

TOP TIPS FOR LANDLORDS AND TENANTS

- **Get it in writing.** Use a written lease. Document any later changes in writing, whether the modifications are changes in the rental amount, changes in the date of payment, or any other change.
- **Photograph the condition of the property at the beginning and at the end.** While it is essential to do a walk through, it is just as essential to take pictures both at the beginning of the lease term and at the end of the lease term. Record a video if you can.
- **Be timely.** Paying rent is a priority. Pay it on time. Landlords should not let problems go on too long. While it is nice for landlords and tenants to be flexible and work out problems, those workouts should be in writing.
- **Document payments.** Tenants should make sure that they receive a receipt or invoice for the security deposit and the rental payment each month. Any problems should be corrected immediately.
- **Scrutinize your security deposit amount.** In most instances, a security deposit may not amount to more than two months' rent.
- **Give formal notice.** While nowadays it may be tempting to give a 30 day notice via email, it is better practice to have it written and served in the manner required by the lease. Normally this is done by sending it via first class mail or personally handing it to the landlord or tenant. Use email as a secondary method of delivery unless the lease requires it.
- **For landlords, make sure that your 3 day notice is not greedy.** A three day notice cannot demand back rent extending more than one year. It cannot demand more than is actually due. Even one dollar more can result in a loss if the matter proceeds to court.
- **Bullet proof your notices.** There are 3 day, 30 day, 60 day, and 90 day notices required by law, and other notices (10 day, 15 day, 180 day) commonly required by leases. Make sure that you give the right one. If you don't know, talk to a landlord-tenant attorney.
- **Don't resort to self-help.** It is illegal in California for a landlord to force a tenant out into the street without using the court system. Just don't do it. (Of course you can always agree on a mutually convenient move out date).
- **Account for the deposit.** The landlord must return the unused portion of the security deposit and provide a written accounting to the tenant. California law enforces strict time limits for a landlord to return the security deposit to the tenant. There are also strict rules about what can be charged out of a security deposit. If you have any questions, consult an attorney.
- **Account for personal property left behind.** If a tenant moves out, the landlord must provide the tenant with written notice itemizing the personal property left behind and allow the tenant to recover the property. The tenant must pay the reasonable storage costs.

Leslie McAdam is a landlord-tenant attorney at Ferguson Case Orr Paterson LLP in Ventura, California. She can be reached at (805) 659-6800 or lmcadam@fcoplaw.com.