

Introduced by Senator Burton

February 23, 2000

An act to amend Section 827 of the Civil Code, relating to leases.

LEGISLATIVE COUNSEL'S DIGEST

SB 1745, as introduced, Burton. Leases.

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 in many areas of the state, residential rents are increasing
3 rapidly, vacancy rates for residential dwellings are
4 extremely low, and, as a consequence, it is difficult for
5 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:

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

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

