

Letter to the Editor Tenants Abuse Rights and Utilize LAHD as Harassment Tool



Something needs to be done against tenants where there is documented evidence that they are maliciously abusing the systems set in place by Los Angeles County officials. If there are housing laws to govern landlords, then in all fairness, there should be housing laws governing tenants who complain excessively without just cause, utilizing and wasting the resources of a system that has been set in place for legitimate complaints.

My nightmare began in August 2005. I rented one of my duplexes to a middle-aged single woman with excellent credit. Although this woman, who I will call Lynn R., seemed a little eccentric, I diligently evaluated her good credit report and verified her tenant status with her supposed landlord, who gave her a wonderful and excellent reference. I later learned that the man who gave her the outstanding reference was not her landlord at all, only a roommate who did not have ownership in property and wrongly represented himself as her landlord. I am now wary about references that just seem too good and are glowing with too many accolades.

Lynn R. moved in and started making unreasonable demands that I refused to comply with. She then started calling the Los Angeles Housing Departments (LAHD) Safety Code Enforcement Program (SCEP) and that was my first (however not my last), encounter with LAHD's SCEP division and that first contact was what prompted my letter to the editor which was published in the April 2006 issue of AOA's News and Buyers Guide. ***Lynn R. proceeded to lodge five more complaints with Code Enforcement*** causing me to incur expenses and consumed a great amount of time dealing with the substance of the complaints, multiple inspections and invoice appeals, even though I was NEVER FOUND GUILTY OF ANY VIOLATION at the property nor was I forced to pay the invoices once I had appealed them.

When Lynn R. moved in, she immediately requested the monthly pest control for the unit be ceased because she had befriended a wild squirrel and was concerned it would get into the bates and die. I reminded her that she was living in the Hollywood Hills and that when it is hot, rodents and other wildlife come out of the hills to look for food and water, but she was adamant that she did not want any bates on the premises. ***Advice to landlords: for your protection, do not let any tenant convince you to cease your pest control measures.***

For over a year, I did not hear from Lynn R., but when she had exhausted the LAHD SCEP division, she claimed that a rat had gotten into her apartment. I immediately reinstated the prior steps of placing bates in the appropriate places and took all the necessary steps to get rid of the rodent. This situation was brought under control within a week by using the appropriate bates, and included the removal of a rat carcass that was found by the dishes of food and water she used to feed the squirrel. I noted she was feeding the wildlife in the back yard and was attracting not only several squirrels but also

birds, skunks, raccoons and over course, the rat. I requested she refrain from feeding the wildlife but she became indignant and absolutely refused.

When the situation was firmly under control, Lynn R. began once again protesting the pest control bates that were being used, demanding that bates be removed because she was afraid the wild squirrels would die. She unreasonably stated that she would not stop feeding the wildlife. I issued a 3-Day Notice to Comply and Lynn R. then, ***in retaliation, lodged complaints with two separate divisions of the Los Angeles Health Department.***

The notices I received from the Health Department instructed me to make sure all basement and attic vents were not accessible to rodents and to be sure nothing was in the basements and to place bates in specific places including the trees and the outer parameters of the property. I sent my handyman out to comply. Upon inspection, the Health Department Inspector stated that although the handyman's job was impressive, the wood and metal materials he used was not in compliance with the required "1/4 gauge wire mesh" (which they never mentioned in their initial notice to me, nor my telephone conversations.) So, the job had to be completely removed and redone at an additional expense.

I spoke with the Health Department Inspector and told him the tenant was attracting wildlife by leaving out bird seed and hazel nuts and was further hindering the process of pest control by refusing to allow bates to be placed on the property and actually removed the bates that were in her view. The Inspector saw the food she was leaving out and instructed Lynn R. to not to feed the wildlife or he would have to issue her a warning. ***Instead of ceasing, she continued to feed them and went on the lodge another complaint, this time with the Los Angeles Housing Department SCEP section regarding rodents.*** Upon inspection, LAHD-SCEP found no violations and closed the case. Of course, then I needed to appeal that invoice which was ultimately waived by the Senior Inspector.

This tenant was subsequently evicted in May of 2007 – 21 months into her 24 month lease. When Lynn R. vacated, she maliciously dumped more than 50 pounds of walnuts in the yard which the wildlife had a feeding frenzy on leaving a huge mess of cracked shells and debris which needed to be cleaned up, along with all the bird droppings to be scraped and removed from the window sills which then required painting and clean up of all animal excrements.

Although Lynn R. is gone, she set an example on how the system can be abused and used to harass landlords. The tenant who has lived in the adjoining duplex about three years without incident learned the "*abuse the system*" lesson all too well. When I gave this tenant, who I will call Robin P. a 3-Day Notice to clean up the feces of her two dogs, she complied ***but in retaliation, called the Los Angeles Housing Department, which conducted a thorough inspection and found no violations.*** Once again, I had to invest time into inspections and drafting an appeal of the SCEP invoice, which is automatically mailed out after a tenant simply picks up a telephone making claim of a complaint.

Then she started refusing entry to make necessary legitimate repairs *continuing to place complaints with LAHD-SCEP division as well as another complaint to the LA County Health Department claiming she had bugs – all this in retaliation to a rent increase.*

Robin P. is now abusing the system and consuming everyone's time with a false complaint – I feel sorry for any landowner who she rents from in the future.

Now I'm faced again with the LAHD-SCEP inspectors, repairs and invoices. I received an invoice from SCEP of \$201.50 and if not paid by a certain date, then I would be liable for outrageous penalties which includes the actual fee totaling \$705.25. The inspector who originally said he would waive the invoice now said we would have to come into the office on Wilshire Boulevard in order to obtain an appeal's form. My original letter published back in April 2006 addressed how LAHD gives a landlord only 10 days to file an appeal from the "date of the invoice" and also makes it impossible to obtain the appeal form within the 10 day time frame. It is maddening! Also, once you obtain the form, LAHD-SCEP conveniently gives only a partial address to where you must submit the form, providing a street address sans the required city, state and zip code.

Now, I have worked two days writing a four-page appeal and attaching six exhibits of emails establishing Robin P. had lodged a false complaint and has refused to cooperate with our attempts to enter the unit and that she has a vicious Pit Bull which she is refusing to secure. (Had I not had the email correspondence from her, I would be hard pressed to win my appeal.) GET EVERYTHING IN WRITING – you never know what you will be up against. *She used her pet to hinder repairs and then called the Housing Department claiming repairs were not being made.* Now, Robin P. is using her Pit Bull to hinder the walk-through process and will not comply with my legal/mandatory request for a walk through. She will most likely lodge a future complaint with LAHD in this regard, but again, I have document my attempts in writing and will be well prepared to defend myself.

There is something wrong with a system that allows someone over and over again to merely pick up a phone and place a five minute phone call lodging complaints that consume days of a landlord's time. Hopefully, once Robin P. vacates, the nightmare will be over for me, however, again, I must say there should be laws in place penalizing tenants who use the systems as a harassment tool and not for legitimate purposes.

Today, November 1, 2007, after faxing and priority mailing my appeal to LAHD-SCEP, I heard that my appeal was granted and the invoice was waived because they stated a 15 Notice to Comply was never sent. So one must ask why was an invoice generated and sent in the first place? My time can never be returned to me and this biased process once again is used to batter a landlord without just cause and there is no way to make the perpetrator answer for abuse of the LAHD-SCEP system.

We, as landlords, give much to the community and pay school board as well as other taxes that tenants don't pay, yet the populace benefits the most from the taxes we pay under the guise of property tax. There really needs to be a better, more balanced system

which will be fair to all and not so one-sided and prejudiced towards property owners as a whole.

Remember to GET EVERYTHING IN WRITING!

Sarah Linn Ritts is an apartment owner and member of AOA.