

Legal Questions and Answers

By Dennis Block

Question 1: Mr. Block, I'm a new landlord who purchased an eight unit complex on Centinela (Mar Vista area). I have determined that six persons are living in the unit instead of the stated two. How would you propose that I handle this?

Answer 1: If the number of occupants residing in the unit exceed the amount set forth in the rental agreement, then the proper notice would be a Three (3) Day Notice to Perform or Quit. This notice allows the tenants to cure the violation within three (3) days of receipt of the notice either removing the unauthorized occupants from the premises or by surrendering possession to the landlord. However, if the previous owner authorized these extra persons to occupy the unit or if the extra occupants have been in possession for a long period of time, then you cannot try to evict the tenant for the extra occupants since it would be considered a waiver. As a new landlord, you step into the shoes of the previous landlord and if the previous landlord allowed these extra persons to reside in the unit, then you also must allow the extra occupants to remain in possession. Contact the previous landlord to see if he/she knew about the extra occupants.

Questions 2: I have townhouse in Studio City that is currently rented. I need legal advice on the relocation fees that will be paid to tenant if I decide to sell.

Answer 2: If your townhouse was built after October 1, 1978, it is not subject to rent control and no relocation fees would have to be paid. If it is built prior to October 1, 1978, then you would need to have a proper reason to evict. It should be noted that selling property is not proper grounds to do an eviction. The new owner could evict if the new owner needed the unit for his/her own occupancy. In these situations the best way to vacate the unit is by use of a voluntary vacate agreement. This is an agreement where the tenant is offered a monetary incentive to vacate.

Question 3: What would be the best way to turn down an applicant? I took an application for an apartment. It came back with negative feedback from the applicant's current landlord. This landlord told me that the applicant is difficult when is being done. He would yell and swear at workers. They also did not submit proof of income as required by my application form. Their credit was fine, however. This applicant is asking for an explanation why they were turned down. How should I present it to this applicant so as not to leave myself open to any legal problems? Please advise.

Answer 3: You should merely tell the applicant the truth. Explain that you received negative feedback from their current landlord. Also tell the applicant that he did not submit the proof of income as required by your application form. Your reasons for rejecting this applicant is justified and you will not run into legal problems by these explanations.

Question 4: An elderly friend of mine owns several properties in the Los Angeles area and a tenant died in one of the units. She has been unable to locate a next of kin. What is the process needed in order to take possession of my property, cleaned it out and have it re-rented?

Answer 4: You need to contact the Los Angeles County Public Administrator. They will seal the unit, check the unit for any wills and attempt to locate information on relatives. Thereafter, they will turn possession over to the landlord. Pictures should be taken of the belongings and they should be placed in storage until any relatives can be located.

Question 5: I have a building in Pacoima. My tenant has a vehicle stored in his assigned carport which has not moved for the past eight months. The car also has two flat tires. Can I have the tenant move this car?

Answer 5: Tenants are not allowed to store inoperable vehicles on the premises even if they stored the vehicle in their assigned parking area. This is a violation of the Los Angeles Municipal Code. You can serve the tenant with a 3 Day Notice to Cure the Violation by demanding that the tenant remove the vehicle or restore the vehicle to an operable, safe condition. If your tenant

fails to comply with your written notice, then the eviction process can be commenced.

Question 6: I want to have an on-site manager in my rent-control building. If I remove one of the existing tenants am I obligated to pay them relocation assistance?

Answer 6: If the property is not under rent control, no relocation assistance is necessary. If the property is subject to Rent Stabilization for Los Angeles, an application process has to be completed with the City and thereafter a 60 day notice is served and the relocation fees are thereafter paid. Currently, the relocation fees are \$3,300. If the tenant is 62 or older, handicapped or has dependent children then the relocation fees are \$8,200.

Question 7: I entered into a written rental agreement with my tenant a few years ago. My tenant recently informed me that she now lives in New York and her sister is living in the unit. I had no idea that she moved out since I am still receiving rental payments from my tenant where the checks are under her name. My property is under Los Angeles rent control. Is there anything I can do?

Answer 7: Yes, under Los Angeles rent control, a landlord may bring an action to recover possession of a rental unit, if the person in possession of the rental unit is a subtenant not approved by the landlord. Since your tenant informed you that she no longer lives in the unit, you have the right to evict the current occupant.

Question 8: In March a tenant took in a roommate who broke a water pipe in the flower bed and admitted negligence. Can they be charged for the full repair?

Answer 8: A landlord is not obligated to pay for repairs as a result of damage caused by your tenant, whether it was accidental or intentional. You may want to fix the water pipe to ensure that it is repaired in a workmanship like manner and then have your tenant pay for the cost of repair.