

Legal Questions & Answers

by Dennis P. Block, Esq.

Question One: I have a tenant who is currently on a one year lease. He now informs me that he needs to break the lease even though there are nine months remaining. He has offered to list his apartment in the newspaper, show the apartment and even collect rental applications and give them to me in hopes of finding a new tenant for his apartment. If he goes through these steps, do I have any legal action against him for breaking the lease? I will most likely not seek any since he is going through all these steps to help me, but I am curious as to what the law is.

Answer One: A tenant is responsible for the full term of the lease however the tenant can mitigate the obligation by finding a replacement tenant. A landlord cannot unreasonably withhold consent if a tenant brings a qualified applicant. Once the unit is rented, the original tenant's obligation ceases.

Question Two: I have a question on a security deposit refund. If I am withholding the security deposit because of damage to the carpet, cleaning, and removal of trash, how do I calculate the amount of money to be withheld? Do I need to provide the tenant with copies of the bills?

Answer Two: You can deduct from the security deposit, what it actually and reasonably cost to do the cleaning or the amount to repair the damage. If you are deducting more than \$125, you must submit invoices or estimates for these deductions.

Question Three: I have a tenant who died in the unit of natural causes. Do I have an obligation to disclose this to prospective applicants?

Answer Three: If a prior occupant of the rental unit died in the unit within the last three years, the owner or the owner's agent must disclose this fact to a prospective tenant when the tenant offers to rent or lease the unit. The owner or agent must disclose the manner of death, but is not required to disclose that the occupant was ill with or died from AIDS. However, the owner or agent cannot intentionally misrepresent the cause of death in response to a direct question. This is in accordance with Civil Code Section 1710.2.

Question Four: Is it necessary to post a sign on my apartment building regarding the existence of known carcinogenic? I keep getting different answers whether I must post this sign. What is the answer?

Answer Four: A landlord with 10 or more employees must disclose the existence of known carcinogenic material (for example, asbestos) to prospective tenants. As such, if you have more than 10 employees, you must post this sign.

Question Five: My apartment building is located in the Los Angeles area however it is not under rent control. If I would like to convert my rental units to condominiums, am I still obligated to provide relocation assistance to my tenants?

Answer Five: Yes. A conversion of an apartment building into a condominium requires the landlord to provide relocation assistance to each tenant, whether or not the property is under rent control. There are also certain procedures a landlord will need to strictly comply with prior to terminating the tenancy. If a landlord does not comply with the

procedures, then the tenant is entitled to monetary damages and will not be obligated to surrender possession of the property.

Question Six: I own a duplex that has only one electric meter. I used to live at the property with my family and therefore the cost of the electricity was never an issue. I now want to rent out each unit to separate tenants. How should I handle this situation?

Answer Six: You must disclose this fact to the prospective tenants. You must reach an agreement as to how the utilities are to be shared. Then this agreement must be contained in the rental agreement.

Question Seven: I have a house and I would like to take in a boarder. As a single female, I really do not want to rent this room to a man. I want to rent to a woman who has similar interests and is in my age group. Am I violating any discrimination laws by advertising in this manner?

Answer Seven: Since you will be living in the house and you are taking in a single boarder, this would not be considered discriminatory.

Question Eight: Is it true that you recently gave a speech on "How to Beat Rent Control"? I recently bought a 32 unit building in the City of Los Angeles. Most of the tenants are paying well below market level. I could really use some help to increase the rent. When are you giving your next speech?

Answer Eight: Good News! I now have a DVD of the speech that can be bought from my office. For information, please feel free to call my office at 323-938-2868.

Dennis Block, of Dennis P. Block & Associates can be reached for information on landlord/tenant law or evictions at any of the following offices: Los Angeles: 323.938.2868, Encino: 818.986.3147, Inglewood: 310.673.2996, Long Beach: 310.434.5000, Ventura: 805.653.7264, Pasadena: 626.798.1014 or Orange: 714.634.8232 or by visiting www.evict123.com. Don't miss his Landlord/Tenant Radio Show, every Tuesday morning at 9:30 a.m., KTYM 1460 AM.