

**Event 8 – Family Violence  
Session 2- Disputes involving Landlord/Tenant  
LD-24 Handling Disputes/Crowd Control**

**Date Revised: 11/20/2019**

**Course Goal:** To teach recruit officers the fundamentals of handling landlord/tenant disputes, as well as the laws that pertain to each type to take the appropriate measures to resolve them.

**Learning Objectives:**

- Discuss safety considerations officers should be aware of when responding to a family dispute [24.III.A]
- Describe crimes associated with landlord/tenant disputes [24.III.B], Tenant lockout/seizure of property [24.III.B.1], Vandalism [24.III.B.2], Unauthorized entry [24.III.B.3], Disruption of utility services [24.III.B.4], Re-entry following a lawful eviction [24.III.B.5]
- Explain a peace officer’s role when called to a dispute involving a repossession [24.III.C], Vehicle, [24.III.C.1], Property, [24.III.C.2]
- Determine when possession is complete during a repossession [24.III. D], Vehicle [24.III. D.1], Property [24.III.D.2]

**Session Time: 2 hours**

**Resources:**

- Power Point
- Audio/video device
- Classroom with tables
- White board
- Dry-erase markers
- Handout- “Landlord/Tenant Disputes, Volume I, Issue XLIV, March 2014
- Handout- “Eviction Process Flow Chart”
- Handout- “Landlord/tenant Disputes Summary of Laws”
- BWV Camera

- **Session Summary:** To teach recruit officers the fundamentals of handling disputes and crowd control management incidents, by means of classroom facilitation, handouts, learning activities, and role play exercises.

| Outline  | Instructor Notes   |
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| Specific Types of Disputes<br><br>1) Family Disputes<br>a) Involved parties (relationships)<br>(1) Husband<br>(2) Cohabitants<br>(3) Roommates | <b>Ask: what is a family dispute?</b><br><br><b>Answer: An argument only that does not involve violence, or threats of violence.</b> |



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| <p>to the exclusive use and possession of the rental unit during the lease or rental period.</p> <p>c) Lodger (aka “roomer”) is a person who lives in a room in a house where the owner lives.</p> <p>(1) The owner can enter all areas occupied by the lodger and has overall control of the house.</p> <p>d) Guest is a person who does not have the rights of a tenant, such as</p> <p>(1) A person who stays in a transient hotel for fewer than seven days, or</p> <p>(2) A person granted temporary possession of the dwelling with the owner,</p> <p>(3) With no payment or reward</p> <p>e) Nature of dispute</p> <p>f) Dispute resolution</p> <p>g) Laws – Unlawful Landlord Actions <b>[Handout]</b></p> <p>(1) Tenant lockout/Seizure of tenant’s property (Forcible entry and Detainer) - 418 P.C. Misdemeanor</p> <p>(a) Every person: Using or procuring, encouraging or assisting another to use,</p> <p>(b) Any force or violence</p> <p>(c) In entering upon or detaining</p> <p>(d) Any lands or other possession of another,</p> <p>(e) Except in the cases and in the manner allowed by law</p> <p>(f) Practical use: when a landlord locks out a tenant and/or seizes their property.</p> <p>(2) Vandalism – 594 P.C. Misdemeanor</p> <p>(a) Removal of doors and/or windows, Damage or destruction of tenant’s property</p> <p>i Every person who maliciously: Defaces with graffiti or other inscribed material, damages, or destroys</p> <p>ii Any real or personal property</p> <p>iii Not his or her own’s</p> <p>iv In cases other than those specified by law</p> <p>(3) Authorized Entry</p> <p>(a) Entry is reasonable</p> <p>(b) The tenant has consented by the lease to the landlord’s entry at will.</p> <p>(4) Unauthorized entry (Trespass) – 602.5 P.C.</p> | <p><b>[Handout]</b><br/> <b>Landlord/Tenant Disputes,</b><br/> <b>Summary of laws</b></p> |
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Misdemeanor

- (a) Entering without a legitimate reason or without permission from the tenant
  - i Every person other than: a public officer, or employee acting within the course and scope his or her employment in performance of a duty imposed by law,
  - ii Who enters or remains in any: noncommercial dwelling house, apartment, or other residential place,
  - iii Without the consent of the: owner, his or her agent, or person in lawful possession (tenant)
  - iv Practical use: When a landlord enters a tenant's residence unannounced to snoop around or harass the tenant.
- (5) Single Lodger in Owner-Occupied Dwelling – 602.3 P.C. Infraction
  - (a) A single lodger (roommate),
  - (b) Who remains on the premises of an owner-occupied dwelling.
  - (c) After receipt of notice terminating the agreement and expiration of the notice period
  - (d) Practical use: The lodger may be issued a Release from Custody (RFC) for a private person's arrest of 602.3 P.C. Either the owner or representative may affect the arrest pursuant to Section 837P.C. – Arrest by Private Persons.
- (6) Landlords Disturbing Tenants – 41.33 LAMC Misdemeanor or Infraction
  - (a) Interfering with
  - (b) The peaceful enjoyment, use, possession or occupancy
  - (c) Of any premises by lawful lessee or tenant of such premises
  - (d) By threat, fraud, intimidation, coercion, duress, toleration of a public nuisance, or
  - (e) By cutting off heat, lights, water, fuel or free communication
  - (f) Practical use: When a landlord shuts off a tenant's utilities, the landlord may be cited

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| <p style="text-align: center;">or arrested pursuant to 847 P.C. Arrest by Private Persons</p> <ul style="list-style-type: none"> <li>(7) Disruption of utility services <ul style="list-style-type: none"> <li>(a) Interruptions of a tenant’s telephone, electricity, gas, water, or other utility services– 591 P.C. Felony</li> <li>(b) A person who unlawfully and maliciously takes down, removes. Injuries, or obstructs</li> <li>(c) Any line of telegraph, telephone, or cable television or any other line to conduct electricity, or any part thereof</li> </ul> </li> <li>(8) Utility Services – 789.3 of the Civil Code <ul style="list-style-type: none"> <li>(a) Landlord with intent to terminate a lease or tenancy</li> <li>(b) Willfully causes</li> <li>(c) The interruption or termination of any utility service furnished to tenant</li> <li>(d) Practical use: Provides the tenant with a civil remedy in the form of damages when a landlord interrupts or terminates utility service furnished to the tenant.</li> </ul> </li> <li>(9) Obstruction/Interference of electric lines – 593 P.C. Felony <ul style="list-style-type: none"> <li>(a) Every person who unlawfully and maliciously takes down, removes, injures, interferes with, or obstructs</li> <li>(b) An electric line or any part thereof that is erected or maintained by proper authority</li> </ul> </li> <li>(10) Interfere with/obstruct gas lines – 593(c)P.C. Felony <ul style="list-style-type: none"> <li>(a) Every person who willfully and maliciously breaks, digs up, obstructs, interferes with, removes or injures</li> <li>(b) Any gas pipe or main or hazardous liquid pipeline or any part thereof</li> </ul> </li> <li>(11) Obstruction of water works – 624 P.C. Misdemeanor <ul style="list-style-type: none"> <li>(a) Every person who willfully breaks, digs up, obstructs, or injures,</li> <li>(b) Any pipe or main for conducting water</li> </ul> </li> <li>h) Eviction process <b>[Handout]</b> <ul style="list-style-type: none"> <li>(1) A tenant may be served with an eviction notice when;</li> </ul> </li> </ul> |  |
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| <ul style="list-style-type: none"><li>(a) Rent has not been paid by tenant</li><li>(b) Tenant has violated terms of rental agreement</li><li>(c) Tenant has stayed in premises after expiration of rental contract</li></ul> <p>(2) Three-Day Notice: The landlord is required to give a three-day notice to pay or quit in writing. This notice demands that the tenant;</p> <ul style="list-style-type: none"><li>(a) Vacate the premises, or</li><li>(b) Come back into compliance with the rental/lease agreement</li><li>(c) Keep in mind that the City of Los Angeles has a rent control ordinance, which allows eviction for specific reasons (LAMC 151.09) the reasons must be stated in the three-day notice.</li></ul> <p>(3) Thirty-Day Notice: If the landlord decides to terminate a month-to month tenancy, the landlord must give the tenant a 30-day notice to vacate the premises.</p> <ul style="list-style-type: none"><li>(a) The reasons must be stated in the 3-day notice, and the unlawful detainer, to end the tenancy.</li><li>(b) If the tenant doesn't move out after the 30 days, the landlord may file an unlawful detainer lawsuit (Eviction Lawsuit)</li><li>(c) The landlord may give a thirty-day notice even if the tenant has been served with a three- day notice and the tenant corrected the requested deficiencies.</li></ul> <p>(4) Unlawful Detainer Action (Lawsuit)</p> <ul style="list-style-type: none"><li>(a) Unlawful detainer is a “summary court procedure,” and moves through the court system quickly.</li><li>(b) Once the tenant receives a copy of the complaint, he/she normally has five days to file a written response.</li><li>(c) The court schedules a hearing, so both the landlord and tenant may present their sides and a ruling is made</li><li>(d) If the judge rules in the tenants favor the tenant can stay and continues to have lawful possession of the property.</li><li>(e) If judge rules in favor of the landlord, a</li></ul> | <p><b>[Handout]</b><br/><b>Eviction Process</b><br/><b>Flow Chart</b></p> |
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| <p>“writ of possession” will be issued and the tenant has five days to leave voluntarily.</p> <p>(f) After five days, the Los Angeles Sheriff’s Department (LASD) may physically evict the tenant and allow the landlord to take possession of the property.</p> <p>(g) The landlord does not have the right to take possession of the property until after the sheriff evicts the tenant, or the tenant voluntarily leaves.</p> <p>(h) Keep in mind LAPD officers do not have the statutory authority to evict a tenant, only LASD has the authority to evict.</p> <p>(i) Should a tenant return to the premises once evicted, they may be arrested for Unauthorized Entry (Trespass) 602.5 P.C.</p> <p>(5) Re-entering a dwelling after being evicted 419 P.C., Misdemeanor</p> <p>(a) Every person who has been removed from any lands by process of law, and who afterwards, unlawfully returns to settle, resides upon, or takes possession of such lands.</p> <p>3) Disputes Involving Repossession<br/><b>[24.III.C.1-2]</b></p> <p>a) Officers responsibilities</p> <p>(1) Keep the peace and restore order (civil matter)</p> <p>b) Due Process</p> <p>(1) Officers may not hinder or aid either party in a lawful repossession</p> <p>(2) Because officers are acting under the authority</p> <p>c) Involved parties</p> <p>(1) Repossessor will usually have a company identification, private license, copy of the contract, or document describing the property to be repossessed.</p> <p>(2) Buyer may be the person who purchased the property (buyer), the buyer’s spouse, or a third person in lawful possession of the property.</p> <p>d) Who may repossess, there are three groups of persons who may lawfully repossess property;</p> | <p><b>[Handout]<br/>“Towing &amp; release procedures for vehicle repossessions”,<br/>OO No. 6, April 6, 2005</b></p> |
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| <ul style="list-style-type: none"><li>(1) Sellers<ul style="list-style-type: none"><li>(a) Owners of the title to the property</li><li>(b) Includes full-time employees of the seller.<br/>(Part-time employees may not be used for repossessions)</li><li>(c) Members of this group do not need a state license.</li></ul></li><li>(2) Banks or finance companies<ul style="list-style-type: none"><li>(a) Purchased the debt from the seller</li><li>(b) Includes full-time employees of the bank or finance company</li><li>(c) Members of this group do not need a state license</li></ul></li><li>(3) Private reposessor<ul style="list-style-type: none"><li>(a) Required to have a state license, post the license at the principal place of business, carry a pocket identification card with photo</li><li>(b) Any person who violates these provisions may be fined</li></ul></li><li>(4) Complete possession <b>[24.III.D.1-2]</b><ul style="list-style-type: none"><li>(a) To have a complete possession of property, the reposessor must have complete dominion and control over the property. This takes place;<ul style="list-style-type: none"><li>i When the possessor has gained entry to the property.</li><li>ii When the property (if a vehicle) has been hooked up to the tow truck.</li><li>iii The property does not have to be removed from the property</li></ul></li></ul></li><li>(5) Third party rights<ul style="list-style-type: none"><li>(a) When the buyer gives a third person permission to use the property or maintain possession, then that person stands in for the buyer</li><li>(b) This third party may exercise the same rights and privileges as the buyer against the reposessor</li><li>(c) Bailor is a</li><li>(d) Bailee is</li></ul></li><li>(6) Personal Items</li><li>(7) Law enforcement notification<ul style="list-style-type: none"><li>(a) Requires the reposessor to law</li></ul></li></ul> |  |
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| <p>enforcement within one hour of the repossession and if law enforcement is unable to receive and record the notification, require the person to continue to attempt notification until the required</p> <p>(b) information is provided (Business and Professions code §7500.2 (2015 AB2503)</p> <p>(8) Related Crimes</p> <p>(a) Vandalism 594 P.C., Misdemeanor or Felony</p> <p>(b) Assault 240 P.C., Misdemeanor</p> <p>(c) Assault with a deadly weapon 245 P.C., Felony</p> <p>(d) Battery 242 P.C., Misdemeanor</p> <p>(e) Disturbing the peace 415 P.C., Misdemeanor</p> <p>(f) Drawing, exhibiting, or unlawful use of a weapon 417 P.C., Misdemeanor</p> <p>(g) Impersonating a peace officer 146 P.C., Misdemeanor</p> <p>(9) Stolen property reports</p> <p>(a) Inquire as to who owns the title to the property</p> <p>(b) Determine whether the buyer is delinquent in payments, and</p> <p>(c) Determine whether the item is on the list of repossessed items on file with their law enforcement agency</p> | <p><b>[Handout]</b><br/><b>Notice 14.4</b><br/><b>“B&amp;P §7500.2 AB</b><br/><b>2503 (Jan 1, 2015)</b></p> |
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