

Rent Watch™ by Project: Protect Your Assets – Don't Break These Laws!

QUESTION: Like most California citizens, I am aware of the on-going debate about illegal or undocumented residents in our communities. As a landlord, I have been wondering if I am supposed to ask my tenants to prove they have legal status? Is there some state or federal law that might make me subject to prosecution if I rent to a person who isn't in this country legally?

ANSWER: There is no federal law and no California law that requires a landlord to ask a tenant or prospective tenant about his or her immigration status. We recommend that landlords avoid inquiring about immigration status because this question is often applied unevenly, or appears to be uneven, depending on the race or apparent national origin of the tenant or prospective tenant. That type of uneven practice could lead to possible housing discrimination claims. A legitimate background check, applied evenly to everyone, should disclose sufficient information to make a judgment about a person's stability in the community, which is the underlying legitimate concern when a landlord is selecting tenants.

QUESTION: Storage facilities are quite scarce in my area. A tenant who is about to depart has asked if she can leave her belongings in the apartment until her new unit is available. This is not going to be possible since I need to get the unit ready for the next tenant. What can I do if the tenant does leave personal items and furniture?

ANSWER: Civil Code § 1984 allows you to send a Notice of Right to Reclaim Abandoned Property to a tenant who leaves belongings after they have moved. This notice gives a tenant 18 days to make arrangements to take possession of their belongings. During this time you can move the items to a safe area to protect them. After 18 days, if the items have not been removed and they have a collective value of less than \$300, you can dispose of them in any manner you wish. However, if in your estimation, the value is more than \$300 you must hold a public sale and, after deducting reasonable storage fees and sale costs, deposit the net proceeds with your county's Department of Revenue. As you can see, the process can become burdensome so we recommend that you work closely with the tenant to resolve this matter without having to resort to these measures. Your local housing medication program can offer additional information for you.

QUESTION: The apartment complex I manage has many apartments that are shared by multiple roommates. Do I have to provide each roommate with a copy of the rental agreement or will one copy be sufficient?

ANSWER: State of California Civil Code §1962 states that a party (property owner or agent) signing a rental agreement or lease must provide a copy of the agreement or lease to the tenant within 15 days of its execution by tenant.' Furthermore if the tenant requests, an additional copy shall be provided once each calendar year thereafter. Each tenant that signs a rental agreement or lease is entitled to this service. It is a very sound practice to make sure that all roommates are listed on the rental agreement and are signatories to it. So, if there are four roommates on the rental agreement, you must provide four copies.

For information on fair housing training for housing providers please contact Project Sentinel at 888-FAIR-HOUSING or your local fair housing agency.

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