On January 1, 2013, 82 new laws were enacted by the California legislature that directly or indirectly affect real estate or those that engage in representing buyers and sellers. Approximately 60 of them directly impact real property owners, affecting disability access, easements, financing, foreclosure, homeowners, Homeowners associations, landlords and tenants, mobile homes, property taxes, and recording.

The rights and obligations of landlords and tenants become of critical importance in a real estate market still plagued by many properties underwater. In an effort to correct real and perceived wrongs by landlords, the Legislature enacted several new laws impacting residential properties either in foreclosure or after foreclosure. Landlords whose properties are in foreclosure and who offer those properties for rent are now required to disclose in writing that a notice of default has been received on the property being rented. Timing is critical: notice is required prior to executing a lease or potentially significant damages could result.

The federally enacted Protecting Tenants at Foreclosure Act (12 U.S.C. § 5201, et seq.) provides for tenants to receive 90-days’ written notice to terminate their tenancies post-foreclosure. California also requires 90-days’ written notice to terminate month-to-month possession after foreclosure. Tenants occupying real property under a fixed term lease are afforded even more leniency, generally allowing tenants to remain until the end of the lease term.

Commercial landlords have a reprieve to July 1, 2013 on the new laws. Owners and landlords of commercial property must state on every lease/rental agreement whether the leased premises have been inspected and passed applicable construction-related accessibility standards for the disabled. Additionally, an attorney for a plaintiff cannot issue a pre-litigation demand for money to an owner or tenant for violating construction-related accessibility standards for the disabled. Non-monetary demand letters are also impacted by this new law.

Every Dickenson, Peatman & Fogarty attorney works daily with owners, landlords and lessees of agricultural, commercial, industrial and residential properties. DP&F attorneys provide a depth of knowledge and experience in all aspects of real property law: acquisitions and sales, disability access, easements and boundary issues, land use, leasing, litigation, and title issues, to mention a few areas of expertise. The firm has a dedicated legal team ready to assist with all your real property needs. Choose the most experienced team to serve your legal needs. Choose Dickenson, Peatman & Fogarty.