

Mediators step in to landlord, tenant conflicts amid coronavirus

KENDRA SITTON | DOWNTOWN & UPTOWN NEWS

After years of a housing shortage crisis, the region is facing a new crisis of missed rent and broken leases amid the economic downturn due to coronavirus.

An analysis from global advisory firm Stout Risius Ross found 40% of renter households in the U.S. are at risk of eviction as eviction moratoriums wind down. People of color are particularly at risk, with 74% of Black renters and

half of Hispanic renters saying they have little to no confidence they will stay in their homes, according to that analysis.

With the fear that this could spur a homelessness crisis, city and county government officials

have added new protections, including an eviction moratorium, ban on late fees for rental payments and millions in rental assistance. However, they did not embrace rent cancellation pushed by housing advocates and the full funding of the rental assistance program proposed by Council Member Chris Ward.

As for commercial real estate, experts paint a grim picture. Jason Hughes, the CEO of Hughes Marino, said over one-third of office space in Downtown San Diego is vacant with some buildings 99% empty, which could lead to foreclosures in the future.

Among the county's efforts to prevent widespread business closures and homelessness is a program with the National Conflict Resolution Center (NCRC). With a grant from San Diego County Health and Human Services Agency (HHSA), the NCRC has funding to mediate all commercial and real estate rental payment disputes.

"The county recognized that people are in conflict and reached out to us to hire us to facilitate mediation between landlords and tenants, both residential and commercial, recognizing that both sides have real concerns, and we could really help facilitate conversations that they might find alternative solutions," Chris Hulburt, Director of Development at NCRC said.

NCRC has over 100 community members trained as mediators to handle the residential disputes for free. The volunteer mediators come from a variety of backgrounds. The organization has retired lawyers and judges to step in to commercial disputes, currently for a reduced fee.

The goal is to figure out a way for tenants and landlords to maintain relationship and survive the economic impact of the coronavirus. Often that includes negotiating deferred or partial payments because some income is better than no income for the landlord. Huburt said the most important first step is the negotiator learning the unique needs of the people in conflict and treating each tenant as different from the last.

"The most effective agreement is going to be one that everybody participates in shaping," Huburt said.

The community mediation program has been in existence for 40 years and often dealt with rental disputes. However, there is a significant difference between previous rental disputes and current ones: there is no threat of eviction or late fees.

Hulburt also said the shared problems caused by the coronavirus is helping people find common ground during mediations. In the past, according to Huburt, landlords would sometimes get frustrated at their tenants' inability to pay rent. Now when both sides come together, there is more understanding because they are facing the same issue even though their financial obligations are opposed.

"Everybody's participating in the same story. That takes out the sense of judgment," Huburt said. "Here everybody knows that this is happening because of circumstances outside of anyone's control. So that sense of somebody being the bad actor isn't present in these negotiations. That's actually really helpful, because we can really start with the idea that everybody is in this together and therefore, we're motivated to work together to find the common solution."

Coronavirus has created new problems for the mediators though. In particular, going virtual makes it more difficult for the mediator to read the facial expressions and nonverbal cues of those involved in the conflict. Still, Zoom has proven to be very convenient and effective for conflict mediation because people no longer need to travel to Downtown San Diego. Breakout rooms in a Zoom meeting also mean the mediator can speak to each participant privately and learn confidential information.

NCRC is still reaching agreements in 85% of cases, the same as before the move to virtual.

Anyone interested in using NCRC's mediation services for rent disputes can contact 619-398-0494. Commercial tenants can contact the organization's West Coast Resolution Group at 619-238-7282.

—Kendra Sitton can be reached at kendra@sdnews.com.



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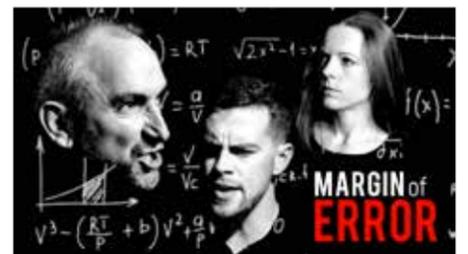
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Virtual events

MARGIN OF ERROR

The Roustabouts Theatre Co. presents a virtual encore presentation of *Margin of Error* by Will Cooper.

A compelling and timely drama when it was first produced. Even more relevant today. This fast-moving drama of twists and turns was presented by The Roustabouts in San Diego's in 2017. The story is centered on one evening in which a famous scientist, two of his students, and his wife confront



each other in that margin of error where reason goes blind and passions ignite. Brilliant, powerful people making dangerous

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Landscape architect honored for his pro bono work on Hillcrest Pride flag and monument

Art on the Land

By DELLE WILLETT



Landscape architect Michael Brennan has been honored by the American Society of Landscape Architects, San Diego chapter (ASLA), for his pro bono work to make the Hillcrest Pride Flag and LGBT Monument a reality. Brennan was honored on July 9 when the ASLA held their bi-annual Design Awards via Zoom.

Brennan's involvement began in 2011 with the community idea for a Pride Flag and the Hillcrest Business Association's



Michael Brennan (Photos courtesy American Society of Landscape Architects)

(HBA) need for a landscape architect.

Brennan was engaged during the process of synthesizing the community-generated idea into a fully envisioned project proposal as well as garnering public input, fundraising and gaining approvals for construction from the city.

Brennan commented, "This project was a demanding multi-year engagement with our client, the community and contractors, resulting in a transformative space that is evolving to this day toward higher and better uses for the neighborhood."

Thanks to Brennan's pro bono work, the San Diego LGBT community now has a permanent public place to assemble, protest, mourn and celebrate with their community.

Since installation, the Pride Flag and Monument have become a regional landmark and gathering point for LGBT celebrations, protests and memorials. These include impromptu celebrations after the Supreme Court's marriage decision in 2013, vigils and mourning after the incredible loss of life in the Pulse Nightclub massacre, and recently as a rallying point for the Black Lives Matter protest.

It has also spurred organized community events to



The iconic Pride flag in Hillcrest surrounded by a crowd.

gather there including the Pride of Hillcrest Stonewall Rally, Transgender Day of Remembrance, Pride Block Party, and is home to the long-standing weekly farmers market.

The existence of the Pride Flag and Monument inspired the community-driven process to design and fully fund the Normal Street Promenade by converting the western half of Normal Street to pedestrian and cycle use. Brennan was also involved in the early phases of this design.

Said Brett Allen, President of ASLA, "This landmark project correlates directly to one of ASLA's top priorities of diversity

and inclusiveness within our profession."

Through Brennan's high-profile involvement the community has seen the potential for landscape architects to imagine built environments reflective of the individuals and community they are in, said Allen.

Brennan's landscape architecture firm is Carson Douglas with offices in San Diego and Maine. Visit their website cd-la.com.

—Delle Willett has been a marketing and public relations professional for over 30 years, with an emphasis on conservation of the environment. She can be reached at dellewillett@gmail.com.

Virtual events

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decisions: betrayal, lies, infidelity and personal corruption, finally coming up against conscience. *Margin of Error* unveils what can happen when the arrogant, the ambitious, and the vengeful bring love and deceit down to a science.

Directed by Rosina Reynolds, and starring Roxane Carrasco, Joel Miller, Kate Rose Reynolds, and Ruff Yeager.

Running through Sunday, August 23, 2020. More information and tickets at theroustabouts.org/marginoferror

A PATH FORWARD

The National Conflict Resolution Center (NCRC) will bring leading authors, scholars and journalists together for a national online conversation about race in America and bridging our country's political divide. The "A Path Forward" virtual event on Thursday, Aug. 20 from 7 p.m.- 8:15 p.m. PDT will feature an engaging discussion with two *New York Times* #1 bestselling authors and leading national scholars whose works have been made all the more relevant by recent protests against police brutality: **Ibram X. Kendi**, author of *How to Be an Anti-Racist*, and **Robin DiAngelo**, author of *White Fragility: Why It's So Hard for White People to Talk About Racism*. **Wesley Lowery**, a Pulitzer Prize-winning journalist at CBS News and author of *They Can't Kill Us All: The Story of the Struggle for Black Lives*, will moderate.

The event is free. Visit bit.ly/3kjQLcc to register.

ADMINISTERING YOUR TRUST UPON YOUR DEATH

By: Dick McEntyre and Chris von der Lieth, Attorneys at Law

You may wonder what is involved when your successor trustee administers your revocable living trust following your death. Here are the primary actions (not necessarily sequential) your successor trustee will need to take:

1. Arrange for the on-going care of your pets; secure your home; and make the final arrangements for the disposition of your body.
2. Order several Death Certificates through the mortuary to be used in connection with closing financial accounts and transferring title to real property.
3. Mail out "Notice to Beneficiary/Heir" letters as required by California law.
4. Obtain preliminary value of your estate to determine whether a federal estate tax return may need to be filed with the IRS (within nine (9) months from the date of your death).
5. Notify the California Department of Health Care Services as required by California law if you received or may have received any benefits from Medi-Cal.
6. Open a new checking account in the trust name (or convert an existing account). This account will be used to pay all of your debts and on-going trust expenses. In this connection, obtain from the IRS a new income tax reporting number (EIN) for the trust which the bank will require, since your trust became irrevocable upon your death.
7. Transfer title to all financial/brokerage accounts from your name into the successor trustee's name, or close (sell the assets in) all or some of such accounts and transfer the proceeds into the new account in the trust referred to in Para. 6 above.
8. Locate all outstanding bills and pay same from the account referred to in Para 6. above.
9. Make claim for any death benefit(s) payable on your death.
10. As to any personal property in your estate, have an appraisal of such property



made by an estate personal property appraiser, and sell such property and deposit the sale proceeds into the trust bank account, or divide such property among the entitled beneficiaries based on value or as otherwise required by the terms of your trust.

11. Obtain date of death values of all other property in your estate. Your banks and brokerage firms can provide the trustee with a statement(s) covering the time of your death and/or a letter providing the date of death value(s) of such account(s). The trustee will probably need to hire a qualified real estate appraiser to value your real property(ies) (needed for income tax basis purposes).

12. The trustee should keep a good record of all trust income and expenses and trust distributions, since an accounting should typically be provided to each beneficiary at the end of the trust administration.

13. The trustee should pay to himself or herself the compensation he or she is entitled to under the terms of the trust; and if none is provided for, "reasonable compensation" as authorized by California law.

14. After all estate expenses and debts have been paid, make the distributions to your beneficiaries called for by the trust.

15. Have an accountant prepare and file the needed income tax returns for you and for the trust.

The above statements are not to be taken as legal advice for the reader's particular situation. Richard E. McEntyre practices law in the area of estate planning and administration, having served the San Diego community as a lawyer for over 40 years. Chris von der Lieth is Dick's associate lawyer, having worked with Dick for over 6 years. Affordable rates. Highest quality services. House calls available.

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