

The Backus Bulletin

"Your Management, Your Way"

So what is the big issue about "Just Cause" evictions?

June 2017

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Santa Clara County recently voted to require all notices to vacate given to tenants to state the cause for the notice. The California legislature is considering similar legislation, although it is not likely it will pass. So what's the big deal? It sounds logical that tenants should be given the reason they are being asked to vacate or notified that their lease will not be extended.

"For cause" notices are very easy for such things as failure to pay rent, house being put on the market for sale, owner moving back in the house, etc. This is not where the problem lies.

What if they have done damage and not paid the cost? What if their barking dog is driving the neighbor crazy? What if neighbors report on-going activity in the property after midnight with cars coming and going frequently? What if we suspect they have people living in the garage but every time we inspect (with appropriate notice) it has been cleaned up?

There is always a reason that tenants are given a notice to vacate, but it can be problematic to prove that reason. Having to prove the reason can also significantly extend the notice period because (if the tenant objects) of the necessity of a court hearing. Neighbors may not want to testify. You may not be able to prove there are extra people living in the garage. They will argue that the damage done to the house is normal wear and tear.

In a situation like this, if the tenant demands to know the reason for the notice, I say: "This is a "no cause" notice and does not go on your record as a for cause eviction. If you require that I give a reason, anyone who asks for a rental reference will be

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Sundays & Holidays - closed

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WHAT CAN WE DO TO MAKE OWNING A RENTAL PROPERTY EASIER FOR YOU?

We won't know unless you tell us! Don't forget we have an "Eviction Protection" plan for \$20.00 per month that covers the \$1,000-\$1500 attorney fees if you have to evict a tenant. We also have "Rent Protection" at 2% additional management fee that means we will pay the rent if the tenant does not pay on time or not at all. Call or email our office: info@backuspm.com or 831-455-2052.

THINKING OF BUYING OR SELLING?

If you are thinking of buying or selling, we can assist you. We specialize in residential and multi-residential units and are experienced in conventional sales, purchases as well as short sales. Just call and ask for Bill and we will help you with your Real Estate needs. There is no obligation. Check out your property value today!

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given that information. It is in your best interest to leave it the way it is. You have every right to give 30 days' notice to vacate without any reason and the owner has the same right."

Although used seldom, a "no cause" eviction is a very useful and necessary tool for effective management, particularly when it comes to gang activity. Some states have already changed the statutes and we will work hard to see it does not happen in California.