

AMENDED IN SENATE APRIL 1, 2002

SENATE BILL

No. 1576

Introduced by Senator Bowen

February 20, 2002

An act to add Section 1940.6 to the Civil Code, relating to landlords.

LEGISLATIVE COUNSEL'S DIGEST

SB 1576, as amended, Bowen. Landlords: disclosure of demolitions.

Existing law requires that a landlord of a residential dwelling unit who has actual knowledge of a former ordnance location in a neighborhood area to provide written notice of that knowledge to a prospective tenant, prior to the execution of the rental agreement, as specified.

This bill would require a landlord *or property owner* of a residential dwelling unit who has ~~actual knowledge of any expected~~ *applied to any public agency for any type of permit for the purposes of the* demolition of that residential dwelling unit to give written notice of that fact to a prospective tenant prior to the execution of a rental agreement, ~~if the demolition is expected within one year,~~ and to a current tenant ~~at least 90 days prior to the date of demolition~~ *upon application for the permit. The bill would define "residential dwelling unit" and "public agency" for these purposes.* The bill would require the notice to include the date the owner expects the demolition to occur and the date the owner will terminate the tenancy. The bill would provide that a court may award a plaintiff a civil penalty of \$2,500, actual damages, and moving expenses, as specified, if a landlord fails to provide the required notice. The bill would provide that in an action brought pursuant to its

provisions, the prevailing party ~~shall be~~ is entitled to reasonable attorney’s fees.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1940.6 is added to the Civil Code, to
2 read:

3 ~~1940.6. (a) The landlord of a residential dwelling unit who~~
4 ~~has actual knowledge of any expected demolition of that~~
5 ~~residential dwelling unit shall give written notice of that fact to:~~

6 ~~(1) A prospective tenant prior to the execution of a rental~~
7 ~~agreement, if the demolition is planned within one year.~~

8 ~~(2) A current tenant at least 90 days prior to the date of~~
9 ~~demolition.~~

10 *1940.6. (a) The landlord or property owner of a residential*
11 *dwelling unit who has applied to any public agency for any type*
12 *of permit for the purposes of demolishing that residential dwelling*
13 *unit shall give written notice of that fact to:*

14 *(1) A prospective tenant prior to the execution of a rental*
15 *agreement.*

16 *(2) A current tenant upon applying to any public agency for any*
17 *type of permit for the purposes of demolishing that residential*
18 *dwelling unit.*

19 *(b) The notice shall include the date on which the owner*
20 *expects the demolition to occur and the date on which the owner*
21 *will terminate the tenancy.*

22 *(c) If a landlord fails to comply with subdivision (a) or (b), a*
23 *tenant may bring an action in a court of competent jurisdiction.*
24 *The remedies the court may order shall include, but are not limited*
25 *to, the following:*

26 *(1) In the case of a prospective tenant who moved into a*
27 *residential dwelling unit and was not informed as required by*
28 *subdivision (a) or (b), the actual damages suffered, moving*
29 *expenses, and a civil penalty of two thousand five hundred dollars*
30 *(\$2,500) to be paid by the landlord to the tenant.*

31 *(2) In the case of an existing tenant who was not informed as*
32 *required by subdivision (a) or (b), the actual damages suffered, and*



1 a civil penalty of two thousand five hundred dollars (\$2,500) to be
2 paid by the landlord to the tenant.

3 (3) In any action brought pursuant to this section, the prevailing
4 party shall be entitled to reasonable attorney’s fees.

5 (d) The remedies available under this section are cumulative to
6 other remedies available under law.

7 (e) This section shall not be construed to preempt other laws
8 regarding landlord obligations or disclosures, including, but not
9 limited to, those arising pursuant to Chapter 12.75 (commencing
10 with Section 7060) of Division 7 of Title 1 of the Government
11 Code.

12 (f) *For purposes of this section:*

13 (1) *“Residential dwelling unit” means a structure or the part*
14 *of a structure that is used as a home, residence, or sleeping place*
15 *by one person who maintains a household or by two or more*
16 *persons who maintain a common household.*

17 (2) *“Public agency” includes any state agency, board, or*
18 *commission, any county, city and county, city, regional agency,*
19 *public district, redevelopment agency, or other public agency, as*
20 *defined in Section 21063 of the Public Resources Code.*

