

**Introduced by Senator Burton**

February 23, 2000

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An act to amend, *repeal, and add* Section 827 of the Civil Code, relating to ~~leases~~ *landlord-tenant*.

LEGISLATIVE COUNSEL'S DIGEST

SB 1745, as amended, Burton. ~~Leases-Landlord-tenant~~.

*Existing law, with certain exceptions, requires 30 days' notice for a change in the terms of, or termination of, a month-to-month tenancy.*

*This bill would enact provisions operative only until January 1, 2006, that would permit a tenant in a residential dwelling, upon less than 60 days' notice from the landlord of an increase in rent, to provide written notification to the landlord of the tenant's intention to terminate the tenancy. Under those circumstances, the tenancy would terminate 30 days from the date of the proposed rent increase. The rent during the period from the effective date of the increase to the date of termination would be the same as the rent in effect prior to the effective date of the increase. The bill would specify an exception to these provisions for certain dwellings subsidized for the benefit of low-income tenants and for specified rental units subject to rent control or rent stabilization.*

~~Existing law authorizes a landlord, upon giving written notice to a tenant, to change the terms of a lease to take effect, with respect to tenancies from month to month, after not less than 30 days, or, with respect to tenancies of less than a month,~~

~~to take effect upon the expiration of a period that is at least as long as the term of the hiring, as specified.~~

~~This bill would make technical, nonsubstantive changes to that provision. The bill would include a statement of legislative intent to examine the problems encountered by landlords and tenants regarding residential rent increases and tenant relocations and to find solutions to those problems.~~

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. ~~The Legislature finds and declares that,~~  
2 *Section 827 of the Civil Code is amended to read:*

3 827. ~~In~~ (a) *Except as provided in subdivision (b)* all  
4 leases of lands or tenements, or of any interest therein,  
5 from week to week, month to month, or other period less  
6 than a month, the landlord may, upon giving notice in  
7 writing to the tenant, in the manner prescribed by  
8 Section 1162 of the Code of Civil Procedure, change the  
9 terms of the lease to take effect, as to tenancies for less  
10 than one month, upon the expiration of a period at least  
11 as long as the term of the hiring itself, and, as to tenancies  
12 from month to month, to take effect at the expiration of  
13 not less than 30 days, but ~~if—such that~~ change takes effect  
14 within a rental term, the rent accruing from the first day  
15 of ~~—such the~~ term to the date of ~~—such that~~ change shall be  
16 computed at the rental rate which obtained immediately  
17 prior to ~~—such that~~ change; provided, however, that it shall  
18 be competent for the parties to provide by an agreement  
19 in writing that a notice changing the terms thereof may  
20 be given at any time not less than seven days before the  
21 expiration of a term, to be effective upon the expiration  
22 of ~~—such the~~ term.

23 The notice, when served upon the tenant, shall of itself  
24 operate and be effectual to create and establish, as a part  
25 of the lease, the terms, rents, and conditions specified in  
26 the notice, if the tenant shall continue to hold the  
27 premises after ~~said the~~ notice takes effect.



1 (b) (1) In all leases of a residential dwelling, or of any  
2 interest therein, from week to week, month to month, or  
3 other period less than a month, after notice of less than 60  
4 days from a landlord changing the terms of the tenancy  
5 to increase the rent of the lease or rental agreement, the  
6 tenant may, prior to the date on which the rent increase  
7 would take effect, give the landlord written notice of the  
8 tenant's intent to terminate the tenancy. If the tenant  
9 gives the landlord written notice of termination of  
10 tenancy, the tenancy shall terminate upon the expiration  
11 of 30 days after the proposed effective date of the rent  
12 increase. A landlord may allow the tenant to terminate a  
13 month-to-month tenancy on a date later than 30 days  
14 after the proposed effective date of the rent increase;  
15 however, the tenant may not extend the date of the  
16 termination of tenancy beyond 30 days after the proposed  
17 effective date of the rent increase. A notice of increased  
18 rent required pursuant to subdivision (a) shall contain  
19 language clearly describing the tenant's right to  
20 terminate the tenancy, as provided in this subdivision.

21 (2) If the tenant terminates the tenancy as provided in  
22 paragraph (1), the amount of the rent from the effective  
23 date of the rent increase to the date of the termination of  
24 tenancy shall be the same as the rent prior to the effective  
25 date of the rent increase.

26 (3) If a tenant gives notice of termination as provided  
27 in paragraph (1) and the tenant continues to hold the  
28 premises after the termination date, the rent increase  
29 shall be effective upon the date set forth in the landlord's  
30 notice. This paragraph shall not be construed to authorize  
31 the tenant to continue in possession after the termination  
32 date provided in a tenant's notice.

33 (4) This subdivision is not applicable to a residential  
34 dwelling which is subsidized pursuant to any state or  
35 federal program for the benefit of low-income tenants,  
36 including, but not limited to, a facility subsidized by the  
37 federal Department of Housing and Urban  
38 Development, that restricts increases in rent based on  
39 operating cost increases.



1 (5) *This subdivision shall not apply to the annual*  
2 *general adjustments approved by local rent boards for*  
3 *rental units subject to a system of controls on the price at*  
4 *which the units may be offered for rent, or controls on the*  
5 *adjustment of the rent level.*

6 (c) *This section shall be operative only until January 1,*  
7 *2006, and as of that date is repealed, unless a later enacted*  
8 *statute, which is enacted on or before January 1, 2006,*  
9 *deletes or extends that date.*

10 SEC. 2. *Section 827 is added to the Civil Code, to read:*

11 827. (a) *In all leases of lands or tenements, or of any*  
12 *interest therein, from week to week, month to month, or*  
13 *other period less than a month, the landlord may, upon*  
14 *giving notice in writing to the tenant, in the manner*  
15 *prescribed by Section 1162 of the Code of Civil*  
16 *Procedure, change the terms of the lease to take effect,*  
17 *as to tenancies for less than one month, upon the*  
18 *expiration of a period at least as long as the term of the*  
19 *leasing itself, and, as to tenancies from month to month, to*  
20 *take effect at the expiration of not less than 30 days, but*  
21 *if that change takes effect within a rental term, the rent*  
22 *accruing from the first day of the term to the date of that*  
23 *change shall be computed at the rental rate which*  
24 *obtained immediately prior to that change; provided,*  
25 *however, that it shall be competent for the parties to*  
26 *provide by an agreement in writing that a notice*  
27 *changing the terms thereof may be given at any time not*  
28 *less than seven days before the expiration of a term, to be*  
29 *effective upon the expiration of the term.*

30 *The notice, when served upon the tenant, shall of itself*  
31 *operate and be effectual to create and establish, as a part*  
32 *of the lease, the terms, rents, and conditions specified in*  
33 *the notice, if the tenant shall continue to hold the*  
34 *premises after the notice takes effect.*

35 (b) *This section shall become operative on January 1,*  
36 *2006.*

37 ~~*in many areas of the state, residential rents are increasing*~~  
38 ~~*rapidly, vacancy rates for residential dwellings are*~~  
39 ~~*extremely low, and, as a consequence, it is difficult for*~~  
40 ~~*tenants to relocate. Therefore, it is the intent of the*~~



1 ~~Legislature to examine problems encountered by tenants~~  
2 ~~and owners and to find solutions to those problems.~~

3 ~~SEC. 2. Section 827 of the Civil Code is amended to~~  
4 ~~read:~~

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27 ~~the notice, if the tenant shall continue to hold the~~  
28 ~~premises after the notice takes effect.~~

