

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1953

Introduced by Assembly Member Ammiano

February 23, 2012

An act to amend Section ~~50853~~ of the ~~Health and Safety~~ 1962 of the Civil Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 1953, as amended, Ammiano. ~~Housing—~~*Rental housing: tenant notice.*

Existing law requires an owner of a dwelling structure, as specified, or a party signing a rental agreement or lease on behalf of the owner, or in the case of an oral rental agreement, the owner or a person acting on behalf of the owner, as specified, to provide specified information to a tenant, including, among other things, the name, telephone number, and address of the person or entity to whom rent payments shall be made. Existing law requires a successor owner or manager to comply with these requirements within 15 days of succeeding the previous owner or manager.

This bill would provide that a successor owner or manager's failure to provide notice of the name, telephone number, and address of the person or entity to whom rent payments shall be made within 15 days of succeeding the previous owner or manager waives any rent accrued prior to giving that notice.

~~Existing law requires the Department of Housing and Community Development to provide to tenants and other interested persons information concerning their legal rights and options when their building is being proposed for conversion, as defined.~~

~~This bill would make a technical, nonsubstantive change to those provisions.~~

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 1962 of the Civil Code is amended to
2 read:

3 1962. (a) Any owner of a dwelling structure specified in
4 Section 1961 or a party signing a rental agreement or lease on
5 behalf of the owner shall do all of the following:

6 (1) Disclose therein the name, telephone number, and usual
7 street address at which personal service may be effected of each
8 person who is:

9 (A) Authorized to manage the premises.

10 (B) An owner of the premises or a person who is authorized to
11 act for and on behalf of the owner for the purpose of service of
12 process and for the purpose of receiving and receipting for all
13 notices and demands.

14 (2) Disclose therein the name, telephone number, and address
15 of the person or entity to whom rent payments shall be made.

16 (A) If rent payments may be made personally, the usual days
17 and hours that the person will be available to receive the payments
18 shall also be disclosed.

19 (B) At the owner’s option, the rental agreement or lease shall
20 instead disclose the number of either:

21 (i) The account in a financial institution into which rent
22 payments may be made, and the name and street address of the
23 institution; provided that the institution is located within five miles
24 of the rental property.

25 (ii) The information necessary to establish an electronic funds
26 transfer procedure for paying the rent.

27 (3) Disclose therein the form or forms in which rent payments
28 are to be made.

29 (4) Provide a copy of the rental agreement or lease to the tenant
30 within 15 days of its execution by the tenant. Once each calendar
31 year thereafter, upon request by the tenant, the owner or owner’s
32 agent shall provide an additional copy to the tenant within 15 days.
33 If the owner or owner’s agent does not possess the rental agreement

1 or lease or a copy of it, the owner or owner's agent shall instead
2 furnish the tenant with a written statement stating that fact and
3 containing the information required by paragraphs (1), (2), and (3)
4 of subdivision (a).

5 (b) In the case of an oral rental agreement, the owner, or a person
6 acting on behalf of the owner for the receipt of rent or otherwise,
7 shall furnish the tenant, within 15 days of the agreement, with a
8 written statement containing the information required by
9 paragraphs (1), (2), and (3) of subdivision (a). Once each calendar
10 year thereafter, upon request by the tenant, the owner or owner's
11 agent shall provide an additional copy of the statement to the tenant
12 within 15 days.

13 (c) The information required by this section shall be kept current
14 and this section shall extend to and be enforceable against any
15 successor owner or manager, who shall comply with this section
16 within 15 days of succeeding the previous owner or manager. *A*
17 *successor owner or manager's failure to provide notice of the*
18 *name, telephone number, and address of the person or entity to*
19 *whom rent payments shall be made as required by paragraph (2)*
20 *of subdivision (a) within 15 days of succeeding the previous owner*
21 *or manager waives any rent accrued prior to giving that notice.*

22 (d) A party who enters into a rental agreement on behalf of the
23 owner who fails to comply with this section is deemed an agent
24 of each person who is an owner:

25 (1) For the purpose of service of process and receiving and
26 receipting for notices and demands.

27 (2) For the purpose of performing the obligations of the owner
28 under law and under the rental agreement.

29 (3) For the purpose of receiving rental payments, which may
30 be made in cash, by check, by money order, or in any form
31 previously accepted by the owner or owner's agent, unless the
32 form of payment has been specified in the oral or written
33 agreement, or the tenant has been notified by the owner in writing
34 that a particular form of payment is unacceptable.

35 (e) Nothing in this section limits or excludes the liability of any
36 undisclosed owner.

37 (f) If the address provided by the owner does not allow for
38 personal delivery, then it shall be conclusively presumed that upon
39 the mailing of any rent or notice to the owner by the tenant to the
40 name and address provided, the notice or rent is deemed receivable

1 by the owner on the date posted, if the tenant can show proof of
2 mailing to the name and address provided by the owner.

3 ~~SECTION 1. Section 50853 of the Health and Safety Code is~~
4 ~~amended to read:~~

5 ~~50853. The department shall provide to tenants of subsidized~~
6 ~~rental units, community organizations, local governmental~~
7 ~~agencies, and other interested persons all of the following:~~

8 ~~(a) To the extent that information on federally and state~~
9 ~~subsidized housing projects, eligible for conversion, is available~~
10 ~~from federal, state, or other agencies, a written inventory of~~
11 ~~information on those projects, upon demand to the public. For each~~
12 ~~project, the information shall include, but is not limited to, the~~
13 ~~project name and address, the project owner, the earliest date of~~
14 ~~eligibility for subsidy termination, the type of ownership, the~~
15 ~~number of units in the building to be affected by conversion, the~~
16 ~~federal financing program, the loan contract number, the amount~~
17 ~~and term, interest rate, endorsement date, type of Section 8 contract,~~
18 ~~Section 8 contract number, and any other information determined~~
19 ~~to be pertinent.~~

20 ~~(b) Written information concerning the legal rights,~~
21 ~~responsibilities and options of owners and tenants when an owner~~
22 ~~intends to convert the building.~~

23 ~~(c) Written information concerning available technical~~
24 ~~assistance, within the state, for tenants and community nonprofits~~
25 ~~interested in buying those properties from the owner.~~

26 ~~(d) Written information relating to the conversion process of~~
27 ~~federally subsidized rental units and applicable federal, state, and~~
28 ~~local laws.~~

29 ~~(e) Any other information or technical assistance determined~~
30 ~~by the department to further the purposes of this chapter.~~