



# California Apartment Association's 2011 Managing Rental Housing Supplement Eighth Edition



## New Laws for 2011

**Domestic Violence** – This new law gives a tenant an option to change the locks if he/she has written proof that he/she is the victim of domestic violence, and it requires the resident to provide the owner with a duplicate key. It also provides that a landlord cannot terminate a tenancy or fail to renew a tenancy based *solely* upon an act or acts of domestic violence against a tenant. The law does, however, specifically give landlords the right to evict the tenant if he/she allows the perpetrator to visit the property or the property owner reasonably believes that the presence of the perpetrator poses a physical threat to other tenants, guests, or to a their right to quiet enjoyment of the property. (Senate Bill 782-Yee).

**Carbon Monoxide Detectors** – This new law requires an owner of a housing unit to install a carbon monoxide device in each existing dwelling unit that has a fossil fuel burning heater or appliance, fireplace, or an attached garage:

- For all existing single-family dwelling units intended for human occupancy on or before July 1, 2011.
- For all other existing dwelling units intended for human occupancy on or before January 1, 2013.

Fossil fuel is defined as coal, kerosene, oil, wood, fuel gases, and other petroleum or hydrocarbon products, which emit carbon monoxide as a byproduct of combustion. (Senate Bill 183-Lowenthal).

**Unlawful Rental: Penalties** – This new law increases the penalties against anyone who unlawfully claims ownership or takes possession of a residential dwelling for the purpose of renting that dwelling to another. Unfortunately, in these tough economic times, individuals posing as landlords are taking advantage of prospective tenants. They are posting rental listings on internet sites such as Craig's list, and taking security deposits and other up front money from these unsuspecting applicants. CAA believed this legislation was appropriate and necessary. (Assembly Bill 1800 - Ma and Hagman).

**Foreclosures** – This new law requires a specific disclosure be given by a property owner, informing tenants of their rights when the property owner terminates a tenancy after a foreclosure action. At the same time, this new law allows an unlawful detainer lawsuit to be "masked" by the court permanently if the building was involved in a foreclosure and the unlawful detainer action against the tenant is never taken to a final judgment. (Senate Bill 1149-Corbett).

**Foreclosures: Maintenance** – This new law requires a governmental entity, prior to imposing a fine against a property owner for failure to maintain a vacant property acquired by foreclosure, to provide the owner of the property with notice and an opportunity to correct the violation. (Senate Bill 1427-Price).

For more details on these laws, log onto [www.caanet.org](http://www.caanet.org) and go to CAA's Knowledge Center. CAA has created reference materials on these topics.

### Reference Materials:

CAA Issue Insights - *Domestic Violence in Rental Housing* – Dated October 2010

CAA Issue Insights - *California Carbon Monoxide Poisoning Prevention Act* – Dated October 2010

CAA Issue Insights - *Foreclosures and Rental Housing* – Dated November 2010

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