

The Backus Bulletin

"Your Management, Your Way"

October 2018

The Right to Enter

There are property owners who are under the impression they can enter their investment property without a reason at any time or without notice because they "own" the property. Well-informed investors know this actually is not the case and blatantly entering a tenant's residence can lead to costly legal situations. Every landlord *does* have the right to enter his or her rental property . . . under the right circumstances.

Implied in all residential rental contracts is the "covenant of quiet use and enjoyment." This covenant means two things:

1. That the landlord guarantees that the tenant can take possession of the rental unit and has the right to privacy and exclusive use and possession of that rental property, and
2. The landlord will not interfere with the tenant's privacy and right to exclusive possession.

Many tenants do not realize that a landlord *does have* a legal right to enter his tenant's rental unit for specific reasons. In all states, a landlord or manager may enter rented premises while the tenant is living there without advance notice in the case of emergency, such as a fire, flood, or endangerment to the residents. Of course, a landlord may enter when a tenant gives permission.

All states have laws specifically detailing when and why landlords and/or property managers can enter a

property. While many are similar, they do vary and generally provide for specific reasons. Here is a site to check different states - http://www.landlord.com/landlord_right_of_entry_by_state.htm.

It may not seem fair to the property owner but keep this in perspective. When you rent to a tenant, it becomes their residence. After all, how would you feel if someone decided to drop in to see the home for any reason at any time? It probably would generate discomfort and perhaps animosity.

So, what is really the best way to handle seeing your investment? First, remember to treat your tenants with respect. Notify us if you want to visit your property and why. We find notifying residents with a friendly call, email, or letter generally gains their cooperation and eliminates negative feelings. Remember, even the best tenants can be nervous about a visit from the landlord and/or property manager.

In our experience, if we notify tenants properly and give them a reasonable explanation, most will not deny entry. Then if this does not take care of the problem and there is a legitimate reason or possible tenant issue, we will follow the law and post the property correctly.

We do ask you to give us advance notice when possible so we can do our job properly. Remember, just wanting to visit your property is not a valid reason for entry - just give us time to set up a positive landlord/tenant experience.

Vote NO on Proposition 10

Several owners have called with concerns of the effect on their properties if Proposition 10 should pass. Here is some important information so you can all sleep better tonight!

1. Nothing happens immediately. If the measure passes, it only gives municipalities the opportunity to pass rent control legislation on properties under four units or built after 1994.

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Backus Properties

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Announcements & Services

THINKING OF SELLING?

We hate to see you go, but please give us a call if you are considering this possibility. Although we do not solicit listings for sale, we have been very successful at accommodating our clients. This last year we have sold 37 properties in Monterey, Salinas, Highway 68 and throughout Monterey County ranging in price from upper \$300,000's to \$1.2 Million. Because we know the properties for sale, and have a relationship with the tenants in place, the disclosures and inspections are handled smoothly and accurately.

We can also easily give you an idea of current value if you are considering the possibility, but need more information to make a decision.

Some of the properties sold in the last year are:

- 21445 Riverview Ct., Salinas, CA 93908
- 336 Cayuga St., Salinas, CA 93901
- 54 Chestnut St., Salinas, CA 93901

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2. Municipalities have always had the ability to pass rent control measures on four units and more or properties built before 1994.
3. If they haven't voted for rent control before on any properties, it is not likely they will do so soon.
4. Professionals in the business (like us) are fully prepared to combat any proposed legislation.

So—the short and sweet—let's hope it does not pass, but if it does, we can handle it!

New water efficient fixture requirements:

Affects all rental buildings of four or more units or condominiums.

As of **January 1, 2019**, the following regulations will take effect:

- Toilets: 1.28 gallons maximum per flush (current 1.6 gallon units do not have to be replaced).
- Showerheads: 2 gallons per minute at 60 psi
- Washbasin sink faucets: 1.2 gallons per minute
- Kitchen sink, utility sink, bar sink: 1.8 gallons per minute
- Provided clothes washers: High Efficiency with water factor of 5.0
- Water pressure regulating devices: water pressure between 50 and 65 psi
- Automatic irrigation controllers: adjusted to adhere to District Stage 1 water conservation requirements

Monterey Peninsula Water Management District is offering rebates on toilets of \$75 and washing machines \$500-\$1,000, up to December 31, 2018.

How does this affect you: If your rental does not fall under ruling, no effect. If it does, we will be surveying all appropriate units and making changes as needed. Our goal is to do so before December 31, 2018. Contact your Property Manager if you have further questions.