

## Legal Q & A

### Question One:

A water heater leaked without our knowledge and one of our tenant's rooms was flooded. She wants us to pay for the damage to her belongings. The leak was not preventable and no one noticed until the room got flooded. Am I responsible for the damage? We have always advised our tenants to obtain renter's insurance.

### Answer One:

You would not be held responsible in this situation. The tenant could not hold you negligent in this situation and there is no contract theory upon which liability could be assessed. You should also check your lease agreement. The AOA lease specifically requires tenants to have renter's insurance.

### Question Two:

Is there a law that requires landlords to provide air conditioners in apartments? We have an air conditioning unit that works but the tenant claims it is not cold enough. Our repairman says the unit works fine.

### Answer Two:

If you supply an appliance it must work properly. If you do not supply an air conditioner, there is no obligation to provide one for the unit. If your air conditioning unit is working normally, then you have no further responsibilities.

### Question Three:

I am selling an apartment building and I have discovered that there is a registered sex offender residing in one of the units. Should this fact be disclosed to the buyers? Please advise.

### Answer Three:

While there is no specific law on point, it is best to disclose this to the buyer. Any issue, which can affect the value of property of the property, should be disclosed in order to prevent lawsuits.

### Question Four:

I own a 4-unit apartment complex and I have learned that one of my tenants is running a day care center. I rented the apartment for residential use only. Can I prevent the tenant from doing this?

### Answer Four:

Under California law, a tenant has the right to operate a day care center under certain conditions. The tenant must obtain a license and have liability insurance. Liability insurance can be waived if there is consent by the parents of each child that attends the school. The right to operate a day car center is limited, however, to tenants in single-

family homes. Since there are multiple units, you can request the tenant to stop this practice.

Question Five:

I am a new owner of a 16-unit apartment complex. There is no manager on the property. I own a building across the street, which does have a resident manager. I would like to make him the manager of both buildings. Is this legal?

Answer Five:

The law requires a resident manager for buildings of 16 or more units. Even though your other building is right across the street, you would need to have a manager reside in your new building.

Question Six:

I have a rent controlled building in the city of Los Angeles. I pay all the utilities on my eight unit building. My utilities bills are going through the roof. Can I charge the tenants for part or all of the utilities?

Answer Six:

Under Rent Stabilization for the City of Los Angeles, you can only charge the approved annual increase. Currently the increase is 4%, however, effective July 1, 2007 the increase will be 5%. Under the guidelines, you are entitled to an additional 1% for each utility, electricity and natural gas, which you supply.

Question Seven:

I have an application from a young couple. He is 21, she is 17. They claim to be married and have a baby. Is it legal to lease them the unit knowing, that the woman is only 17?

Answer Seven:

If they qualify economically, then you would be required to rent them the premises. A landlord cannot discriminate on the basis of age. At this point, she would be considered an adult.

Question Eight:

I read your front-page article in the Los Angeles Times on March 14, 2007 and appreciate all that you have done for the rental housing industry. My question is about a nuisance tenant. Do I need to have other tenants come to court to testify or will declarations suffice?

Answer Eight:

Thank you for your kind words. I have had many landlords call and write and I would like to thank all of you for your very nice sentiments. For those of you who had would missed the article, you can read it by going to my website, [www.evict123.com](http://www.evict123.com). I have a link to the article. With regard to your nuisance tenant, you would have to have other tenants appear in court to testify. A declaration would not be proper evidence. If your witnesses do not want to come willingly, you have the option to subpoena them to court.

*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](http://www.evict123.com). Don't miss his Landlord/Tenant Radio Show, every Tuesday morning at 9:30 a.m., KTYM 1460 AM.*