

Dennis P. Block & Associates Frequently Asked Questions



HOW LONG TO EVICT -Generally it takes 10 to 12 weeks to evict your tenant for an uncontested case. If contested, approximately 14 to 16 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. **If there is an access code to enter the property, please inform this office immediately.**

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.

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. [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. [COLLECTIONS](#)

ALL LOS ANGELES CITY RESIDENTIAL PROPERTY -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. Lastly, the "Renter Protections Notice" must be posted in a conspicuous place on the premises. For more information: www.evict123.com/la-residential

CHANGE OF OWNERSHIP OR MANAGMENT -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:

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**)

Authorized to manage the premises.

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 all notices and demands. (**THIS MUST BE A PERSON. MANAGEMENT CO. AND ENTITIES ARE NOT PERSONS FOR THE PURPOSES OF THIS STATUTE**) Disclose therein the name, telephone number, and address of the person or entity to whom rent payments shall be made. **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: [STATUS](#) You will need your invoice number and the zip code of the property. You can also pay your invoice. [PAY ONLINE](#)

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. [START A CASE](#)
After you fill out the intake form, you can upload any notice or rental agreement. Of course, you can always also call our office 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 videos. [CONCIERGE SERVICE](#)

Participate in Dennis Block's weekly Zoom Landlord-Tenant Talk Radio. Every Saturday at 3pm. For information click: [ZOOM MEETING](#)



THE EVICTION PROCESS

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. [ABANDONED PERSONAL PROPERTY](#)

THE MONEY JUDGMENT

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

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 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 are 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 additional 1% rent increase for gas each year, and 1% rent increase for electricity each year.
- You are not allowed to 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 by 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 applied 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 PROVISION 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 units 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**.

INTEREST ON SECURITY DEPOSIT: Each year interest on security deposit must be paid to the tenant or a credit given in the notice to pay rent or quit. Failure to pay could result in a technical defect with your case. For more information on this please review this bulletin online: [INTEREST PAYMENTS ON SECURITY DEPOSIT](#)

SECTION 8 OR LOANS THAT ARE FEDERALLY FUNDED: If this tenancy is subsidized by Section 8 or if the property has a federal loan, special rules apply which might result in a loss to your case. If this is the case, please advise your attorney immediately before any lawsuit is filed.

UNINCORPORATED AREAS OF LOS ANGELES COUNTY: If this tenancy is located in an unincorporated area of Los Angeles County, different rules may apply. Be sure that your attorney is made aware of this fact, prior to the filing of the lawsuit.

1-800-77-EVICT (38428)

THE UNLAWFUL DETAINER PROCESS



TENANT REMAINS
IN POSSESSION

3 OR 30
DAY
NOTICE

NO RESPONSE
EXPIRES

TRIAL
DATE SET

ANSWER (T)

SUMMONS
&
COMPLAINT

NO
ANSWER

DEFAULT
JUDGEMENT



TRIAL (T)

JUDGEMENT

OR

TENANT
MUST
MOVE OUT

NOTICE
TO
VACATE

5 DAYS



SHERIFF ARRIVES

EVICTED

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.