

# AAOC TRADE SHOW

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## DEATH IN AN APARTMENT UNIT.

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# Did a tenant pass away in a unit?

- How did you find out?
  - Health & welfare check by police?
  - If you or someone else discovered the body, call the police and do not touch or disrupt anything in the apartment.
- Once the police arrive, notify any known next of kin or whoever is listed as the emergency contact.

# Were you notified by the family, next of kin or someone else?

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Find out who you are talking to and what level of authority they have with handling your tenant's affairs.

Do they have Power of Attorney?

Can they prove that they are the Executor of the tenant's estate?

The tenant's estate is responsible for paying rent up to 30 days after the tenant's death.

Attempt to obtain a release letter from the Executor to take back the apartment.

# If there isn't a next of kin or an executor, post a notice of abandonment after 30-days from last rental payment.



18 days after posting the Notice of Abandonment, post another Notice to Reclaim the unit.



You may have to hire an auctioneer if the abandoned property inside the unit is worth more than \$700.00. It's advisable to consult your attorney.

A calendar is shown on a wooden floor, with a blurred background of a room. The calendar is white with a red header and shows dates from 1 to 28. The days of the week are labeled at the top: SUN, MON, TUE, WED, THU, FRI, SAT. The numbers 4, 11, 18, and 25 are printed in red. The numbers 1, 2, 8, 9, 15, 16, 22, 23, and 28 are printed in black. The numbers 5, 6, 7, 12, 13, 14, 19, 20, 21, 26, 27 are printed in grey. The text "Is the tenant month to month?" is overlaid on the right side of the image in a large, bold, black font.

# Is the tenant month to month?

- Tenancy terminates 30 days after death, unless there is more than one person on the lease.

# Is the tenancy on a 1-year lease?

- If so, the Executor or Administrator of the Estate, will be responsible for the rent until lease is up.
- Assuming the unit has been cleared out by the Police and/or tenant's responsible party, change the locks. Do not allow anyone else into the unit other than the executor(s) or authorities.





- Allow the estate a reasonable amount of time to clear out the tenant's belongings. A reasonable amount of time is classified as less than 30 days from the time of incident.
  - ✓ *Attempt to obtain a receipt of the items that were removed by the estate for your records.*

- Start vacancy turnover procedures once the unit has been vacated.
  - ✓ You may deduct any unreasonable damages found from the tenant's security deposit.
  - ✓ Send move-out walkthrough and balance of security deposit, if applicable, to the tenant's estate.
- When marketing the unit, you must disclose any death inside the unit for 3-years, unless the death is HIV related. Civil Code Section 1710.2





Problems  
that  
occur upon  
a death.

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Rent is owed and there are no funds available.

No Executor, Administrator or responsible party found.

Relatives moving into the unit that are not on the rental agreement.

Mother dies and son/daughter moves in with her before she passes

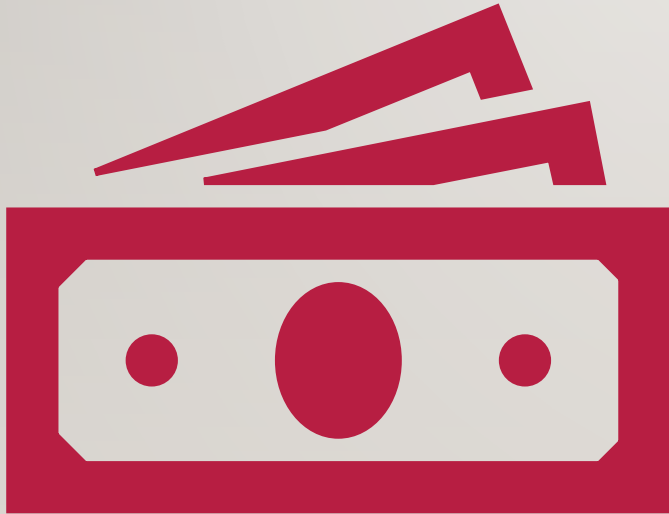
Takes 5 months to evict.



# SECURITY DEPOSIT

Civil Code Section- 1950.5

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Usually, one month of rent and most likely will not cover the cost of rent, clean up and repairs.

If there is a refund due, pay remainder of bills and provide responsible party with a copy of the bills.



Relatives disputing  
items left in the unit.

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Don't be an arbitrator  
don't allow items to be  
taken.



Authorities may take weeks  
before they give you  
back the unit.

You may be out the rent for  
this period of time.

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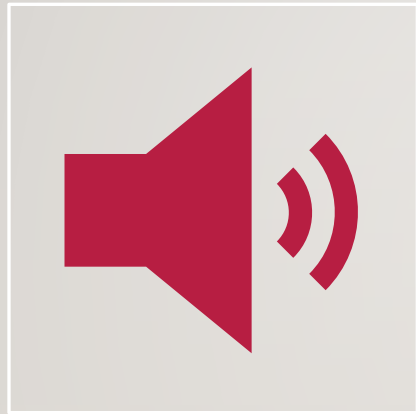
# Pets left in unit.

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Call animal control

# Keep it Simple!

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Sounds simple enough – just follow the law and don't over complicate.



**ALWAYS** use common sense, good judgement and be compassionate.

Have an attorney help  
you through the  
process.

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# QUESTIONS & ANSWERS

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