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**Q: A couple of weeks ago, one of my more senior residents fell and broke her hip. Her health has been deteriorating over the past several months and this has really affected her mobility. She is now in a wheelchair most of the time. She's lived in our community for many years and I'd hate to see her move, everyone loves her. Her son asked if I would take out the carpet and install vinyl flooring throughout the unit so that her wheel chair could get around easier. He also requested that I install grab bars in the shower and in the bathroom. He kind of implied that I must do it at my expense because of the ADA requirements, whatever they are. Now this resident is very sweet, but my husband and I are barely making it as it is. Do I have to pay to install vinyl flooring and grab bars in the apartment?**

**A:** No, you do not have to bear the cost; however, you must allow a disabled tenant to make reasonable modifications to the rental unit to the extent necessary to allow the tenant full enjoyment of the apartment. The resident must pay for the modifications, and the modifications must be done in a workmanlike manner. You can require that the tenant sign an agreement obligating the resident to restore the premises to its original condition upon termination of the tenancy. Although you cannot require an additional security deposit in this situation, you can require that the tenant deposit sufficient money into an escrow account to be held for the benefit of the landlord in order to assure that the premises are returned to its original condition. The money that is deposited into escrow is not a security deposit, and is not limited by the two-month limitation.

**Q: All of my tenants mail their rent checks to me. I've been thinking of installing a drop box somewhere on my property so that the residents can put their rent checks in it. I figure I'll save them a stamp and get the rents sooner. Anything I should be concerned about?**

**A:** Many landlords of smaller buildings without an onsite manager do exactly that, most with absolutely no problems whatsoever. But there are several things that you should be aware of. If you are considering the practice, it is very important to install a secure box that cannot be removed or broken into. Additionally, you should provide your residents with written procedures regarding the use of the drop box. Specifically, inform the residents that use of the box is optional; that they may use it for their convenience, but that there is always a risk of loss or theft, and that the resident shall bear the risk of loss until it is actually received by the owner or

## Apartment Association, California Southern Cities, Inc. - A Broken Hip and a Dropbox

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Monday, 03 November 2014 00:00 - Last Updated Monday, 03 November 2014 16:00

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his agent. Rent will not be considered paid until you actually receive their check, and it clears the bank. And, of course, instruct your residents to never deposit cash. Also provide the residents with a physical address where they can personally deliver the rent, not a P.O. Box, if they prefer not to deposit the rent into the drop box. By not requiring the use of the drop box, the resident will bear the risk of loss, until you actually receive the rent. If you mandate the use of a drop box, and fail to provide a physical address for payment, or require payment to be made to a P.O. Box, most courts will find that the risk of loss transfers to you upon their placement in the drop box, or in the mail.

*This article is presented in a general nature to address typical landlord tenant legal issues. Specific inquiries regarding a particular situation should be addressed to your attorney. The Duringer Law Group, PLC, has successfully handled over 225,000 landlord tenant matters throughout California, and has collected over \$130,000,000.00 in debt since 1988. The firm may be reached at 714.279.1100, toll free at 800.829.6994 or 877.387.4643. Visit [www.DuringerLaw.com](http://www.DuringerLaw.com) for more information.*