



# Monthly Newsletter

May 2016

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*Our first inspection under SLO's new rental housing inspection program resulted in a couple of relatively minor items that will require follow-up but nothing was found that will be seriously expensive to fix.*

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## California West completes its first inspection under the new SLO rental housing inspection program.

On May 24, California West had our first inspection under San Luis Obispo's new Rental Housing Inspection ordinance. We met at the property with Teresa Purrington, who is the Code Enforcement Supervisor in charge of the City's new program, and also with a City Building Inspector.

Even before this new program was implemented by the City, our policy at California West was to inspect properties at least once a year. Those regular inspections are at no cost to our clients and are intended to identify health and safety issues and possible problem activity by tenants.

We are now folding the City inspections into this existing inspection program to avoid duplicate inspections and unnecessary cost.

That said, as the City rolls out this new program we are also sending maintenance people into the rental homes prior to the inspections. The goal is to fix items that the City is likely to flag.

These additional maintenance inspections and resulting work is being done at property owners' expense at a rate of \$45 per hour. Our desire is to stay ahead of any problems the City may identify and to stay in good graces with City staff.

Our first inspection resulted in a couple of relatively minor items that will require follow up. There was a water heater vent that the City wants to see changed and also a dryer vent that we need to find out where exactly the exterior exhaust is located.

One thing we learned from our first inspection is that the City currently plans to assign each property management company with a specific inspector for us to work with on all properties that we manage. This will be helpful to us, as it will allow us to develop a feel for what exactly the inspector is looking to correct and stay ahead of any issues that might arise.

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## **Service animals continue being a problem without a good solution.**

Service animals are a problem without a good solution.

According to current law, landlords must allow service animals at their properties, even if the property has a strict no-pets policy.

In addition, we are allowed to ask only two questions regarding service animals: 1) is the animal required because of a disability and 2) what work or task is the animal trained to perform?

Generally speaking, we cannot require proof of training or any other similar documentation.

In a recent circumstance, a group of tenants claimed that the dog at their property was the service animal of a girlfriend. This is highly doubtful since the dog is almost always at the property and the girlfriend is not. Furthermore, the dog is defecating in a parking lot and causing complaints from neighbors because the mess is not cleaned up.

For now, the law makes it unwise for us to press the issue of whether this dog should be at the property. The risk that a judge or jury might disagree with our perspective is simply too great. That said, we are addressing the complaints by neighbors by sending staff to clean up after the dog and then billing the tenants for this service. Also, the tenants at this particular property are moving in July so the problem will resolve itself at that time.

The frustrating part for us as property managers is having to explain to property owners that there really is no good solution to this problem.

If we take the position that the dog is not a legitimate service animal, and therefore its presence is cause for eviction, then we risk a possible lawsuit against us and the property owner from the tenants for violating the Americans with Disabilities Act ("ADA") and other similar statutes.

That is not a wise risk for us to take because even a victory would probably cost upwards of \$30,000 in attorney fees and, as with any litigation, there is always the risk of losing.

The better course is to hope for a change in the law and simply deal with the resulting abuse as best as possible.

*The law makes it unwise for us to press the issue of whether a supposed service animal dog should be at a property.*

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