

## **Legal Questions & Answers**

### **By Dennis Block**

**Question1:** Once the smoke alarm is in good working order, do the tenants have any legal responsibility for keeping the smoke alarm in order, or if there is a fire, and they took the battery out of the alarm?

**Answer1:** *It is the landlord's responsibility to keep the smoke alarm in good working order. It is the tenant's responsibility to not damage or render the smoke alarm ineffective.*

**Q2:** I just rented an apartment to a tenant and they have only been there for one month. I need to evict a tenant for not paying his rent and for failure to pay his second installment of his security deposit. What should I do?

**A2:** *I would immediately serve your tenant with a three day notice to pay rent or quit for the rent owed and a three day notice to perform covenant or quit requesting the balance of the security deposit. If they do not comply with either notice you can begin eviction proceedings.*

**Q3:** Is there a law or rule regarding late fees? In addition, I was told that we cannot just post a 3day notice on the door/mail in the daytime if the tenant is at work or not at home I was told that we have to go to the tenant's work place. Is that true?

**A3:** *The only way that late charges can be imposed is if there is a provision in the lease agreement that states that late charges will incur if the tenant is late on the rent. Further, you are not required to serve a tenant a three day notice at his work. IF the tenant is not home, you may post the notice on the door and then mail the tenant a copy.*

**Q4:** Can I use the same on-site manager if I have 2 buildings back to back, sharing the same alley? Both buildings are 21 units each.

**A4:** *Both buildings would have to be on the same lot to comply with California law.*

**Q5:** I will be leasing out a townhome in Orange County and I am a first time landlord. Do I have to pay interest to the tenant at the end of the tenancy on the security deposit? If yes, how is the interest calculated?

**A5:** *There is no requirement to pay interest on a security deposit. However, this rule may vary in rent controlled areas. You should also use AOA to run a credit check on all applicants.*

**Q6:** This is the first time that I have rented my property out. I have a man, who would like to move in, but his credit check came back with a couple of minor collections on it and he is self employed. He stated that he files his taxes every three to four years. Am I entitled to a copy of his W2's, 1040, etc? How do I go about checking bank accounts, etc for income purposes?

**A6:** *You should not rent to this person. As he is committing a felony. You can, however, ask for any proof you desire to check his credit worthiness.*

**Q7:** I have four applicants for one of my apartments. No particular person has a better credit rating than the other. However, my intuition tells me that I will get along better with one of the applicants than the other. What should I do?

**A7:** *The person who first applied for the unit is the one that you should take.*

**Q8:** I think my building is unsafe for children. Can I refuse to allow families with children to rent my building?

**A8:** *No that would be considered discrimination. Parents are responsible for supervising and taking care of their own children. You cannot arbitrarily decide that your building is better fit for one type of person than another.*

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