

Menu Practice Areas Directions Contact

call 408-261-4252 email RHRC



Recent Passage of Landlord/Tenant Laws

By Laurel Champion

April 1, 2013

Several new laws were recently passed and made effective January 1, 2013, in the landlord/tenant relations arena. Brief summaries of these changes are as follows:

1. The first law eases the escrow requirement for a seller's 30-day notice to terminate tenancy:

Presently, existing law requires that a landlord give a month-to-month tenant, who has resided in a residence for a year or more, a 60-day notice to terminate the tenancy. However, if the landlord enters into a contract to sell, a 30-day notice to terminate tenancy is sufficient as long as six requirements expressly set forth in the CAR standard form Notice of Termination of Tenancy are met. One of these six requirements is that the landlord opens escrow with an escrow company licensed by the Department of Corporations or a licensed real estate broker. The new law adds to this component and now also requires an escrow with a title insurer or underwritten title company (codified as California Civil Code § 1946.1).

2. The second law allows for electronic handling of security deposits after tenancy termination:

After either the landlord or tenant provides notice to terminate the tenancy, the parties can then mutually agree as follows:

- (i) That the landlord will deposit any remaining unused portion of the security deposit electronically to a bank account designated by the tenant, and
- (ii) That the landlord will provide a copy of the itemized statement and any required copies to an email account provided by the tenant.

3. The third law gives more detailed direction with respect to disposing of abandoned personal property valued at less than \$700:

Per Cal. Civil Code §§ 1946.1, 1950.5, and 1983, *et seq.*, if a tenant leaves behind personal property with a total resale value between \$300 and \$700 after terminating tenancy, the landlord must sell that property at public auction - rather than, as before, merely retaining for his or her own use or disposing of it in any manner. This law also prohibits a landlord from assessing any storage costs if the tenant reclaims personal property within two days of vacating the premises. The statutory notices of right to reclaim abandoned property have been revised to reflect these changes.

In addition to sending this notice to a former tenant by first-class mail as directed, a landlord may also send the notice by email if the former tenant provided the landlord with the tenant's email address.

Lastly, a landlord's notices of termination of tenancy and pre-move out inspection must contain specified language providing that former tenants may reclaim abandoned personal property left on the premises - subject to certain conditions.



Laurie and I had two very challenging real estate rights issues that we were advised were going to be difficult to prevail on. The RHRC team engaged with us and helped us understand our rights and prevailing position. RHRC were thoughtful advocates for us from the beginning to conclusion of our cases. We feel fortunate to know we will always be able to call on the firm in the future and that they are our legal counsel.

Albert "Rocky" and Laurie Pimental, President of Global Markets and Customers, Seagate Technology

Office Locations

Rossi, Hamerslough, Reischl and Chuck
1960 The Alameda
Suite 200
San Jose, CA 95126

Phone: 408-261-4252

Map & Directions

Rossi, Hamerslough, Reischl and Chuck
8 Harris Court
Suite A1
Monterey, CA 93940

Phone: 831-655-3180

Map & Directions

The California law firm of Rossi, Hamerslough, Reischl & Chuck provides legal representation to real estate and business clients throughout Silicon Valley and the San Francisco Bay Area including San Francisco, San Jose, Palo Alto, Los Altos, Los Gatos, Menlo Park, Gilroy, Hollister, Santa Cruz, Santa Clara, Aptos, Monterey, Carmel, Salinas, Morgan Hill, Saratoga, San Francisco County, Santa Clara County, Santa Cruz County, San Benito County, Alameda County, San Mateo County, Monterey County, and Contra Costa County.

© 2015 by [Rossi, Hamerslough, Reischl & Chuck](#). All rights reserved. [Disclaimer](#) | [Site Map](#)
[Privacy Policy](#) | [Business Development Solutions](#) by [FindLaw](#), a Thomson Reuters business.