

From: Patric Barry
Sent: Friday, March 5, 2021 10:41 AM
To: Schultz, Glenna
Subject: Prop 19

Ms Schultz:

The interpretation by the lawyers at the Board of Equalization of Proposition 19 is far too broad. The rule adopted, and the rule proposed, is not contained anywhere in the ballot measure for which the people of California voted. The net result of this action by the Board of Equalization is to write and create rules which depart from the obvious intent of Proposition 19.

For example, the proposed rule does not show that occupancy by a family member must be within one year from the effective date of transfer (typically, the death of the property owner). The one year limitation is far too restrictive, and I can think of several scenarios which prevent a family member of taking occupancy within that time period, including:

- a) repair or renovation of the principal residence structure;
- b) inability to sell a residence presently occupied by the heir apparent, due to a slow market, weak economy, or health or physical reasons;
- c) finalizing a will or an estate, especially where probate must be ruled by a court. We commonly see delays in probate courts, especially at the present time where the pandemic closed all state courts for months and the backlog is delaying granting of probate for well beyond one year;
- d) commonly, several heirs might be interested in occupying the subject property, and if a court must decide which heir has the right occupy, the process would, typically, run for well over one year, and perhaps, as long as five years.

As proposed, the one year limitation for taking residency offers no right of appeal, so the rule is harsh and oppressive and should be eliminated. If a calendar limitation is to be imposed then a five year limitation would be practical, although no calendar limitation be preferable in case the property remains vacant, pending occupancy by the heir.

Patric Barry

