

Letter to the Editor...

Is This Happening In America?



Dear AOA:

I am the owner of several apartment buildings in the Cadillac/Robertson area of Los Angeles. I was very surprised last week when I was handed a notification from one of my newer tenants stating that she was going to start a child-care business in her apartment. This notice is from the California Department of Social Services, Community Care Licensing Division. It states that my tenant can open this facility in my building without any input or concerns from me at all. It stated, **"The property owner/landlord is prohibited by law from imposing any direct or indirect restriction on, or prohibitions against this tenant's operation of this family child-care home on the rental property."** This is fact, despite my rental lease, specifically stating that the use of the unit is strictly for residential use by the listed tenants on the lease only.

I have nothing against children, nor do I have anything against someone starting a business. But, I see no reason why I should bear all of the risk and consequence of her new endeavor with no chance to gain at all. Besides the extra trash generated, water used, wear and tear to walls and carpets, damage to outside landscaping and traffic/parking problems, I am extremely concerned over the noise that will be emanating from the apartment and how that noise will affect my other tenants' peace and tranquility. After all, MY right to make a living is being threatened by this tenant's desire to make some extra money! Who will be there to help me if her neighboring units decide to move out and I lose those thousands of dollars each month? And how will I re-rent those units having to disclose that a child-care facility is right next door?

Also, the liability of having small children in an apartment with no outside enclosed area to play in seems to rest in my hands as the so-called "deep pocket" to sue if any problems were to occur. How can this be a fair law? I cannot be expected to supervise her and make sure that she is responsibly tending to the needs of these young children. Am I expected to increase my already too high personal insurance premium to protect my interest, with no ability to pass this expense on to the tenant because of Los Angeles Rent Control?

I spoke with Bob at the Apartment Owners Association today he was most helpful in trying to help me with my situation. But to his surprise, and to mine, apparently I have no ability to stop this potentially dire situation. There must be some way to end this unfair policy. **Does anyone have any ideas?**

Thank you for letting me vent my frustration regarding this situation. Having Bob take my concerns seriously and taking the time to research the law for me was definitely worth my membership fee. I just hope that there is some way to change this practice before I get screwed once again for owning rental property in Los Angeles.

Sincerely yours, Martin J. Winer

[Editor's Note: Sounds like this could happen in some Socialist or Communist country but when I started investing in apartments, I never dreamed that it could get this bad!]