

Landlords Responsibilities

Article by: Andy Ballentine

I use the following real-life scenario to explain landlords responsibilities, or rather, the lack of them and how best to avoid being a victim of unscrupulous so-called landlords. In the past I lived in many places that were owned and operated by different kinds of people -- including some people acting as owners, with what they believed were landlords responsibilities -- as if the place was theirs and without regard for proper landlords responsibilities, tenants' rights, or human respect.

For example, one such place was an "in-law" unit, attached at the far end of a huge house. The house was owned by one person, managed by a property management company (whose offices were one block away), and maintained by one of the tenants in the main house. One person who had been there the longest thought he not only owned the property but had inalienable license to invade, steal, and abuse other tenants who paid more, had real jobs, and who paid their taxes.

This person assumed what he thought was the role of landlord with landlords responsibilities, yet however, crossed the boundaries of law and ethics on a daily basis. He jammed music so loud it shook the house and the surrounding foliage. When the police were called he would turn the music down so they couldn't hear from beyond the regulation 35-foot ordinance (in our state/city), to which the police would respond by stating that he could do what he wanted in HIS own house. However, everyone mistakenly believed him to be the landlord asserting his landlords responsibilities.

Not only are there NUMEROUS problems with such an official response, but the house is NOT his house. He pays 300 dollars of the seventeen-hundred dollar rent (the balance of which is split equally between the two remaining tenants); he pretends he has landlords responsibilities because he thinks he is the landlord. He also thinks he can get away with smoking crack, doing crank, selling both, working on a scrap vehicle in the driveway at unreasonable hours; collecting SSI for a two-decade-old disability that no longer exists, working under the table, paying no taxes, using a key to enter my premises when I am away working in my real job whereby I have to pay real taxes.

I still recall these events even though they are in the past—as I have long since been reprieved of his so-called landlords responsibilities—to warn you who are thinking of moving into any situation where there is a real and/or posturing landlord. You have rights. There are tenant rights in every major and even many minor cities and towns. There are documented laws that include landlords responsibilities. For example, in most renters' rights circumstances...

THE LANDLORD IS ALLOWED TO ENTER YOUR RENTED ACCOMMODATION ONLY:

- 1) IN AN EMERGENCY;
- 2) WITH "REASONABLE" ADVANCE NOTICE; AND
- 3) TO INSPECT, REPAIR, OR SHOW THE APARTMENT—ONLY DURING "REASONABLE/BUSINESS" HOURS AND ONLY WITH AT LEAST 24-HOUR NOTICE. THE LANDLORD MUST BY LAW PROVIDE/INSTALL DEAD BOLT LOCKS ON DOORS.

THE LANDLORD MUST HAVE IN HIS (OR IN THE LANDLADY'S CASE, HER) POSSESSION A DOCUMENT CALLED A CERTIFICATE OF OCCUPANCY, MAKING THE RENTAL UNIT A LEGAL RESIDENCE. IF HE/SHE DOES NOT HAVE SUCH A CERTIFICATE, HE/SHE CAN NOT LEGALLY CHARGE ANY RENT.

FAKE LANDLORDS CANNOT ISSUE WRITS OF NOTICE OF EVICTION OR OTHER PUNISHMENT, ETC.

LANDLORDS WHO HAVE RENTERS WRITE RENTAL CHECKS TO ANY NAME OTHER THAN HIS/HER ACTUAL NAME MUST HAVE A DBA (DOING BUSINESS AS) LICENSE.

These laws are just that, laws...for the state of California. Check your state laws for landlords responsibilities and tenants' rights. Save yourselves the trouble, pain, and expense.

Rights of All Tenants

All tenants have these basic rights under other state laws, regardless of whether they are covered by the Residential Landlord-Tenant Act:

Right to a Liveable Dwelling

Protection from unlawful discrimination. Right to hold the landlord liable for damage caused by the landlord's negligence. Protection against lockouts and seizure of personal property by the landlord. Landlords Responsibilities. Certain rights and responsibilities apply to landlords and tenants everywhere. This article explains these issues from the perspective of an experienced tenant - protect yourself from unscrupulous landlords. Copyright © Andy Ballentine & Loanstarmtg.com. All Rights Reserved. **Please note: This Resource Box MUST be included with article.**