

Kimball, Tirey & St. John LLP

Legal Alert

Requirements to Notify Tenants of Right to Inspection

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Please be advised!

Effective January 1, 2003 landlords will be required to notify residents within a reasonable time before their lease terminates that they have a right to an inspection of the unit within two weeks before they vacate to determine what items, if any, will be deducted from their security deposit. The cost of cleaning, replacement or repairs do not have to be itemized or identified at that time. The notification must also state certain rights of the tenant for the accounting and return of the deposit. All three day, thirty day and sixty day notices of termination will be required to contain initial inspection language. We therefore recommend you add the following language to each three day notice:

In the event your tenancy terminates pursuant to this Notice, you have the legal right to request an initial inspection of your unit and be present during the inspection. The purpose of this inspection is to allow you the opportunity to correct any deficiencies in the unit in order to avoid deductions from the security deposit. Please contact the Landlord to request an initial inspection. If you request this inspection, the inspection will take place on _____ (date), at _____ (time), which is at least 48 hours after service of this notice. Please contact the Landlord if you wish to reschedule the inspection for another day or time prior to the termination of your tenancy. This Notice serves as your 48 hour notice prior to Landlord's entry into your unit.

We recommend you add the following language to each *thirty and sixty day notice of termination*:

You have the right to request an initial inspection of your unit and to be present during that inspection, which shall occur no earlier than two weeks before the termination of the tenancy and during normal business hours. At this initial inspection, the Landlord will provide an itemized statement specifying repairs, items to be replaced, or cleaning that are proposed to be the basis for deductions from the security deposit. This is not the final accounting of deductions from the security deposit. A separate Notice of Resident's Option to Request an Initial Inspection is provided with this Notice or will follow within a reasonable time. Please complete the form and return it to Landlord if you wish to arrange for an initial inspection.

Members of the California Apartment Association can obtain a copy of the "Notice of Resident Option to Request Initial Inspection of the Rental Unit" form from the California Apartment Association website located at <http://www.caanet.org>. Non-members can purchase the forms through a local CAA chapter.

We recommend you add the following language to each thirty day notice form for the resident to give thirty day notice:

NOTICE OF RIGHT TO INITIAL INSPECTION:

I understand that I have the right to request an initial inspection of my unit and to be present during that inspection, which shall occur no earlier than two weeks before the termination of the tenancy and during normal business hours. I also understand that at this initial inspection, the Landlord will provide an itemized statement specifying repairs or cleaning that are proposed to be the basis for the deductions from the security deposit. I understand that no later than three weeks (21 days) after Landlord has regained possession of the premises, Landlord shall provide Resident with an itemized statement, indicating the basis for, and the amount of, any security received and the disposition of the security and shall return any remaining portion of such security deposit to Resident.

(Check only one option below)

- I decline the initial inspection.
 I request the initial inspection of my unit, and I wish to be present. Contact me to arrange for the inspection. _____ (telephone number).

(If requesting initial inspection, check only one option below)

- I waive my right to 48 hour notice by Landlord prior to their entry of the unit to perform the initial inspection, as allowed by Civil Code Section 1950.5(f)(1).
 I want Landlord to provide 48-hour notice prior to their entry of the unit to perform the initial inspection.

Please also be advised that court filing fees for unlawful detainer actions are increasing in each county. Please give us a call if you have any questions. Thank you.

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