

Find Your Landlord

Landlords who mistreat their tenants usually hide behind several layers of disguise. If you don't know who they are, they don't fear being sued or even having to meet you face to face to hear about your dissatisfaction. Things would be different if they knew you could have the Sheriff serve them a subpoena at their home, or picket in front of their mansion for all their neighbors and the press to see. Then, they might consider being more accountable, and fulfilling their half of the contract.

Typically, you are given a grouchy and menacing resident manager: a little person who has never had power before - and loves it. The South Park episode where Cartman shouts "Respect my authoritah!" [or Bernie Fife taking charge, for the older set] aptly depicts the state of mind. Their job is to keep the landlord hidden and discourage you from asking for anything.

Civil Code sec1962 requires the landlord to disclose to the tenant his/her true name, address, etc, but there is no punishment if the landlord refuses. The landlord is not permitted to hide from the tenants, but the law is weak for political purposes. One new law [Health and Safety Code sec17997] requires landlords after being cited for substandard conditions to identify who they are to the County or in the building elevator, and failure to do so is both a misdemeanor and a defense to an eviction. Does this mean that landlords will come out of hiding? Not where there's money in staying hidden. This is where you come in.

Overview

The one behind it all is the owner(s) of your building. They hire the property management company and tell them what to do, and the management company in turn tells the resident manager what to do. Your "landlord" is the building owner. You get to them, and the rest fall in line. Finding them may be a little trick. Don't trust what management says. Find out, yourself.

There are websites which contain the information you need on line, which are discussed in greater detail, below. There are additional ways to get official information other than by hiring a private detective, and companies which specialize in providing that information to you at a nominal cost.

Title Holder

"Title holder" means the name of the owners on the deed [title] to your apartment building. That may be a person, a couple, a corporation, partnership, living trust, or other other type of legal entity. Your first step is to find out who the title owner is. The County Tax Assessor has the most reliable information, because the deed can't be recorded until the County is told where to send the property tax bill and who the new taxpayer is. Simply call up your county tax assessor and ask for the name and address of the owner of your apartment building. If you have friends in real estate or a title insurance company, they can get you even more information. If it is people, you have your answer. If it is some business name or trust, you have to look a little deeper. While you are at it, get the "tax parcel number" for the property - a unique number for the land in official records.

Fictitious Business Name

You may make your rent check payable to the name of your building, like "Windsor Arms Apartments." That may be the name of your landlord on your rental agreement, too. That is an example of a "fictitious business name". The law [Business and Professions Code sec17910] requires the landlord every 5 years to file with the County Clerk and publish in the newspaper a public notice that particular people are the ones behind that fictitious business name. Failure to do so is grounds to stall their eviction or other lawsuit, but there is no extra punishment. The statement is recorded in order to permit you to look up that information. You can call the County Clerk -usually in the main county courthouse- fictitious business name filing section, and either get the information over the phone or at least go there, look up the name, find the filing number for the statement, and use that number to get a copy of the Statement to take back with you. If you make your check out to such a name, there probably was a statement filed at some time, because the bank needs it to have a checking account in that name. Some make the basic information available on line. For example, Los Angeles has <<http://regrec.co.la.ca.us/fbn/FBN.cfm>> which gives you the date of filing and the document number of the Statement for which you would ask to get a copy.

Business Entity

A corporation is a way for one or more people to share ownership of a business, like your apartment building. Over the years, new hybrid forms of business organization formed, called "limited partnership" [Ltd], "limited liability company" [LLC] and "limited liability partnership" [LLP]. Each of these has to register with the California Secretary of State, saying who they are behind this name. If they are one of these entities doing business under their official name, they do not also need to file a fictitious business name. The Secretary of State has the listings on line, where your search will either find the name or not, and show the official filing number [like a license number to be that business], its date of formation, it's official name and status, and an "agent for service of process". For smaller corporations, the agent is probably the owner, but for larger corporations, it could be the corporate attorney. The same is true of LLCs and the rest. An agent for service of process is only the official person to give the papers when you

are suing that business. If the Agent is your landlord, clicking on the corporate name gives you the address of the agent. Otherwise, you have the corporate number, and can have a document service in Sacramento get the official documents for you.

Digging Deeper

It may be that the corporation that owns your building is itself owned by two LLCs, which are owned by limited partnerships or trusts. You can repeat the above process to get to the bottom of it, in any case. Another way to find out who is behind all this is to look at the trust deed for your building, recorded in the County Recorder's office. [For a listing, see <http://www.zanatec.com/californ.html>] When the landlord borrows money to buy the building, that loan is "secured" by a "trust deed", which gives the bank the authority to sell the building if the landlord fails to pay the mortgage. The person who signs that Trust Deed on behalf of whatever entity owns the building is probably the primary person whose name is on the loan, and who is really calling the shots. It may be the "president" of the corporation or "managing partner" of the limited partnership, or the CEO of the LLC, but you will have their name typed out near their signature. Also, when the recorded deed is mailed back to the new landlord, it is sent to the name and address in the upper left hand corner of the grant deed.

Go to the Recorder's office, tell the clerk that you are looking for the deed and trust deed for that address, and they will help you find what you need. If you have the "tax parcel number" for the property from the County Tax Assessor, that will help find the property in question. There are microfische, microfilm, computers, and books which have this information, but ultimately, you can go home with a copy of the grant deed and trust deed in your hands.

Depending on the city, there may be other records of who the real owner is. Some cities require business licenses, which identify the owner and person responsible for the business, in the City Clerk's Office. Rent controlled cities may have their own records of who the owner is, and building inspectors enforcing Code Violations may also have the name and address of the owner who they need to contact to correct the defects, or who to throw in jail if the work isn't done. The City Clerk can best advise you where to get this information in your city. You can hire a private detective if more information is worth it.

Mapping

You may have your own favorite, but MapQuest is the example we use here. When you have the address, you want to know where that is. You simply type in the address and it gives you a map you can copy onto clipboard and paste onto a word processing page, or otherwise print out directly, and often also gives you an aerial view of the neighborhood. This gives you precise directions on how to get to your landlord's house, that you can also share with your other apartment neighbors, in case they were having a communication problem with the manager.

Telephone

Having hidden behind so many shields, the actual landlord may have a listed telephone number. You might be able to get it that way, or through one of the people-finding services on the internet. There may be several with the same name, however, so don't assume you've found the John Smith you're looking for because you saw the name in the phone book. The address you have may confirm that. AOL's White Pages is handy. <<http://www.aol.com/netfind/whitepages.adp>>

Now What?

Writing up a flier to distribute to everyone in your building should be your first step. You can explain that if they wondered who their real landlord was, or how to get in touch with them, this information is all public and is compiled for their benefit. They should be advised to hold onto that paper, and it may come in handy. The flier should contain an explanation of the chain of command, who the owners are and their names and addresses, accompanied by the maps and street directions.

You might have an angry building of tenants who would love to picket their landlord's house, or sue the landlord in small claims court for all of the breaches, or simply try to talk over their differences face to face. Sometimes, a personal approach is more effective than dealing through several layers of people paid to protect the owner. Drive to the landlord's house and knock on the door. While you are there, you might bring a camera, to take a picture of the landlord's house, for those tenants who would like to visit with the landlord but are unsure of maps and directions. Maybe a picture of the landlord would be helpful, too, so that when he/she comes to visit the building, the tenants will know to recognize him/her and bring up matters without having to drive out to the landlord's house. These could all be added to the flier for your neighbors.

Depending on the landlord and management company reaction, there are several further steps you can take. Just as you found the property owner, you can find the owners of the property management company and share their information, as well. Property Management companies have to be run by Real Estate Brokers, registered with the Department of Real Estate, which you can check on line, as well as by phone. The problem is often that lower level staff at the property management company are worse than the resident managers, and until you get to the top people at the management company, you don't find someone with common sense. You can also file a complaint with the Department of Real Estate about the property management company, such as where they refuse to give you a copy of your lease, or are operating without a broker's license.

You can picket in front of your landlord's house, if the situation is bad enough for other tenants in your building to join in. You can find other buildings managed by the same property management company and share your information about them with the tenants in those other buildings. Perhaps you can form a tenant's union of those tenants suffering under the same management company, have a rent strike, file a class action lawsuit against the management company, or have the City Attorney file criminal

charges against the property management company for illegal business practices. Tenants taking action against their landlords might be newsworthy, and the Press might be interested in what you're doing, such as picketing or filing a class action lawsuit against your management company or landlord. Sometimes, the owners of the buildings are celebrities, who do not want to be publicly exposed as slumlords. You might have a sympathetic City Councilman who can assist you in many ways, like assuring that these illegal practices will stop, and referring the matter to the City Attorney for criminal prosecution.

Once you know who your real landlord is, and they know that you know, channels of communication can open up in ways that can improve your situation. While they stay hidden, you have no recourse.