

FRANKLY SPEAKING

By Billy Frank

RIGHT AND WRONG - LANDLORD VS. TENANT

You rent an apartment from the owner, month to month, pay your rent on time, keep their place clean, don't sneak in any pets or friends - you should be able to live there as long as you wish. Right? Wrong. In this country we have things called "private enterprise" and "private property." These are political philosophies on which our form of government are based. A person owns a piece of property, he can do anything he wants to with it, as long as he doesn't harm the general health and welfare. Thus, he can agree to rent it for one month at a time with no obligation to renew it for another month. He can rent it for a year or any number of years. At the end of the rental period, he can simply say "move."

On the other hand, if a tenant rents for a year, he has the right as a tenant to occupy the property without unreasonable interference from the owner. The owner can come in any time and look at the property to make sure the tenant is not violating the lease. Right? Wrong. The landlord ordinarily can enter the dwelling only in case of emergency, to make necessary or agreed repairs, or with consent of tenant. The landlord should give notice, and the tenant should be home. After all, when one rents a place, for whatever time, it is his to occupy exclusively as long as he complies with the agreement.

You lease an apartment for a year thinking you will never ever leave the beach. Six months later you get transferred. You can get out of the lease. Right? Wrong. Of course you don't have to live there, but you do owe the rent for the full year, unless you or the landlord can re-rent it for an equal amount of rent.

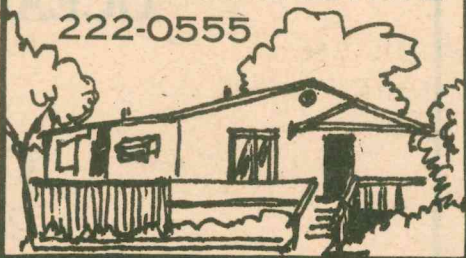
When you rent an apartment, you inspect it, and take it "as is." If you find out later the sink won't drain without a little help from the cockroaches, it's your tough luck. Right? Wrong. The landlord has to provide a habitable dwelling. If the basic amenities for sanitation and protection from the elements are missing, you have the right to have conditions corrected (Calif. Civil Code Sec. 1941). The tenant can vacate the untenable premises, or can repair and deduct not more than one month's rent. However, he can only do this twice in any 12 month period. Sure, you withhold the rent, and the landlord kicks you out. Right? Wrong. The law SAYS the landlord cannot take retaliatory

action for 180 days. As usual, it is one thing for the law to guarantee a right, and quite another to enforce it. To enforce a right, you have to sue - that means prepare and file papers in a court. That almost always means hiring a lawyer. That ALWAYS means paying a fee. True, for a retaliatory eviction, a landlord can be sued for actual damages, for up to \$1000 in punitive damages, and for attorney's fees. However, win or lose, you usually owe the lawyer and he usually wants most of it "up front." A legal "right" has a price tag, and the first thing you have to decide is whether you can afford it. Remember, policemen don't enforce civil remedies, and lord-tenant disputes involve civil remedies.

If you don't pay your rent, the landlord has to give you 30 days notice to move. Right? Wrong. He has to give you a 3 day notice to EITHER pay the back rent or move. If you do neither, he can ONLY file an unlawful detainer suit in court. He cannot legally lock you out, cut off your utilities, or put your things on the street. BUT, if he does sue you in court, he may collect TRIPLE damages. When you move, the landlord can keep all your security deposit for general damages. Right? Wrong. The landlord can require a limited amount of security deposit, and can retain only such amount as is reasonably necessary for any unpaid rent, repair damages caused by the tenant (except ordinary wear and tear), or to clean the premises within 2 weeks after moving, when the tenant moves. The tenant is entitled to an itemized, written statement of how the security deposit was charged off, and is entitled to be then and there paid the balance.

If you want to learn more about the landlord-tenant law, read Sections 1940 to 1954 of the Civil Code.

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page 8 O BEACON

COP SHOP

By Officer Nance Hawkins



Nance Hawkins presented with shirt from O.B. Blood Drive chairperson, Anita Ohlen-Wolfe.

April 2, 1982 saw the arrival of a new member of the Ocean Beach Community Relations Office.

Ed Mendoza, a Community Service Officer has now been assigned to the storefront; Ed has been a CSO for approximately two years.

A CSO is a non-sworn position within the Police Department. CSOs often drive blue vans throughout the city and some of their duties may include writing parking citations, impounding found property, traffic direction and home security inspections.

Additionally, Ed has been trained as a referral agent.

Ed is a highly competent and personal addition to the storefront staff, his arrival will enable the storefront to return to the prior 8:30 to 5 p.m. schedule.



Security Checklist Helps To Evaluate Your Home's Vulnerability

Survey your home security with the checklist provided below: (as part of the San Diego Police Department's Community Alert).

1. Keep a list of valuable property.
2. Make a list of the serial numbers of your watches, cameras, typewriters and similar items.
3. Have on hand a description of other valuable property that does not have a number.
4. Avoid unnecessary display or publicity of your valuables.
5. Keep excess cash and other valuables in a bank.

6. Plan so that you do not need to "hide" a key under the door mat or similar vicinity.

7. Tell your family what to do if they discover a burglar breaking in or already in the house. (Immediately get out of the house and call for help.)

Doors and Entry Areas:

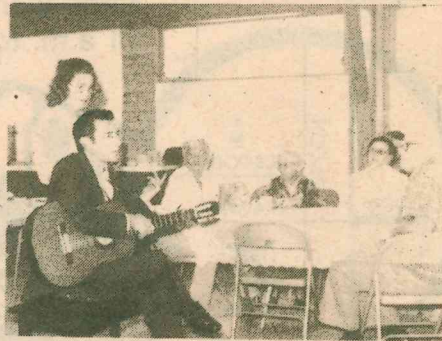
1. Your exterior doors should be of solid-core construction.
2. Entry doors should have a wide-angle viewer.
3. Door locks should be secure from being opened if a burglar breaks out glass or a panel of light wood.
4. Exterior doors should have a cylinder-type deadbolt mounted.
4. Keep windows locked when they are shut.
5. Use locks that allow you to lock a window that is partly open.
6. In high-hazard locations, use bars or ornamental grills.
7. Have good, secure locks on garage windows.
8. Have garage windows covered with curtains.
9. Be as careful of basement and second-floor windows as of those on the first floor.

EMERGENCY FOOD BANK

The Emergency Food Bank (Loaves and Fishes) celebrated recently it's fourth year of Service with a Pot-Luck for all the volunteers and supporters. That event was also to bid Fare Thee Well to Curt Gedney, former pastor at the Ocean Beach Baptist Church and the very first clergy to chair this organization. This social affair was a welcome change of pace from the hectic hours of bagging food, slicing cheese and doling out produce or whatever else available for the needy. This year alone the E.F.B. has helped over 1,800 people.

Thanks to all for your caring for a less fortunate fellow-man.

For more information, please call 222-0628, M-W-F, 9 a.m. to Noon.



Volunteer Flamenco guitarist at E.F.B. Pot-Luck