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Introduced by Senator Calderon

February 16, 2011

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An act to amend Section 1161.5 of the Code of Civil Procedure, relating to tenancy.

LEGISLATIVE COUNSEL'S DIGEST

SB 426, as introduced, Calderon. Tenancy: eviction: notices.

Existing law regulates evictions and provides that a tenant who remains in possession of a property after the term of his or her lease expires, or who fails to pay rent, is guilty of unlawful detainer. Existing law requires specified notices to be provided to tenants, as prescribed, and permits a landlord to include in the notice a provision stating that the landlord may elect to declare the lease forfeit, and this declaration may be nullified if the tenant performs within 3 days after service of the notice.

This bill would make a technical nonsubstantive, change to these 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 1161.5 of the Code of Civil Procedure
- 2 is amended to read:
- 3 1161.5. ~~When~~*If* the notice required by Section 1161 states that
- 4 the lessor or the landlord may elect to declare the forfeiture of the
- 5 lease or rental agreement, that declaration shall be nullified and
- 6 the lease or rental agreement shall remain in effect if the lessee or
- 7 tenant performs within three days after service of the notice or if

- 1 the breach is waived by the lessor or the landlord after service of
- 2 the notice.

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