

## OFFICE OF CONSTITUTIONAL POLICING AND POLICY

### NOTICE

1.14

August 12, 2020

**TO:** All Department Personnel

**FROM:** Director, Office of Constitutional Policing and Policy

**SUBJECT:** LANDLORD/TENANT DISPUTES

California landlords must follow specific rules and procedures when evicting a tenant (see *California Tenants' Rights* for details). The state forbids landlords from taking the law into their own hands. Examples of illegal "self-help" evictions include changing the locks, taking the tenant's belongings, removing the front door, or turning off the heat or electricity.

Officers are to be guided by the Los Angeles Police Department Training Bulletin, Volume 1, Issue XLIV, *Landlord/Tenant Disputes*, dated March 2014.

In short, rental agreements are civil in nature, thus **the role of the officer is to keep or restore order rather than enforcing civil law**. Officers should not give legal advice. In most instances, an officer's primary duty is simply to keep the peace by facilitating dispute resolution or by advising the parties of the legal processes available to them.

#### **Key Points:**

- The tenant obtains the right to the use and possession of the rental unit during the lease or agreement. The tenant has legal possession of the premises until the agreement expires, or until such time as a civil judgment is entered declaring the tenant in breach of contract for failure to pay rent or other reasons. The contract is generally in writing; however, it may be verbal. There are certain exceptions, such as the "hotel/motel" and "single lodger."
- The rental agreement specifies all the terms of the agreement between the landlord and tenant. It states the rent, length of time between payments, and landlord/tenant obligations.
- The most common rental agreements are in writing; however, oral agreements are legally binding as long as the agreement does not exceed one year.

**OFFICIAL CORRESPONDENCE REVIEW**

INITIATED BY: (Name, Bureau or Division, etc.) LIZABETH RHODES, DIRECTOR OFFICE OF CONSTITUTIONAL POLICING AND POLICY	DATE: August 7, 2020
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STAFF OFFICER ASSIGNED: (Name, Bureau or Division, Phone Extension, etc.)  
 Lieutenant II Michael Applegate, Adjutant, Office of Constitutional Policing and Policy, (213) 486-8730  
 Sergeant II Sonia Rimkunas, Policies and Procedures Section, Office of Constitutional Policing and Policy, (213) 486-0447  
 Office of Constitutional Policing and Policy, (213) 486-8720

SUBJECT:  

**LANDLORD/TENANT DISPUTES**

ATTN	REVIEWED BY:	DATE OUT	ATTN	REVIEWED BY:	DATE OUT
1/5 <i>JAR</i>	Office of Constitutional Policing and Policy	8/7/20			
2/4 <i>JAR</i>	Office of the Chief of Police, Administrative Section, Room No. 1077	8/7/20			
<i>DS</i>	Office of the Chief of Staff				
4 <i>DR</i>	Risk Management and Policies Division				

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*JAR*  
 Risk Management and Policies Division

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**OFFICE OF THE CHIEF OF POLICE**

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**Chief of Staff**

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Risk Management Legal Affairs Group  
 20-328

- When the landlord wants to recover possession of the rental unit at the end of the contract period, and the tenant refuses to move out, the landlord must have the tenant legally evicted.
- The Eviction Process: Three-Day Notice - If the tenant is behind in his or her rent or violates any condition of the rental agreement, the landlord must first give the tenant a three-day notice to correct these deficiencies. If the tenant fails to comply with the three-day notice, the landlord may file an unlawful detainer lawsuit to begin the eviction process. This is the most common legal remedy available to a landlord who wishes to evict a tenant, particularly if the tenant has violated the lease.
- Thirty-Day Notice - If a landlord wants to terminate a month-to-month tenancy, the landlord must give the tenant a 30-day notice to vacate (or 60-day notice if over a year tenancy). The City of Los Angeles has a rent control ordinance, which allows eviction for specific reasons (LAMC 151.09). The specific reason(s) must be stated in the 30-day notice, as well as the unlawful detainer, in order to end the tenancy. If the tenant does not move out after 30 days, the landlord may file an unlawful detainer lawsuit.

**Note:** A landlord may give a 30-day notice even if the tenant has been served with a three-day notice and the tenant corrected the requested deficiencies.

- An unlawful detainer lawsuit is considered a “summary court procedure.” Once the tenant receives a copy of the complaint, he or she normally has five days to file a written response. The court schedules a hearing. If the judge rules in favor of the landlord, the tenant has five days to leave voluntarily. After five days, the Los Angeles County Sheriff’s Department (LASD) may physically evict the tenant and allow the landlord to take possession of the property. *Only LASD has the authority to evict a tenant.* Should a tenant return to the premises once evicted, they may be arrested for Section 602.5 of the California Penal Code, Trespass.

If you have any questions regarding this Notice, please contact the Office of Constitutional Policing and Policy, at (213) 486-8730.



LIZABETH RHODES, Director  
Office of Constitutional Policing and Policy



DOMINIC H. CHOI, Deputy Chief  
Chief of Staff  
Office of the Chief of Police

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