



Home Sweet Home Property Management

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LANDLORD RESPONSIBILITIES

Question: **What are a landlord's duties?**

Answer: The landlord's duties include:

- (1) Providing "peaceful and quiet enjoyment" of the premises to the tenant;
- (2) Providing the tenant with safe and healthy premises (residential landlords only); and
- (3) Providing the tenant with certain disclosures regarding the property.

These duties may be set out in the contract, by statute, or both. Where the rental agreement is oral, these duties will be implied by law.

Question: **What does "peaceful and quiet enjoyment" mean?**

Answer: This means that every tenant can expect to enjoy exclusive possession of the premises, undisturbed by the landlord during the entire rental period. (Cal. Civ. Code § 1927.)

Question: **What does the residential landlord's duty to provide safe and healthy premises include?**

Answer: Residential tenants have the right to live in property maintained in a state of good repair beyond the mere necessities for survival. In other words, the property must be safe and fit for human habitation. (Cal. Civ. § 1941). This includes a requirement that the premises must be watertight and sanitary, free of garbage, and equipped with functioning doors, window, running water, plumbing, and gas and/or electrical systems. (Cal. Civ. § 1941.1).

Each dwelling unit must be equipped with a dead bolt lock on each main swinging entry door as well as locks on windows designed to be opened, and exterior doors to common areas must also be fitted with locks. (Cal. Civ. § 1941.3(a)).

The landlord must also maintain inside telephone wiring and install at least one "usable" phone jack in each unit. (Cal. Civ. § 1941.4).

Additionally, residential landlords are strictly liable for injuries caused by latent defects and dangerous conditions on the property. (Cal. Civ. § 1714). Landlords should always inspect the premises before giving possession to a tenant. It may be advisable for a landlord to take and save photographs of the interior of the unit, and also exterior of the property, at the commencement of the tenancy as protection against future liability.

TENANT RESPONSIBILITIES

Question: **What are a tenant's obligations?**

Answer: Basically, the tenant must pay rent, care for the premises, and meet any additional requirements described in the lease or rental agreement. In particular, a tenant has the following affirmative obligations:

- (1) to keep the premises clean and sanitary;
- (2) to dispose from the dwelling unit all rubbish, garbage, and other waste, in a clean and sanitary manner;
- (3) to properly operate all electrical, gas and plumbing fixtures and keep them as clean and sanitary as their condition permits;
- (4) not to permit any person, on the premises with the tenant's permission to willfully or wantonly destroy, deface, damage, impair or remove any property that is part of the dwelling unit or fixture;
- (5) to use the portions of the property for living, sleeping, cooking, or dining purposes as intended to be used. (Cal. Civ. § 1941.2).