Kimball, Tirey & St. John LLP

Landlord/Tenant Questions & Answers

Kimball, Tirey & St. John LLP

November 2026

1. **Question**: I have an ongoing unlawful detainer against one of my tenants, but he is continuing to create a disturbance at the property. Is there any way that the unlawful detainer can be expedited?
   Answer: Unfortunately, no. Most of the unlawful detainer process is dependent upon the court's and sheriff's processing speed and schedule. However, a restraining order may be available in certain situations. If the tenant is engaging in a serious or criminal disturbance, call the police.

2. **Question**: My tenant was just evicted, and the majority of their items are still in the unit. Do I need to give them another notice to retrieve their belongings?
   Answer: If you went through the court eviction process and the Sheriff conducted a lockout, the Sheriff notified your tenant of their rights to their personal property. Contact your attorney for more information about the specific process to follow in connection with the tenant's abandoned personal property.

3. **Question**: One of my tenants attempted to tape record our conversation explaining that they have a right to do this for legal purposes. Is that true?
   Answer: Your tenant has no legal right to tape record you without your express consent in conversations wherein you have a reasonable expectation of privacy. Further, surreptitious tape recording, meaning tape recordings without your knowledge, when you have a reasonable expectation of privacy – is a misdemeanor under California state law.

4. **Question**: We have a limited number of parking spots in our apartment community, so we decided to limit the parking to residents only. Is this legal?
   Answer: Yes, you may restrict parking at your apartment complex to residents only. Make sure you have complied with the requirements of Vehicle Code Section 22658 so that unauthorized vehicles can be towed according to the rules of the code section. Also, be sure that your lease or rules have been appropriately modified so that this policy is enforceable as a condition of tenancy. You may also want to review funding for the building and local ordinances to see if there were any promises made with respect to parking.

5. **Question**: I have an applicant who wants to bring her cat with her to the apartment. Can I require her to de-claw the cat before bringing it onto my rental property?
   Answer: No. California law prohibits a landlord from requiring a resident to have a pet de-clawed or de-vocalized as a condition of occupancy.

6. **Question**: I have had numerous problems with residents who smoke tobacco, including complaints from neighbors, damage to the rental unit, etc. Can I institute a policy that my rental property is smoke-free?
   Answer: Generally, yes. California law permits a landlord to designate their property as smoke-free. Further, some areas may limit smoking in multifamily units by law. But seek legal advice if you want to change smoking rules in a unit for an existing tenant protected by just cause or rent control, or who occupies the property under a term lease.

7. **Question**: Am I entitled to use a deceased tenant's security deposit?
   Answer: You are entitled to use a deceased tenant's security deposit to cover unpaid rent, pay for damage beyond normal wear and tear, and to perform necessary cleaning to the unit. Any refund remains due in accordance with California law.

8. **Question**: We evicted one of our tenants and obtained a monetary judgment. Now we find that they have moved to Arizona. Can I collect against them since they moved out of state?
   Answer: If you have a judgment against a former tenant and they move out of state, you can have the judgment recognized by that state as a valid judgment which would allow you to proceed to levy against their bank accounts or garnish their wages in the state they now live.

9. **Question**: Can an owner/property manager require that a tenant secure renter's insurance?
   Answer: Generally, yes, to protect the property and assets, landlords can require the tenant obtain renters insurance as a covenant and condition of the lease. Be sure to seek attorney advice for subsidized housing, or if changing the terms of a tenant protected by just cause or rent control or the tenant occupies the property under a term lease.

Kimball, Tirey & St. John LLP is a full-service real estate law firm representing residential and commercial property owners and managers. This article is for general information purposes only. While KTS provides clients with information on legislative changes, our courtesy notifications are not meant to be exhaustive and do not take the place of legislative services or membership in trade associations. Our legal alerts are provided on selected topics and should not be relied upon as a complete report of all new changes in local, state, and federal laws affecting property owners and managers. Laws may have changed since this article was published. Before acting, be sure to receive legal advice from our office. For contact information, please visit our website: www.kts-law.com. For past Legal Alerts, Questions & Answers and Legal Articles, please consult the resource section of our website.

© 2026 Kimball, Tirey and St. John LLP