

ASSEMBLY BILL

No. 588

Introduced by Assembly Member V. Manuel Pérez

February 16, 2011

An act to amend Section 1946.7 of the Civil Code, relating to tenancy.

LEGISLATIVE COUNSEL'S DIGEST

AB 588, as introduced, V. Manuel Pérez. Tenancy: victims of domestic violence.

Existing law authorizes a tenant to notify the landlord in writing that he or she or a household member, as defined, was a victim of an act of domestic violence and intends to terminate the tenancy, and requires that the tenant attach a copy of a temporary restraining order, emergency protective order, or a report by a peace officer to the notice. Existing law permits the tenant to quit the premises after notification and limits the tenant's obligation for payment of rent, as specified. Existing law requires the notice to terminate the tenancy to be given within 60 days of the date the order was issued or the report was made, or as specified.

This bill instead would require that the notice to terminate the tenancy be given within 180 days of the date the order was issued or the report was made, or as specified. The bill would also make nonsubstantive, technical corrections.

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 1946.7 of the Civil Code is amended to
2 read:

1 1946.7. (a) A tenant may notify the landlord that he or she or
2 a household member was a victim of an act that constitutes an act
3 of domestic violence as defined in Section 6211 of the Family
4 Code, sexual assault as defined in Sections 261, 261.5, 262, 286,
5 288a, or 289 of the Penal Code, or stalking as defined in Section
6 1708.7, and that the tenant intends to terminate the tenancy.

7 (b) A notice to terminate a tenancy under this section shall be
8 in writing, with one of the following attached to the notice:

9 (1) A copy of a temporary restraining order or emergency
10 protective order lawfully issued pursuant to Part 3 (commencing
11 with Section ~~6300~~ 6240) or Part 4 (commencing with Section
12 ~~6400~~ 6300) of *Division 10* of the Family Code, Section 136.2 of
13 the Penal Code, Section 527.6 of the Code of Civil Procedure, or
14 Section 213.5 of the Welfare and Institutions Code that protects
15 the tenant or household member from further domestic violence,
16 sexual assault, or stalking.

17 (2) A copy of a written report by a peace officer employed by
18 a state or local law enforcement agency acting in his or her official
19 capacity, stating that the tenant or household member has filed a
20 report alleging that he or she or the household member is a victim
21 of domestic violence, sexual assault, or stalking.

22 (c) The notice to terminate the tenancy shall be given within ~~60~~
23 180 days of the date that any order described in paragraph (1) of
24 subdivision (b) was issued, within ~~60~~ 180 days of the date that any
25 written report described in paragraph (2) of subdivision (b) was
26 made, or within the time period described in Section 1946.

27 (d) If notice to terminate the tenancy is provided to the landlord
28 under this section, the tenant shall be responsible for payment of
29 rent for 30 days following the giving of the notice, or within the
30 appropriate period as described in Section 1946, and thereafter
31 shall be released from any rent payment obligation under the rental
32 agreement without penalty. Existing law governing the security
33 deposit shall apply.

34 (e) If within the 30 days following the giving of the notice under
35 this section the tenant quits the premises and the premises are
36 rented to another party, the rent due on the premises for that 30-day
37 period shall be prorated. Existing law governing the security
38 deposit shall apply.

39 (f) Nothing in this section relieves a tenant, other than the tenant
40 who is, or who has a household member who is, a victim of

1 domestic violence, sexual assault, or stalking and members of that
2 tenant's household, from their obligations under the rental
3 agreement.

4 (g) "Household member" as used in this section means a member
5 of the tenant's family who lives in the same household as the
6 tenant.

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