

THE GOOD, THE BAD AND THE LEGISLATURE (4 New Laws for Apartment Owners)

On the coat tails of New Year wishes from our legislature come several new Rental Housing Bills that will affect California landlords. (Perhaps a few of these were signed with the lampshades still on their heads!) Below are the new laws that are effective as of January 1, 2004.

AB 1384- WALK THROUGH INSPECTION: When tenancy is terminated by a three-day notice(i.e. an eviction for failure to pay rent or violation of any other lease term) as allowed in Section 2,3, and 4 of Section 1161 of the Code of Civil Procedure, the owner does not have to notify tenant of or provide an initial walk through inspection. (CA Civil Code 1950.5)

AB 1059 – PENALTY INCREASE: Civil penalties have been increased up to \$2,000 for each act where a rental property owner influences the tenant to vacate the dwelling by violating Sections 484 or 518 of the Penal Code, wrongly retains or appropriates the tenant's property, or uses threats, force or menacing conduct that interferes with the tenant's right to quiet enjoyment of the premises that would create an apprehension of harm in a reasonable person. (CA Civil Code 1940.2 and 1942.5)

SB 90- SECURITY DEPOSIT REFUNDS –(Save your receipts!) The existing law requires the landlord to return the remaining portion of the security to the tenant. In addition to that, this new law requires a landlord to include, with certain exceptions, copies of specified documents showing the charges incurred and deducted, and would prohibit this information from being provided to a tenant prior to the specified time periods. Certain information about the person or entity providing the labor or material must be provided. The law establishes specific methods by which a landlord may satisfy the obligation to provide this information and remaining security deposit, if any. (CA Civil Code 1950.5) **[Note: If the total deductions from the security deposit amount to less than \$125.00, or if the tenant waives his right to request receipts within 14 days of receiving his final refund, landlords may avoid this new requirement.]**

SB 345 (1) - ENTRY INTO DWELLING UNIT

This law allows an owner to enter the rental unit without 24-hour written notice when the tenant verbally agrees to the entry for the purpose of making needed repairs or service and to show the dwelling to prospective buyers. (Section 1954 of the CA Civil Code)

SB 345 (2) COURT RECORDS SEALED

Landlords will no longer have access to court records on evictions where the tenant is the prevailing party. (Section 1161.2 of the Code of Civil Procedure)

LEAD BASED PAINT LAW

As a reminder of SB 460, which became effective last year, state and local health and housing agencies were given the authority to require that you repair any deteriorating paint in your apartment units. They can also order a “cease and desist” on any activities that they believe create lead hazards. Landlords and property owners who fail to comply will be fined and... tenants are permitted to withhold rent until all work has been completed.

Some things to be aware of, which are considered lead hazards, are:

1. Deteriorated lead-based paint (chipping, flaking or peeling)
2. Lead contaminated dust
3. Lead contaminated soil and
4. The disturbance of lead-based paint without containment

This law allows officials to take action based simply on complaints or reports of dangerous conditions and potentially hazardous construction.

A new year, some new laws ... but the same old thinking that apartment owners have nothing better to do with their time than to push more paper. If anything, we can be grateful that our new

Governor is an apartment owner ... maybe it will help the next time another crazy landlord bill is presented for approval.

I would like to thank you all for your continued support and a wonderful year at AOA. We plan to continue to give you the best service in the industry and wish you all a very happy, safe and prosperous new year.