

**Legal Questions and Answers
by Dennis P. Block, Attorney**

Question 1: I have a long term tenant (11 years) in our unfurnished single family rental. The current rent is \$1,100/month with a \$1,100 security deposit. We know that rent increases exceeding 10 percent or a Notice of Termination of Tenancy require 60 days notice. May we ask for an additional \$500 security deposit to be paid in 30 days with a Notice of Change of Terms of Tenancy? Or is 60 days required for this also?

Answer 1: A thirty day change of terms of tenancy notice for the security deposit is sufficient.

Question 2: If my tenant is on a month to month tenancy and gives notice in the middle of the month, do I still collect the rent for the whole month on the first and then refund the remainder when the apartment is rented or when the tenant vacates? The notice was given on the 16th of May and the tenant paid through June and vacated on the 18th.

Answer 2: The tenant is only required to pay the prorated amount.

Question 3: I would like to pay my section 8 tenant to voluntarily move out. Is this legal and how would I accomplish this task? This property is in rent control in Los Angeles.

Answer 3: It is legal to pay your tenant to vacate. You should have the tenant sign a voluntary vacancy agreement which my firm can assist you in.

Question 4: My tenant has been gone since May. He has not called back to say where he is. I left him many messages on his cell phone but he has not called back at all. I called his employer and found out that he no longer works there .I have no way of getting in touch with him. He has all his belongings stored in the house. I left him a three day pay or quit a 30 day notice and an abandonment notice which expires by end of this month. I am thinking about putting his belongings in storage at end of the month so I can sell the house. What legally can I do?

Answer 4: In this situation I would proceed by way of an eviction case. You risk being sued if you proceed by way of abandonment.

Question 5: I rent out a house and the tenant agreed to water and maintain the lawn. The Lessee let the lawn die. What portion of the security deposit am I allowed to keep for damages?

Answer 5: To the extent that the tenant caused you damage, you may deduct this from the security deposit.

Question 6: How do I comply with the rules regarding lead-based paint when I rent out a unit?

Answer 6: You must disclose all known lead based paint hazards in the home and any available reports on lead in the housing. Give the renters the EPA pamphlet "Protect Your Family from

Lead in your Home." You must get a signed acknowledgment from all parties verifying that all of the requirements were completed. Retain a copy of the signed acknowledgments for three years, as proof of compliance.

Question 7: One of my tenant's units was broken into and several items were stolen from their apartment. They think that I am responsible or my insurance company is responsible for replacing all of their stolen items. Is this true?

Answer 7: No. You are not responsible for a break-in. The tenant should carry their own personal property insurance.

Question 8: What is an abstract of judgment?

An abstract is a form that is filed with the County Recorders office that puts everyone on notice that you have a judgment against someone. For example, if you evict your tenant and you get a money judgment against him, you can file and record an abstract. This means that every time the tenant wants to get a credit card or a loan, this judgment will show up on his permanent record. In many instances, the tenant will pay the judgment in order to get the judgment off his record. This is a very effective way of collecting on judgments.

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