all the work for sellers and buyers of real estate (houses, condominiums, apartment buildings, tenancy-in-common interests, etc.). We do the real estate agent/broker/legal work for these For-Sale-By-Owner (“FSBO”) transactions, saving our clients thousands of dollars in seller commissions (e.g, 5% to 6%).

Sheppard • Uziel has carved a niche as a law firm performing the necessary work to streamline a FSBO transaction through the close of escrow.

Attorneys Jaime Uziel and Larry Sussman spearhead the FSBO work for sellers and buyers of real estate. Jaime is a licensed California Real Estate Broker, has been licensed in real estate since 1990, and is the former Chair of the San Francisco Association of Realtors® Standard Forms Committee. Larry has more than 33 years experience in practicing real estate law, and formerly was a licensed California Real Estate Broker.

Mr. Uziel’s and Mr. Sussman’s decades of experience as Real Estate Brokers and seasoned Real Estate lawyers help facilitate smooth escrow closings.

FSBO transactions usually take between 8 - 12 attorney hours, depending on the individual transaction and whether or not complications arise.\* The fees expended can save many thousands of dollars in real estate commissions - - see chart on reverse side.

\* \* \* \* \*

*Please call Attorney Jaime Uziel (ext. 38) or Attorney Larry Sussman (ext. 25) at 415-296-0900 for additional information. Please also feel free to visit our law firm’s website ([www.sheppardlaw.com](http://www.sheppardlaw.com)) so you can learn more about us. Our law firm does not conduct public marketing of properties or searches for properties. You should hire a real estate broker if you want to market your property for sale or if you are looking for property to purchase.*

*(See other side for more info.)*

## Our FSBO (For-Sale-By-Owner) Work in a Nutshell:

- \* We provide a service to both buyers and sellers of real property in the San Francisco Bay Area (and occasionally, beyond), whereby we facilitate purchase and sale transactions through negotiations (if necessary), contract formation, document drafting, disclosure completion/execution/review, tenant notifications, etc.
- \* We work in conjunction with local, reputable escrow companies which hold deposit funds and deal with escrow-related matters.
- \* The FSBO transactions we handle typically result from situations where the buyer and seller have reached a verbal agreement on “deal points” and need qualified, competent professionals to handle the details (i.e., to draft transaction documents, prepare legally-required disclosure documents, work with escrow companies, review all documents with clients, etc.). That’s where we step into the picture.

- \* When we are retained, we are retained by one side of the transaction - either buyer or seller - to avoid a conflict of interest. We can refer the other party to competent legal counsel (at reasonable rates), upon request.



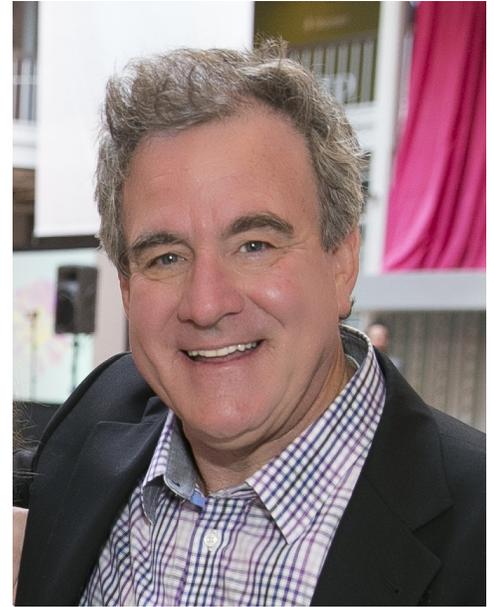
- \* Consider: Assume a property’s purchase price is \$1,000,000. A 5% commission rate would amount to \$50,000. A seller would likely pay Sheppard • Uziel between \$3,600 to \$6,000\* to handle the transaction (depending on the circumstances of the particular transaction), thereby potentially saving the seller up to \$47,000 on a \$1,000,000 transaction.
- \* We do not charge a flat fee; rather, we ask for a reasonable up-front retainer and we bill against that retainer. Any funds left over are returned to the client. If our fees exceed the retainer (e.g., due to unforeseen circumstances), then we ask for a “refresher retainer” or bill for the excess, depending on the situation.
- \* We are also skilled in conflict-resolution and have, on many occasions, succeeded in getting deposit monies released to our purchaser-clients when they have decided not to proceed with the transaction due to a failed condition. We are also experienced litigators, and we are ready to battle for our clients in court or arbitration, if necessary.

\* There are no guarantees, of course, and a transaction may cost more to complete, depending on the circumstances and whether any complications arise.

# *Get Your Dispute Settled & Closed!*

## **Robert (Bob) Sheppard** **~30 Year Mediator~**

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over 95+% of all cases I’ve mediated.”*



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✧ **Mediator with People Skills**

✧ **Known for Techniques to “Break the Impasse” and “Close the Deal”**



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\* Bob Sheppard is recognized by other lawyers as a “**Northern California Super Lawyer**” in the field of Mediations/ADR. (Nominated by Blue Ribbon Panel; Ballots sent to over 50,000 lawyers)

\* Bob Sheppard served as **President** of **The Mediation Society** in 2012 and 2013 and served on the Board of Directors of **The Mediation Society** from 2007 to 2014

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We handle all types of  
**LITIGATION MATTERS**  
(Real Estate, Landlord-Tenant, Business, Tort, Etc. )

and

## **TRANSACTIONAL MATTERS:**

- ▶ Real Estate Purchase/Sale, and For-Sale-By Owner (“FSBO”) Transactions
- ▶ Tenancy Buy-Outs
- ▶ Real Property Co-Owner Buy-Outs (in lieu of Partition litigation)
- ▶ Draft/Negotiate:



Commercial Leases  
Residential Leases  
Parking, Storage, and Pet Agreements  
Lease Extensions/Renewals  
Leases w/Options to Purchase  
Tenancy-In-Common (“TIC”) Agreements  
Owner-Contractor/Architect/Engineer Contracts  
Business Sales/Lease Assignments  
Easements/Licenses  
Landlord-Tenant Legal Notices, Eviction Notices,  
Ellis Act Eviction Notices, etc.

- ▶ Negotiate Homeowners Association (“HOA”) Disputes and Modifications/Amendments to HOA Governing Documents
- ▶ Condominium Conversions
- ▶ Private Loans (Notes/Deeds of Trust)
- ▶ Foreclosures and Related Negotiations
- ▶ “Hybrid Cases”: Owner Move-In Eviction (“OMI”) → FSBO; OMI → TIC; Litigation → Purchase; Condo Conversion → Tenant Purchases Property; Family Inheritance → Beneficiary Purchases Property; etc.
- ▶ Trusts, Estates, Probate Matters, Nomination of Guardians, etc.