



ECONOMIC
DEVELOPMENT
COLLABORATIVE



**FREE WEBINAR: ARE YOU READY FOR
EVICTIION PROTECTIONS TO END?**

PRESENTERS



Erica Bristol
EDC SBDC LEGAL ADVISOR

Erica Bristol is an attorney and commercial mediator, specializing in intellectual property and business contracts/transactions. A graduate of UCLA School of Law, Erica served as corporate in-house counsel for over 11 years. A commercial mediator for over 7 years, she currently serves as a panel mediator for the United States District Court, Central District of California, and the Santa Barbara Superior Court.



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PRESENTERS



Anthony Curtis Elliott
EDC SBDC FINANCE ADVISOR

Anthony Curtis Elliott, B.A., CPA, is a forensic accountant and intellectual property “royalty audit” specialist who performs royalty and contract compliance and related consulting services to a broad base of companies. With more than 30 years’ experience in accounting and finance, he has held positions as accounting director and controller for both medium and large companies. In 1993, he developed a broad-based accounting and consulting practice. His corporate clients are based in the United States, Canada, and Japan.



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Bill Bartels
EDC SBDC ADVISOR

Bill Bartels, B.A., is the principal in a diversified farming/management/organizational development company generalizing in facilitation of diverse teams with divergent ideas and goals. Bill works in public policy and spent 17 years with the city of Fillmore in various roles, concluding his tenure as deputy city manager. Bill served on the Ventura County Planning Commission for 12 years and is a fourth-generation Ventura County farmer.



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Gonzalo Fernandez
EDC SBDC FINANCE ADVISOR

Gonzalo Fernandez has a business degree from La Salle Business College in Havana, Cuba. He is the founder of GBF Consulting, a small business financing advisory. His areas of expertise are analyzing and securing business loans, and strategic planning. An experienced banker, he had held senior management positions at national, regional and community banks, including First California and Santa Barbara Bank & Trust. He has also developed and grown SBA lending programs throughout California.



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LEGAL UPDATE

COMMERCIAL EVICTION MORATORIUMS

- Governor Newsom Executive Order N-08-21 (expires September 30, 2021)
- Ventura County/Cities
- Santa Barbara County/Cities
- Los Angeles County/Cities
- Special Governmental Units
 - Ventura Port District
 - Santa Barbara Harbor Commission (Waterfront Department)

- Unpaid Rent during Moratorium Period
- Interest/Late Fees

- vs. Residential Eviction Moratoriums

SOME EVICTIONS IN VENTURA COUNTY (IN SPITE OF MORATORIUMS)

- Exception or rule?

LEGAL UPDATE- TENANTS

COMPLIANCE WITH MORATORIUM REQUIREMENTS

Rent due October 1 and forward

NEGOTIATION WITH LANDLORD

- Written communication, documentation
- Written agreement

OTHER IMPORTANT LEASE TERMS

- Rent Abatement
- Landlord/Tenant Improvements
- Holdover
- Options
- Holdover/30-day tenancy
- Dispute resolution

SALE OF BUSINESS

- EIDL Loan Security Interests/UCC Filing Statement
- Personal Guaranties

LEGAL UPDATE- LANDLORDS

LENDER APPROVAL FOR LEASE AMENDMENTS

- Breach of contract-lender remedies

OTHER IMPORTANT LEASE TERMS

- Rent Abatement
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NEGOTIATING WITH TENANTS

- Written agreement
- Remedies

- Dispute resolution

FINANCIAL REVIEW

TAKE A LOOK AT YOUR FINANCES

1. Assess the financial condition of the business, to determine if resolving the eviction issue is going to make a material difference on the survival of the business.
2. Assuming that up to this point there had been no negotiations with the landlord, identify financial options available to commence negotiations.
3. Key items about the financial picture include: cash flow, sales performance, liquidity, debt capacity (if any), conditions with debt holders including vendors, taxes and payroll obligations, etc.
4. Consult with your CPA, accountant, bookkeeper or other financial advisors and update your business financial dashboard.

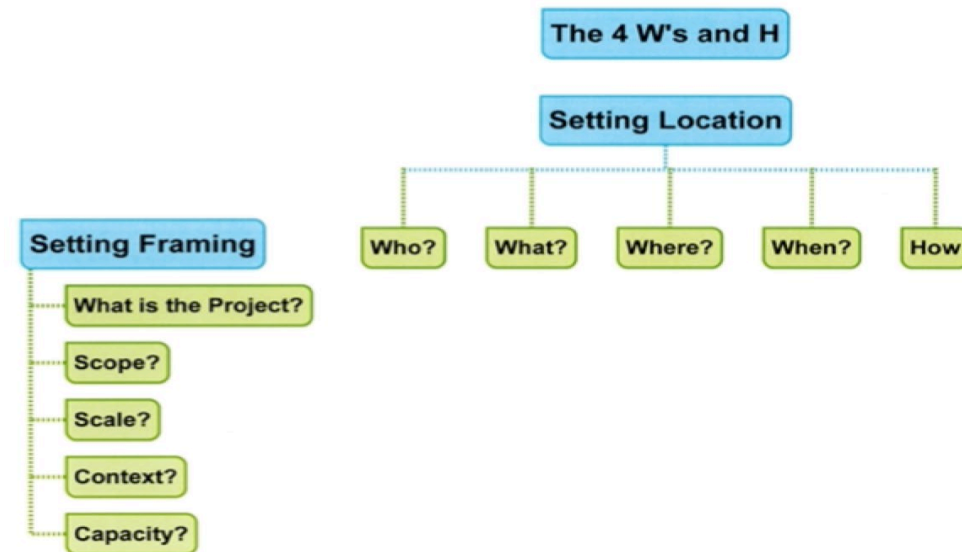
FINANCIAL REVIEW

TAKE A LOOK AT YOUR FINANCES

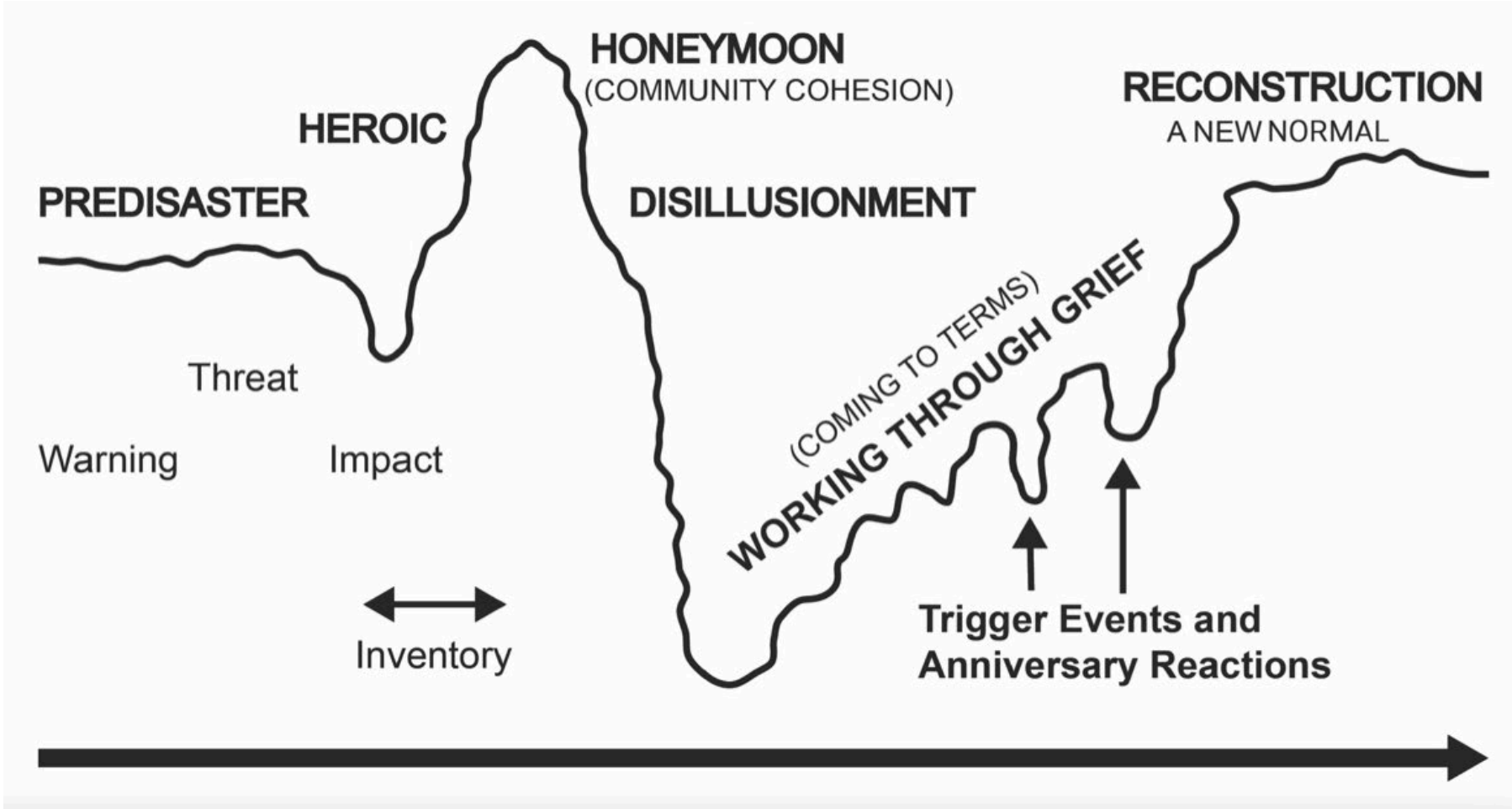
5. Review historical pre-COVID-19 business profit and loss statements, cashflows and tax returns;
6. Compare current financial results with historical financial performance;
7. Before meeting with your landlord, consult with your financial advisor or schedule a session with an EDC SBDC business advisor and map out your financial plan and key lease negotiation strategies going forward.

BUSINESS & STRATEGY DECISIONS

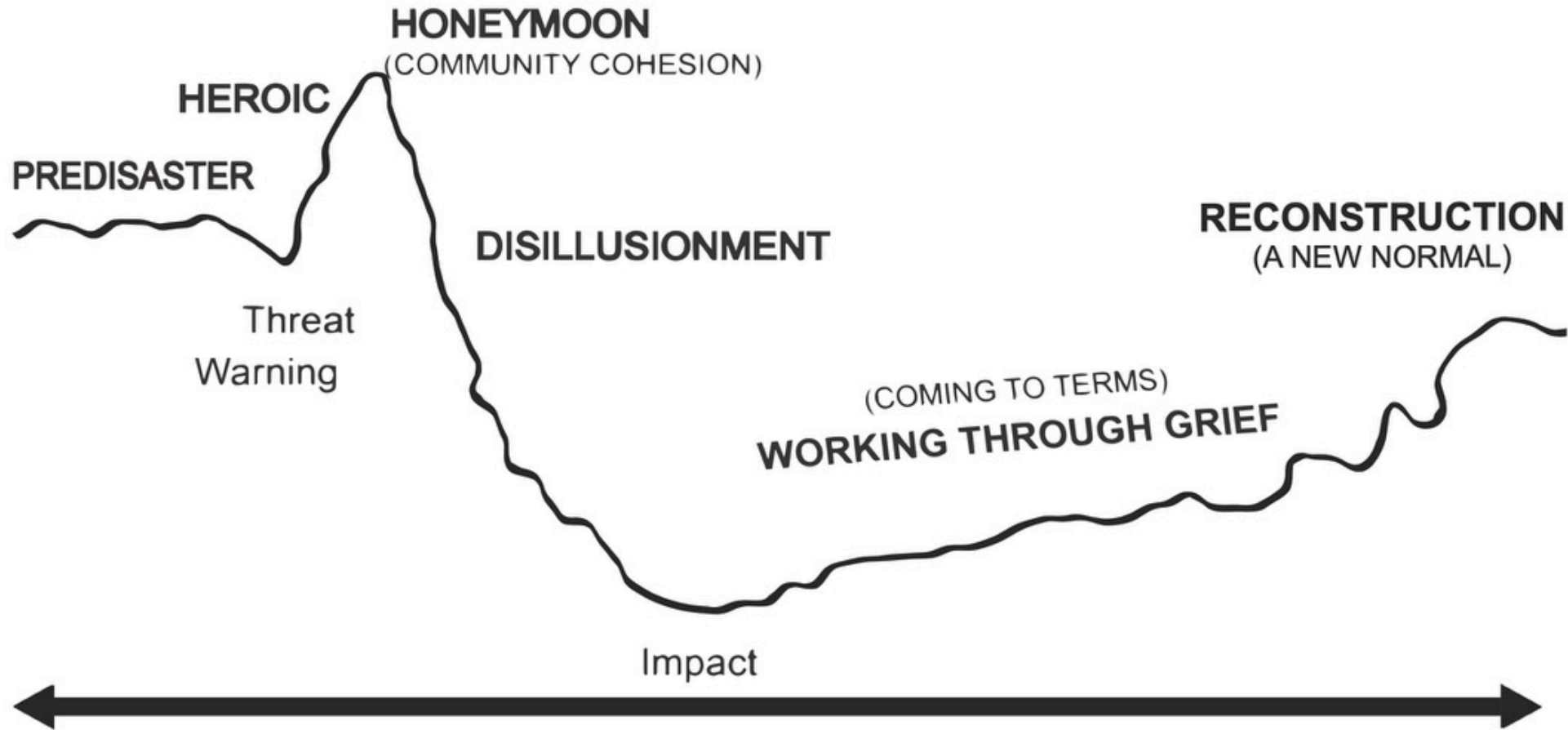
- What is your current business health?
- What is your current emotional health?
- What is your current capacity to engage negotiations, settlement, and legal challenge?
- Where are you in business lifecycle thinking?
- Is this an opportunity to pivot?



BUSINESS & STRATEGY DECISIONS- TENANTS



BUSINESS & STRATEGY DECISIONS- LANDLORDS



NEGOTIATIONS & DISCUSSIONS

- All negotiations should be a **WIN-WIN** situation for both parties. Be sure the other party has a positive attitude to negotiate in good faith.
- Before starting the negotiations determine what is your goal, monetary and non-monetary, and what would be a realistic compromise. Do not agreed on a plan that have a low probability of achievement. Prior to the meeting document details of your plan.
- Prepare a realistic financial summary of your business for 2020 and year-to-date 2021, something you could feel comfortable to share.

NEGOTIATIONS & DISCUSSIONS

- Listen to the other party's plan, take notes, and respond with a reasonable balance between his/her needs and your previously stated resources.
- Keep notes of the discussions and possible compromises.
- Avoid threats or insulting comments. Remember, you want to reach an amicable agreement
- Allow yourself additional time to review the compromise and respond to the other party in writing. Eventually you want to conclude with a binding agreement.

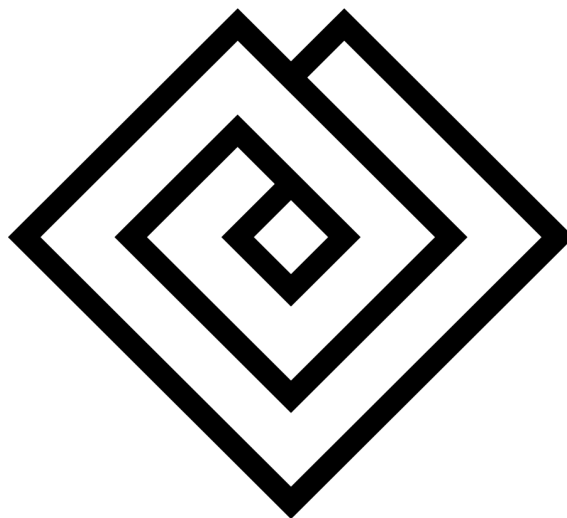
CONFLICT RESOLUTION INSTITUTE

Conflict Resolution Institute
www.conflictresolutionvc.org

Shinina Butler
Executive Director



The Economic Development Collaborative, Small Business Development Center and the Small Business Administration do not promote any particular vendor or service provider. These parties are not affiliated with the Conflict Resolution Institute or any dispute resolution partner.



CONFLICT RESOLUTION INSTITUTE

Providing Conflict Resolution Services Since 1990



WHO IS CRI?

- CRI is a community-based non-profit organization that provides ADR services (e.g. mediation), conflict resolution training and conflict resolution education to individuals and businesses in Ventura, Santa Barbara & LA County.
- Established in 1990 under the Dispute Resolution Program Act (DRPA), we operate under the supervision of the California Department of Consumer Affairs.
- DRPA sets forth the rules and regulations that we must follow in providing mediation services.



WHAT ADR SERVICES DO WE PROVIDE?

- Mediation Services (In-house and Small Claims Court)
- Arbitration Services
- Facilitation Services
- Conciliation Services (Consumer Debt)

DISPUTES MEDIATED

- Landlord/Tenant
(Commercial & Residential)
- Contract
- Employment
- Debt/Loan
- Family / Divorce
- HOA
- Real Estate
- Civil Harassment



HOW MUCH DO SERVICES COST?

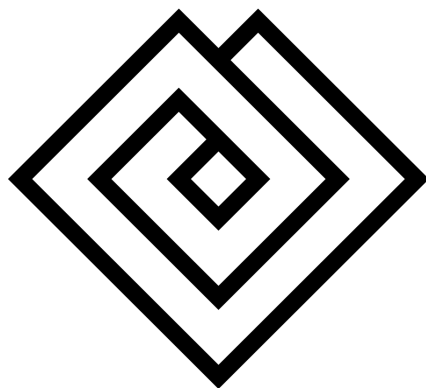
- In accordance with the DRPA, our mediation services are offered on a sliding scale based on income /gross revenue and provided at no cost to indigent disputants.
- *Our Philosophy: We are committed to serving all community members, regardless of ability to pay.*
- In Small Claims Court, our services are provided at no cost to the parties.



COMMERCIAL EVICTION – WHY MEDIATE?

1. Your attempts to negotiate directly have not been successful.
2. Mediation requires less time and less \$ than litigation.
3. Mediation is confidential, and the parties determine the outcome (e.g. payment plan and move out date).





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CONTACT US

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QUESTIONS?



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EDC SERVICES

EDC Small Business Development Center

Supporting Ventura, Santa Barbara and Los Angeles County businesses with professional technical consulting from a team of over 50 experts.

FINANCE | MARKETING | OPERATIONS | LEGAL COMPLIANCE | HUMAN RESOURCES
BUSINESS MODEL PIVOT | START-UP ASSISTANCE | INTERNATIONAL TRADE

EDC Loan Program

5 loan funds across Ventura & Santa Barbara County including our Disaster Bridge Loan Fund, providing businesses with cash flow boost of up to \$50,000 with 4.25% interest rate.



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