



Recent legislation now makes landlords liable for triple the actual damages, punitive damages and attorney's fees regardless of any legal fee limits in your lease!

Here are 10 residential tenant protection laws you can't afford to violate:

❶ Security Deposits

Security deposits cannot exceed 1 month's rent (including any cleaning, pet or key deposit) unless you own no more than two properties with a total of four units or less, in which case a 2 month security deposit is still allowed. However, if the tenant is in the military, the 1 month cap always applies.

❷ Eviction Notice Response Time

AB 2347 gives tenants 10 business days to respond to an unlawful detainer summons and complaint.

❸ Micromobility Devices

Unless a landlord provides secure on-site storage, tenants can store and charge micromobility devices – including eBikes and eScooters – inside their residence (all the more reason to require renter's insurance).

❹ Rent Caps

Unless otherwise exempt, in any 12 month period the gross rent may not increase more than 5% + CPI compared to the lowest gross rent charged in the prior 12 months, not to exceed 10%.

❺ No Fault Evictions

These evictions can occur through no fault of the tenant i.e. the owner is moving in or plans a significant remodel. 60 day notice is required if the tenant has lived there more than a year (or else 30 day notice is OK). The landlord must pay relocation assistance equal to 2 months' rent (3 months for seniors 62+ or those with disabilities).

❻ At Fault Evictions

These evictions can occur as a result of the tenant's actions i.e. failure to pay rent, criminal activity or violating the terms of the lease. The tenant must be given an opportunity to fix curable lease violations via a 3 day notice.

❼ AB 1482 Exemption

The Rent Cap (4) and No Fault Eviction (5) restrictions generally do not apply to owners of 1) homes, 2) single units in a condo complex or 3) duplexes where the owner occupies one unit, unless the owner is a corporation or an LLC. Landlords qualifying for the exemption must notify the tenant using specific wording and must provide a copy of the city's Tenant Protection Guide with a new lease.

❽ Assistance Animals

There are two types of assistance animals: 1) a *Service Animal* [a dog or miniature horse trained to assist a person with a physical or mental disability], and 2) an *Emotional Support Animal* [which can be any type of animal]. The Reasonable Accommodation Law states that landlords must accommodate those with disabilities at the landlord's expense, meaning that landlords are required to allow assistance animals unless it would prove a threat to other residents, result in a devastating financial burden or if the person requesting the accommodation isn't disabled. Unless the disability is obvious, landlords may only ask these two questions: 1) are you an individual with a disability and 2) what tasks has the animal been trained to perform that provides assistance? You can ask for information supporting the existence of the disability which can be provided by the person themselves or a third party (which doesn't have to be a health care provider but rather anyone with personal knowledge of the need for an assistance animal).

❾ Credit History

If you accept governmental rental subsidies (i.e. Section 8), you cannot consider a tenant's credit history when evaluating their application.

❿ Death on Property

Landlords must disclose in writing if a death occurred in a property in the past 3 years.

Information contained herein is for general informational purposes only and is not to be construed as legal advice. Tenant protection laws are constantly evolving so it is highly recommended that you consult with an appropriate professional.