

President's Message

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First, remember to vote NO on Proposition 33. Please refer to my September President's Message for further details if needed. If Proposition 33 passes, it is estimated that your rental property value will **diminish by 25 to 40%.**

The legislative session has closed. The bills that passed are on the Governor's desk to either sign or veto by September 30th.

Two Assembly Bills of note passed and are waiting for the Governor to take action.

They are AB2347 (Kalra) Eviction Delay and AB2801 (Friedman) Security Deposits.

AB2347, if signed by the Governor will give tenants 10 court days to respond to an Unlawful Detainer Complaint (California Code of Civil Procedure section 1167(a).) This means that as before Saturdays, Sundays and Court holidays would not be counted in the computation of the 10 days and per the Government Code, day 1 is the day after service on the tenant.

That's the bad news. The good news is that it also would modify Section 1170 of the Code of Civil Procedure to state that even though a tenant may, on or before the date set for their appearance, appear and answer, demur, or move to strike that complaint or any portion thereof but now the hearing on such demurrer or motion to strike SHALL BE NOT LESS THAN FIVE COURT DAYS NOR MORE THAN SEVEN COURT DAYS AFTER THE FILING OF THE MOTION. The Court may for good cause shown extend such time. But, this used to be a method for tenants to gain up to 6 extra weeks or more due court motion calendars. And, if the landlord wanted to shorten the time for hearing he/she would have to make a motion to do so. It appears that now the tenant would have to make such a motion to extend the time.

AB2801 is a Bill to amend Civil Code Section 1950.5 concerning security deposits.

This Bill would prohibit a landlord from requiring a tenant to pay for, or asserting a claim against the tenant or the security deposit for professional carpet cleaning or other professional cleaning services, unless reasonably necessary to return the premises to the condition that it was in at the inception of the tenancy, exclusive of ordinary wear and tear.

And, here is the more onerous part: This Bill would require that, beginning April 1, 2025, a landlord must take photographs of the unit within a reasonable time

after the possession of the unit is returned to the landlord, but before any repairs or cleanings for which the landlord will deduct from the security deposit are completed, and that the landlord take photographs of the unit within a reasonable time after the repairs or cleanings are completed. For tenancies beginning on or after July 1, 2025, a landlord must take photographs of the leased unit immediately before, or at the inception of the tenancy. Otherwise, the landlord may not deduct from the security deposit.

This may seem logical at first but what about the Mom and Pop landlords who either do not know about the mandatory photographs and how to take them or forgot? Well, they must then return the entire security deposit and sue in Small Claims Court to get paid for reasonably restoring the unit to its condition prior to the tenant moving in.

As always, we thank you for your membership.

Betty L. Jeppesen

President

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