

Dennis P. Block & Associates

Frequently Asked Questions



HOW LONG TO EVICT -Generally it takes 4 to 6 weeks to evict your tenant for an uncontested case. If contested, approximately 8 to 10 weeks. The lawsuit must be put into each tenant's hand. If your tenant evades service or refuses to answer the door a delay is inevitable. A lawsuit can be served by posting on the door but this would require a court order. This is done in a small minority of cases. Generally the lawsuit is served within the first few days in over 85% of our cases.

SHOULD YOU ACCEPT RENT FROM YOUR TENANT -If this action is based on non-payment of rent, you can accept rent only if it is the full payment AND within the 3 day period. If this occurs, call this office immediately. Acceptance of any rent thereafter will void the court action. On other cases, do not accept any rent unless specifically authorized by our firm. If your tenant mails you a check that is late, make a photocopy of it and return the original check to your tenant without explanation. Please keep the tenant's envelope as proof of mailing. If this action is based on any other reason, DO NOT ACCEPT ANY MONEY WHATSOEVER.

WHAT HAPPENS WHEN THE TENANT IS EVICTED--Our office will call you to set up a lockout time. You must meet the Sheriff at the premises with a person capable of changing the locks. Please arrive early. Any personal property left by the tenant can be immediately removed and put in a locked storage area. If the tenant wants his belongings, YOU MUST give it to him without any conditions. If the tenant does not claim his belongings, please call this office and ask to be mailed an "abandoned personal property" form. This form will explain the procedures for disposing of the tenant's belongings. We also have a LOCKOUT SERVICE that can meet the Sheriff/Marshal for you and change the locks and prepare an inventory of the tenant's belongings.

WHAT ABOUT THE SECURITY DEPOSIT--Even though the tenant owes you money you must send a security deposit itemization form to the tenant within 21 days from when the tenant vacates the unit. If you need a form it is available online. <https://www.evict123.com/free-forms>

HOW DO I COLLECT THE MONEY THAT THE TENANT OWES--Our office will mail the money judgment with an accompanying letter which will explain your options for

collecting. We will not stop until the money is fully collected. Here is the information on our Collection Service. <https://www.evict123.com/collections>

LOS ANGELES RENT CONTROL -If your property is governed by the Los Angeles Rent Ordinance, be sure that your unit has been registered before any notice is served on your tenant. In addition, your SCEP (Systematic Code Enforcement Program) fees must be paid. A copy of the registration notice must be given to each tenant. *(See the additional Information Sheet regarding the Los Angeles Rent Control Ordinance attached to this FAQ Questions.)*

CHANGE OF OWNERSHIP -When you become the NEW owner or the NEW management company, you must give to all tenants a NOTICE OF CHANGE OF OWNERSHIP that MUST include the following:

1. Disclose therein the name, telephone number, and usual street address at which **personal service** may be affected of each person who is: **(THIS ADDRESS FOR PERSONAL SERVICE MUST BE A PHYSICAL ADDRESS)**

(A) Authorized to manage the premises.

(B) An owner of the premises or a person who is authorized to act for and on behalf of the owner for the purpose of service of process and for the purpose of receiving and receipting for all notices and demands. **(THIS MUST BE A PERSON. MANAGEMENT CO. AND ENTITIES ARE NOT PERSONS FOR THE PURPOSES OF THIS STATUTE)**

(2) Disclose therein the name, telephone number, and address of the person or entity to whom rent payments shall be made.

(A) **If rent payments may be made personally, the usual days and hours that the person will be available to receive the payments shall also be disclosed.**

ONLINE STATUS -Check on the status of your case by visiting our website: <https://www.evict123.com/status> -Click on the "Case Status" button. You will need your invoice number and the zip code of the property. You can also pay your invoice at: <https://www.evict123.com/make-a-payment>. You can also check the status on your smart phone. Download the free app, "EVICT123"

ONLINE FORMS & INFORMATION -Need a form or general information? Check out our website, www.evict123.com -There are many valuable forms all available at no charge. In addition common legal issues are discussed.

INITIATING A NEW CASE -Feel free to use our intake form located at: www.evict123.com/new-case -After you fill the intake form, click on the "Submit"

button. Thereafter you may fax or email any notice or rental agreement if applicable. Of course, you can always also call our and speak with an attorney to initiate a new case.

CONCIERGE PROGRAM (NEW) -Check out our new Concierge Program. Receive Expedited Telephone Access to an Attorney with more personalized service. Free Landlord DVD's and case discounts. <https://www.evict123.com/concierge-service>

Hear Dennis Block On the Radio! Listen over the internet at our website: <https://www.evict123.com/landlord---tenant-radio>

THE EVICTION PROCESS

Flow Sheet

THE NOTICE:

Generally a notice is the first step in the eviction process. Either the landlord or our Law Firm can fill out this notice and have it served on your tenant. If our firm is filling out the notice you can be assured that it will be filled out and served in accordance with the law. We now wait to see if the tenant complies with the notice.

THE LAWSUIT:

After the notice expires, our Law Firm will initiate the Unlawful Detainer action. A lawsuit is prepared by our staff and filed with the court. It is then transferred to the process server for serving. Most tenants are served in 3 to 4 days from when the lawsuit is filed. Thereafter, we obtain a report from the process serving company and we will either fax or mail you a letter regarding service of your lawsuit.

THE DEFAULT PROCESS:

If your tenant has not answered the lawsuit, we will then prepare additional papers for filing with the court. These papers will be reviewed by the court and they will issue a Judgment For Possession. This generally takes 7 to 10 days.

THE SHERIFF IS ENGAGED

Once a judgment is obtained, a "Writ of Possession" is delivered to the Sheriff's office. They will process it and then go out to the property and post a "5 Day Notice To Vacate" on your tenant's door. After the 5 days, the Sheriff will set up a lockout time where you or your agent will have to meet the Sheriff and have the locks changed. We offer a "Lockout Management Service" which will meet the Sheriff, do an inventory, and will change the locks for you. You will receive more specific information on this service near the conclusion of your case.

PERSONAL PROPERTY LEFT BY THE TENANT

If your tenant leaves any personal property behind, please contact our office and we will send you a form which explains the legal process for disposing of your tenant's belonging. The form is also on our website. <https://www.evict123.com/free-forms>

THE MONEY JUDGMENT

You will be receiving information near the conclusion of the eviction process for obtaining the money judgment and its collection.

CONSIDERING THE SALE OR EXCHANGE OF YOUR PROPERTY?

If you are considering the sale or exchange of your property, either voluntarily or by short sale, know your options. Senior associate, Daniel Costas, has represented landlords for Dennis P. Block for the past nine years. He is a licensed real estate broker and owns real estate throughout the country. The initial phone consultation is free.

LOS ANGELES RENT CONTROL ISSUES THAT COULD IMPACT YOUR EVICTION CASE

(This only applies if you have property subject to the Rent Stabilization Ordinance for the City of Los Angeles- If your property is not subject to this ordinance, please ignore this bulletin.)

RENT REGISTRATION: The Rent Stabilization Ordinance (RSO) requires that all landlords register their rental property that is subject to the Ordinance before they may demand or collect rents in the City of Los Angeles. **IF YOUR PROPERTY IS SUBJECT TO RENT CONTROL AND YOU DO NOT HAVE IT REGISTERED OR HAVE FAILED TO PAY THE FEES, YOU CAN'T DEMAND RENT FROM YOUR TENANTS.**

CERTIFICATE OF RENT REGISTRATION must be paid every year, and YOU MUST serve a copy to each of your tenants every year. We recommend mailing each certified (no return receipt) so you have proof that you mailed it . You can also post it on each tenant's door , handed it to them, or mail it. We recommend a means that you have proof. **THIS MUST BE SERVED PRIOR TO ANY DEMAND OF RENT.**

RENT REGISTRATION FEE: The registration fee is \$24.51 per unit. Of this fee, \$12.25

may be passed through to the tenant during the month of August each year. The landlord must provide an advance 30-day written notice to tenants assessed this surcharge. **IF YOU DO NOT GIVE A 30 DAY NOTICE IN ADVANCE OF AUGUST, YOU CAN'T PASS THROUGH THIS FEE TO THE TENANT.**
IF YOU FORGET TO CHARGE THIS PASS THROUGH, YOU HAVE LOST YOUR CHANCE FOR THAT YEAR!

HCIDLA RSO NOTICE (GRAY AND RED SPANISH/ENGLISH NOTICE FOUND ON MY WEBSITE) – MUST POST IN CONSPICUOUS PLACE IN THE COMMON AREA OF THE PREMISES OR ABOVE THE MAILBOXES. THIS MUST BE POSTED AT ALL TIMES. WE RECOMMEND FRAMING IT SO IT IS NOT TORN OR PULLED DOWN. The form can be obtained here: <https://www.evict123.com/free-forms>

RENT INCREASES: Whether you have been the only landlord for the property since the tenant moved in or you inherited the tenant from a previous landlord, please make sure that all rent increases have been in compliance with the LARSO permitted amount. You can't raise the rent higher than the permitted amounts, and you can't round off the rent amounts to higher amounts even if by pennies.

If you pay gas or electricity, you are allowed to charge an addition 1% rent increase for gas each year, and 1% rent increase for electricity each year.

You are not allowed raise the rent based on a rental amount that includes SCEP fee.

You are allowed to **raise the rent once a year.**

You are allowed to raise the rent only if the tenancy is a **month to month tenancy** and not a fixed-term lease.

If you raise the rent more than 10%, you must give the tenants a 60 day notice in writing before the effective rent increase date.

If you raise the rent 10% or less, you must give the tenants a 30 day notice in writing before the effective rent increase date .

LATE FEES: You can't deduct late fees from monies paid. All monies paid must be first applied to any unpaid rent. For example if the tenant owes you \$1000.00, and the late fee is \$50.00, and the tenant pays you \$1000.00, you can't say that you deducted \$50 for late fees and now the tenant will owe you \$950.00. That is incorrect. All monies paid must be applies to UNPAID RENT FIRST. In this scenario, the tenant would not owe you any further rent since she paid the \$1000.00. The \$50.00 is a separate late fee that can be collected subject to restrictions below.

TIP: Be careful when you retain "running ledgers." Keep in mind the above.

You can only charge a late fee as a separate fee if stated as a term in your rental agreement. The late fee must not be punitive or a penalty in nature, and must be reasonable relative to the monetary loss you incur when a tenant is late with the rent. (PLEASE REFER TO OUR LATE FEE PROVISIO N IN OUR LEASE)

Late fees can't be demanded as rent, and can't be included in a THREE DAY NOTICE TO PAY RENT OR QUIT.

SCEP FEES: Systematic Code Enforcement Fee. If you own or manage property that has two or more residential units on a parcel of land and at least one of the unit is a rental unit, you are

required to register your property for periodic inspection and maintain your property in accordance with applicable codes and standards.

IMPORTANT: The surcharge **shall not be assessed on a new tenant until twelve months have passed or until the landlord pays a subsequent year's annual systematic code enforcement fee**, whichever comes first.

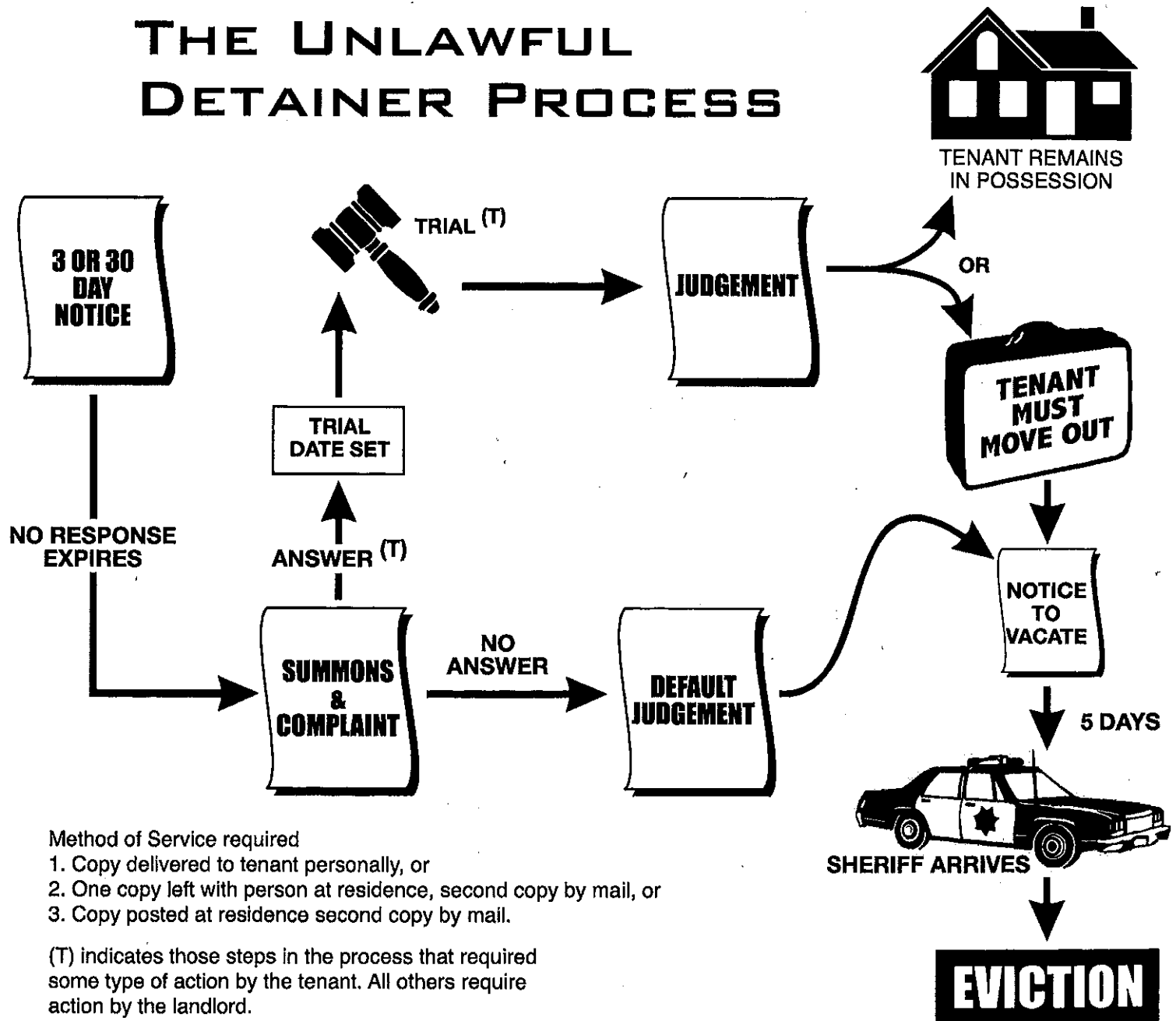
The SCEP fee must be paid every year – the annual fee is due in January of each year and is delinquent if fee not received by the last day of February.

For a rental unit for which the annual systematic code enforcement fee **has been paid pursuant to the landlord** may demand and collect a rental surcharge from the tenant of the rental unit in accordance with the following schedule and after serving the tenant a **30-day written notice**.

1-800-77-EVICT (38428)

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THE UNLAWFUL DETAINER PROCESS



Method of Service required

1. Copy delivered to tenant personally, or
2. One copy left with person at residence, second copy by mail, or
3. Copy posted at residence second copy by mail.

(T) indicates those steps in the process that required some type of action by the tenant. All others require action by the landlord.