

2011 - 2012 Legislative Updates

New 2012 - Smoking Ban

Governor Brown has signed SB 332 (Padilla – Los Angeles), which specifically authorizes rental property owners to prohibit the smoking of a cigarette or other tobacco product by anyone on the property or in any building or portion of the building, including any dwelling unit, other interior or exterior area, or the premises on which it is located.

The new law requires that every lease or rental agreement entered into on or after January 1, 2012, for a residential dwelling unit on property in any portion of which the landlord has prohibited the smoking of cigarettes or other tobacco products must include a provision that specifies the areas on the property where smoking is prohibited, if the lessee has not previously occupied the dwelling unit.

For a lease or rental agreement entered into before January 1, 2012, a prohibition against the smoking of cigarettes or other tobacco products in any portion of the property in which smoking was previously permitted constitutes a change of the terms of tenancy, and the landlord must provide written notice to the affected tenants.

There are many local laws that prohibit individuals from smoking tobacco at public and private property. This state law does not preempt those local laws.

New 2012 - Owners with Five or More Units Must Offer Recycling to Residents

This new law establishes the Renter's Right to Recycle Act which requires rental property owners to arrange for recycling services that are appropriate and available for a multifamily building of five or more units. The owner is not required to arrange for recycling if, (1) there is inadequate space for recycling containers; (2) no solid waste enterprise providing recycling services serves the property; or (3) the cost of recycling services creates a financial hardship for the property owner, as defined. Nothing in the legislation is intended to interfere with or prevent the authority of a local jurisdiction from requiring recycling services for multifamily dwellings. Because many local jurisdictions have already passed recycling programs, this bill won't change those programs.

New 2011 – UPDATED INFO - Santa Cruz Residential Rental Inspection Ordinance

City staff is now sending out letters to property owners that the City identified as owners of rental property. For the introduction/registration of the Residential Rental Inspection and Maintenance Program, these property owners will be mailed a packet containing three (3) documents and a pre-printed return envelope.

1. The first document is an introduction letter. One of two letters will be sent to property owners:

A letter will go to those property owners that have current code enforcement action or have had code enforcement action on their property within the last three years stating they are required to register for City inspections of their rental property.

Another letter will go out to the majority of all other rental property owners giving them a choice of registering for City inspections, or self-certification of their rental property. Please note that acceptance in the self-certification program will still require the City to inspect 20 percent of the units once every five years; however, these City inspections for self-certified properties will not begin until 2014.

2. The second document is the registration form.

3. The third document is the exemption form.

Rental property owners will be notified incrementally throughout the City within a one year time period and will be required to return the registration form and/or exemption form within sixty (60) days of notification. You are not required to register until you receive notification that your property is being brought in to the Rental Inspection Program.

Once your registration form and/or exemption form has been received, City staff will review the document(s) and respond depending upon the forms submitted and the type of inspection selected. Invoices will be prepared and either self-certification checklists will be mailed out or City inspections scheduled.

City staff will soon be setting up informational workshops on “How to pass the residential rental inspection for your property” that will go over the City inspector/self-certification checklists and any other questions you may have about the Rental Inspection Program. City staff plans on having several of these meeting throughout the year-long roll out. Notification of the meetings will come with the mailing packet.

For any questions contact the City’s Rental Inspection Program [staff](#).

New 2011 - Unlawful Rental: Penalties

This new law increases the penalties against anyone who unlawfully claims ownership or takes possession of a residential dwelling for the purpose of renting that dwelling to another. Unfortunately, in these tough economic times, individuals posing as landlords are taking advantage of prospective tenants. They are posting rental listings on internet sites such as Craig’s list, and taking security deposits and other upfront money from unsuspecting applicants.

New 2011 – California’s Carbon Monoxide Poison Prevention Act of 2010

Requires all residential property be equipped with a carbon monoxide detector when the property has a fossil fuel burning heater or appliance, fireplace, or an attached garage. All single-family homes (1-4 units, owner or tenant occupied) must be equipped with a detector on or before July 1, 2011. All other residential units must be equipped with a detector on or before January 1, 2013.

The carbon monoxide detector must be operable at the time the tenant takes possession. A tenant is responsible for notifying the owner’s agent if the tenant becomes aware of an inoperable or deficient carbon monoxide detector within his or her unit. The owner or owner’s agent must correct any reported deficiencies in the carbon monoxide detector and will not be in violation of this section for a deficient or inoperable carbon monoxide detector when or she has not received notice of the deficiency or inoperability.