

Legal Questions and Answers

By Dennis P. Block, Attorney

Question 1: My building is under rent control in San Pedro. What is the highest rate that I can charge for a one bedroom and one bath unit? Where can I call to find out more about rent control?

Answer 1: After a voluntary vacancy, there is no rent limitation for any new tenant coming into your building. You are free to charge any amount. The phone number for Rent Stabilization for the City of Los Angeles is (866) 557-RENT.

Question 2- I own an eight unit apartment building in Long Beach, CA. I recently gave one of my tenants a 60 day notice to vacate the premises. I need to do an extensive amount of plumbing work in their unit and can't have any occupants during this time. I have a \$600.00 deposit I am holding. Do I still have three weeks after they vacate the premises to refund them the \$600 or a partial amount depending on the condition of the unit? Since I have asked the tenants to leave I am not sure if the same rules apply if the tenants gave me notice.

Answer 2: There is no difference whether you gave the notice or not. A landlord has 21 days to account for the security deposit after the tenant vacates the unit.

Question 3: If a building is sold, what are the rights of the tenants with new owner? Will rent remain the same? Can a new owner force them to move? This building is located in a rent control area.

Answer 3: If there is a fixed term lease, you need to abide by its terms even if you are the new buyer. If the building is not under rent control, you may change the terms of any month to month agreement by serving a "Change of Terms of Tenancy" notice. If your building is under rent control, you must comply with the ordinance in that jurisdiction. Generally, you will not be able to vacate the unit without cause.

Question 4: I have tenants that are under Section 8. I find dealing with the Housing Authority to be very difficult. Is there a way to get out of this type of contract?

Answer 4: If you are not under rent control, you may serve a 90 day notice to your tenant. You will need to state a reason. A proper reason could be for "economic reasons". If you are under rent control for the City of Los Angeles, it is a different procedure. You will need to serve a 90 day notice to terminate the contract for economic reasons. This will allow the tenant to remain, but they will have to pay the full contract price. If the tenant cannot pay, you may evict for non-payment of rent. Many of my clients have been using this procedure.

Question 5: I have a rent control building in Los Angeles. I would like to rent out my unit for one year only. I have a daughter who will need the unit in one year. I would like to avoid paying a relocation fee. How can I accomplish this?

Answer 5: One way to accomplish this is by the terms of the rental agreement. Let's suppose the premises should rent for \$1,000. Make the contract price \$2,000. Put an addendum on the rental agreement that you will afford a \$1,000 discount for the first twelve months. If the tenant stays beyond the first year, the rent would revert back to \$2,000 and therefore the tenant most likely will leave.

Question 6: I recently bought a house and the seller has now refused to move! Escrow has closed and I cannot move in. What can I do?

Answer 6: Unfortunately, this situation happens far too often. You actually have to file an eviction action to evict this person. The seller is served with a five day Notice to Quit and then the Unlawful Detainer is filed. The process is similar to evicting a tenant for failing to pay the rent.

Question 7: I filed an eviction action against my tenant for non payment of rent. When the case came to court, the judge said that my notice was not proper and I lost. I really do not understand the fairness of the system. This tenant owes me four months rent.

Answer 7: It is always best to use an attorney to bring forth an eviction action. The procedures are very technical and if you make a mistake you will have to start all over again. You should use the "Three Day Notice to Pay or Move Out" form that is distributed by the AOA. You need to state the exact amount of rent owed. Do not add in any other charges. You must also state the location to pay the rent, times when payment will be received and the name and phone number of the person authorized to collect the rent.

Question 8: Mr. Block, I heard that you are on a new radio station. Where can I now hear Landlord/Tenant Radio?

Answer 8: I am pleased to report that we are now broadcasting on KRLA, 870 on the AM dial. The show is every Thursday evening at 9:30 PM. Listeners are encouraged to call in and ask landlord/tenant questions.

Question 9: Also, I've heard so many good things about your FREE seminars. When will you be giving another?

Answer 9: I will be speaking at the upcoming AOA "Million Dollar" Conference on October 18th at the Los Angeles Convention Center. Topics will include, "How to Beat Rent Control, Get Good Tenants and the Secrets to Collecting on Judgments". See next month's AOA magazine for the exact time. Hope to see you there!

Dennis Block, of Dennis P. Block & Associates can be reached for information on landlord/tenant law or evictions at any of the following offices: Los Angeles: 323.938.2868, Encino: 818.986.3147, Inglewood: 310.673.2996, Long Beach: 562.434.5000, Ventura: 805.653.7264, Pasadena: 626.798.1014 or Orange: 714.634.8232 or by visiting www.evict123.com.