

President's Message

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What's new for 2025?

Assembly Bill 2347, Kalra passed. Effective January 1, 2025, Section 1167 of the California Code of Civil Procedure was amended to give the defendant in an Unlawful Detainer action 10 days to respond instead of 5. The Judicial Council Summons form has already been updated in the Court system to reflect this.

So much attention was focused on the extension from 5 days to 10 days to respond that many overlooked the second portion of this Bill which I think is much more significant. This section amends California Code of Civil Procedure Section 1170(b)(1) to read as follows:

"Notwithstanding any other law, in any action under this chapter in which the defendant demurs or moves to strike the complaint or any portion thereof, the hearing on the motion shall be not less than five court days nor more than seven court days after the service of the notice of motion. For good cause shown, the court may order the hearing held on a later date on notice prescribed by the court. All moving and supporting papers shall accompany the notice of the motion and shall be served in compliance with this section or Section 1010.6 or 1013."

So, gone are the days when a defendant could instantly delay an unlawful detainer action by SIX WEEKS by filing a Demurrer or Motion to Strike. In 2024, plaintiff's attorney in such an action would have to make an Ex Parte Application to advance the hearing date. Now, it has flipped so that the defendant would have to show good cause why the hearing should not be held within 5 to 7 days. This is a huge change.

Assembly Bill 2493 (Pellerin) also passed concerning rental application fees. A housing provider may only charge an application screening fee IF: 1) the housing provider offers an application screening process that **considers applications in the order in which they were received** OR provides any applicant who is not selected with a **refund** or **credit** for the fees.

Good news for procrastinators: Assembly Bill 2597 (Quirk-Silva) extends the deadline for performing inspections of Exterior Elevated Elements (EEE) i.e. balconies for one year to January 1, 2026.

Assembly Bill 2747 (Haney) housing providers with more than 15 units must offer each tenant the option of having the tenant's positive rental payment information reported to at least one nationwide consumer reporting agency.

Assembly Bill 2801 (Friedman) – security deposits. This is in two parts. Beginning April 1, 2025, a housing provider may only deduct from the security deposit if he/she took photos of the premises within a reasonable time after the tenant vacated and before any work was done AND also took photographs within a reasonable time after the work was completed. Second part: Beginning July 1, 2025, the housing provider must, in addition to the above, also take photographs of the leased unit immediately before or at the inception of the tenancy.

Just a reminder that security deposits are limited to one month's rent unless you are an owner who is a human being and owns no more than two rental properties totaling no more than four units. In that case, the old rules apply and you may take two months' rent as a security deposit for an unfurnished unit. Remember the special rules for members of the military.

Remember also, that the tenants have pre-inspection rights under Civil Code section 1950.5(f) so that you must notify the tenant within a reasonable time of the termination of tenancy that they have a right to a pre-inspection within the last 14 days of the tenancy so that they will have the opportunity to know what you would charge for before they move out and also have the opportunity to CURE such items to avoid a deduction from the security deposit.

Stay in touch. There will be challenges ahead and we will need your help to deliver prompt, accurate information about what it is really like to own and/or manage properties under the new and post-COVID laws and local ordinances.

Thank you for your membership. Each of you is a valued member of our organization.

Sincerely,
Betty L. Jeppesen
President

