

# SPECIAL ALERT



RENTAL HOUSING ASSOCIATION OF SACRAMENTO VALLEY

December 2, 2009

## New Laws Affect Rental Forms

*Order new and revised rental forms from RHA.*

Rental owners and property managers must update several current rental forms to comply with state law changes and new interpretations of existing laws. Some rental forms were modified to make them more user-friendly. The rental forms approved by the California Apartment Association (CAA) may be ordered from the RHA office.

Rental forms are approved by CAA and undergo a rigorous review process. CAA's Compliance and Forms Committee, which is comprised of landlord/tenant attorneys, property managers, rental owners and association staff, review existing forms for legal accuracy and relevancy and develop new forms to address new state laws, court rulings or changing business practices. CAA's rental forms are recognized by California courts for their legal accuracy.

Forms listed under "**NEW RENTAL FORMS FOR 2010**" are designed to help members comply with new or existing federal, state and local laws.

Members using the CAA rental forms must update those forms that are identified under the "**REVISED RENTAL FORMS FOR 2010: USE UPDATED FORM NOW**" list due to substantive changes.

Members using CAA rental forms listed under "**REVISED RENTAL FORMS FOR 2010: USE EXISTING FORMS UNTIL SUPPLY IS OUT**" may use the previous version of these forms but should obtain the new or revised forms when the previous version runs out.

### **NEW RENTAL FORMS FOR 2010**

#### **Domestic Violence Lease Termination (Form 21.2)**

- This new form was created to help residents comply with the new state law allowing victims of domestic violence to terminate a lease.
- Optional for residents who wish to use it.

#### **Spare the Air Addendum (Form 37.0)**

- This new form allows owners to recover any fines or costs from the resident when the resident fails to comply with local rules on wood burning.
- Optional, but may be useful to inform the resident and recover costs.

#### **Ninety-Day Notice on Foreclosure Properties (Form 7.3)**

- This new form complies with the new federal law requiring a 90-day notice on foreclosed property with a current occupant.
- Mandatory for those who must comply with the new federal law.

#### **House Rules in Spanish (Form 17.0)**

- This form has been translated in Spanish.

- Optional for those who want to provide the rules in Spanish.

### **Proposition 65 Instruction Sheet**

- This new instruction sheet provides guidance on how to comply with Proposition 65 and placement of signage.
- Mandatory for those who must provide signage and notification to residents.

### **County of Sacramento Resident's Rights Form (RESRGHT)**

- This new form was created by RHA; it is not offered by CAA.
- This form has been approved by the County of Sacramento.
- This form complies with the new County of Sacramento rental inspection program for owners and managers who are required to provide an information document to residents at the inception of the tenancy.

### **County of Sacramento Property Maintenance Service Consent Form (SACCON)**

- This new form was created by RHA; it is not offered by CAA.
- This form is intended to help owners and managers comply with the new County of Sacramento rental inspection program by obtaining consent from a resident when conducting the self-inspection.
- Use of this form is optional but may make the inspection process more efficient.

## **REVISED RENTAL FORMS FOR 2010: USE UPDATED FORM NOW**

### **Onsite Employer-Employee Agreement (Form 1.2)**

- Revised to update the time sheet and update legal requirements of the lodging credit provisions.

### **Application to Rent (Form 3.0)**

- Removal of question about whether applicant is a member of the Armed Forces.

### **Application to Rent w/ Receipt (Form 3.0-R)**

- Removal of question about whether applicant is a member of the Armed Forces.

### **Furniture Inventory (Form 16.1)**

- Deleted language regarding periodic inspection to comply with state law.

### **House Rules (Form 17.0)**

- Added language to make enforcement of provisions more likely.

### **Notice of Entry (Form 19.0)**

- Added language to make form consistent with existing statutory requirements.

### **Non-Smoking Areas Addendum (Form 34.0)**

- Formerly the Tobacco Smoke-Free Areas Addendum.
- Changed the name of the form to avoid potential liability for owners and managers providing a "smoke-free" environment.

## **REVISED RENTAL FORMS FOR 2010: USE EXISTING FORMS UNTIL SUPPLY IS OUT**

### **Rental Agreement and Lease Agreement (Forms 2.0 & 2.1)**

- Clarification of use of "resident" to mean all residents.

### **Addendum (Form 2.2)**

- Clarification of use of "resident" to mean all residents.

### **Resident's Certification of Terms (Form 2.3)**

- Clarification of use of "resident" to mean all residents.

### **Unlawful Activity Addendum (Form 2.4)**

- Clarification of use of "resident" to mean all residents.

### **Satellite Dish and Antenna Addendum (Form 2.5)**

- Clarification of use of "resident" to mean all residents.

### **Pest Control Addendum (Form 2.6)**

- Clarification of use of "resident" to mean all residents.

### **Mold Notification Addendum (Form 2.7)**

- Clarification of use of "resident" to mean all residents.

### **Covenants, Conditions and Restrictions Addendum (Form 2.9)**

- Clarification of use of "resident" to mean all residents.

### **Denial to Rent (Form 3.1)**

- Added section for denial of co-applicant.

### **Notice of Denial to Rent – Agencies Listed (Form 3.2)**

- Added section for denial of co-applicant.

### **Notice of Conditional Acceptance (Form 3.3)**

- Clarification that one form for each applicant.

### **Notice of Denial-Guarantor (Form 3.4)**

- Clarification that one form for each applicant.

### **Receipt for Tenant Screening/Credit Check Fees (Form 3.5)**

- Non-substantive formatting changes.

### **Rental Applicant Reference Form (Form 3.7)**

- Non-substantive formatting changes.

### **Employment Verification Form (Form 3.8)**

- Non-substantive formatting changes.

### **Holding Deposit Agreement (Form 12.0)**

- Non-substantive formatting changes.

### **Renters Insurance Addendum (Form 12.0-MF)**

- Clarification of use of "resident" to mean all residents.

### **Pet Addendum (Form 13.0)**

- Clarification of use of "resident" to mean all residents.

### **Waterbed Addendum (Form 14.0)**

- Clarification of use of "resident" to mean all residents.

### **Pool Rules Addendum (Form 15.0)**

- Clarification of use of "resident" to mean all residents.

### **Asbestos Addendum (Form 17.1)**

- Clarification of use of "resident" to mean all residents.

### **Smoke Detector Addendum (Form 27.0)**

- Clarification of use of "resident" to mean all residents.

### **Day Care Addendum (Form 28.0)**

- Clarification of use of "resident" to mean all residents.

### **Grilling Addendum (Form 35.0)**

- Added definition of term "barbeque" and made various terms consistent throughout the form.

### **Bedbug Addendum (Form 36)**

- Added language to include protocols for the use of rental furniture by residents, including the requirement that the rental furniture company has an inspection and fumigation process.

### **Are you registered for the RHA Annual Legal Seminar?**

One of RHA's most popular seminars, the Annual Legal Seminar provides information on all the new federal, state and local laws, regulations and court cases impacting the industry in 2010. Taught by a panel of experienced landlord/tenant attorneys, the seminar provides guidance on issues to help industry professionals decide what changes to make in their management practices. In addition, new or modified rental forms will be discussed. Classes are scheduled for Tuesday, December 8 from 9:00 a.m. – Noon, Thursday, December 10 from 9:00 a.m. – Noon, Tuesday, December 15 from 9:00 a.m. – Noon and Thursday, December 17 from 9:00 a.m. – Noon. The cost is \$49 for members and \$99 for nonmembers. Contact RHA to register.