

AMENDED IN ASSEMBLY JULY 6, 2000
AMENDED IN ASSEMBLY JUNE 27, 2000
AMENDED IN ASSEMBLY JUNE 15, 2000
AMENDED IN SENATE APRIL 26, 2000

SENATE BILL

No. 1745

Introduced by Senator Burton
(Principal coauthor: Senator Sher)
(Coauthor: Assembly Member Bock)

February 23, 2000

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

LEGISLATIVE COUNSEL'S DIGEST

SB 1745, as amended, Burton. 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 revise the procedure for providing that notice and require an additional 30 days' notice for a proposed rent increase that, either in and of itself or when combined with all other rent increases in the 12 months prior to the effective date of the increase, is more than 10% of the amount of rent charged to a tenant at any time during the 12 months prior to the effective date of the increase. The bill would also provide that if a statute, ~~ordinance~~, state or federal regulation, recorded regulatory agreement, or contract provides for a

longer period of notice, the personal service or mailing of the notice shall be in accordance with the longer period.

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. It is the intent of the Legislature to
2 respond to tight rental market conditions by providing
3 tenants with longer notice when served with a rent
4 increase of more than 10 percent in a 12-month period
5 and providing owners with an easier method of service
6 for notices of rent increases. The longer notice prescribed
7 in this act provides tenants with additional time to
8 respond to rent increases by, for example, augmenting
9 their income with an additional job, finding a roommate,
10 or relocating. The longer notice is not intended to
11 constitute rent control, nor is it a statement of public
12 policy regarding acceptable or unacceptable levels of
13 rent increases.

14 SEC. 2. Section 827 of the Civil Code is amended to
15 read:

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

1 time not less than seven days before the expiration of a
2 term, to be effective upon the expiration of the term.

3 The notice, when served upon the tenant, shall of itself
4 operate and be effectual to create and establish, as a part
5 of the lease, the terms, rents, and conditions specified in
6 the notice, if the tenant shall continue to hold the
7 premises after the notice takes effect.

8 (b) (1) In all leases of a residential dwelling, or of any
9 interest therein, from week to week, month to month, or
10 other period less than a month, the landlord may increase
11 the rent provided in the lease or rental agreement, upon
12 giving written notice to the tenant, as follows, by either
13 of the following procedures:

14 (A) By delivering a copy to the tenant personally.

15 (B) By serving a copy by mail under the procedures
16 prescribed in Section 1013 of the Code of Civil Procedure.

17 (2) If the proposed rent increase for that tenant is 10
18 percent or less of the rental amount charged to that
19 tenant at any time during the 12 months prior to the
20 effective date of the increase, either in and of itself or
21 when combined with any other rent increases for the 12
22 months prior to the effective date of the increase, the
23 notice shall be delivered at least 30 days prior to the
24 effective date of the increase, *and subject to Section 1013*
25 *of the Code of Civil Procedure if served by mail.*

26 (3) For an increase in rent greater than the amount
27 described in paragraph (2), the minimum notice period
28 required pursuant to that paragraph shall be increased by
29 an additional 30 days, *and subject to Section 1013 of the*
30 *Code of Civil Procedure if served by mail.*

31 (c) If a state or federal statute, state or federal
32 regulation, recorded regulatory agreement, or contract
33 provides for a longer period of notice regarding a rent
34 increase than that provided in subdivision (a) or (b), the
35 personal service or mailing of the notice shall be in
36 accordance with the longer period.

37 (d) This section shall be operative only until January
38 1, 2006, and as of that date is repealed, unless a later
39 enacted statute, which is enacted on or before January 1,
40 2006, deletes or extends that date.

1 SEC. 3. Section 827 is added to the Civil Code, to read:

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

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

26 (b) This section shall become operative on January 1,
27 2006.

