



legal briefs

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The Law Is Going Through Changes

Contrary to what many people may believe, the law does change and grow on occasion. For example, over the last year or two the California legislature has passed a number of new laws which could affect the average landlord. Such as:

AB 1953 – The “AB” stands for assembly bill, in case you were curious—modifies civil code §1962 and requires that a purchaser landlord provide existing tenants a notice of where to send the rent check within 15 days of an ownership change. It also prevents a landlord from using the non-payment during this time period as a basis for eviction, unless notice was properly served and the tenant did not bring their rent current.

SB 1191 – that’s “Senate Bill” 1191—requires that a landlord seeking to rent to a prospective tenant must provide notice of default and pending foreclosure actions before a lease is signed. It is actually surprising how many times we have run into this situation.

AB 2610 was codified as Civil Code §2924.8, and it requires that the trustee for a home in the process of foreclosure provide written notice to a tenant that the dwelling is in foreclosure at least 20

days before the sale of the home. The law also requires that the notice state that the new owner can renew the prior lease, or serve the tenant with a 60 day notice to terminate the tenancy. Please bear in mind that Federal law provides for 90 day notice of termination after foreclosure— or even continued residence by a tenant— under certain circumstances (i.e. if the foreclosed mortgage was “federally related” – which includes most loans).

Finally, AB 1925 adds civil code §1947.9 which sets the living expenses for a displaced tenant in San Francisco at \$275. If you have to relocate a San Francisco tenant for a term of less than 20 days, you have to pay the tenant \$275 a day and cover moving expenses. However, the tenant is still obligated to pay rent.

Many of these laws went into effect on January 1, 2013, and are currently applicable to many property owners in the Concord area.

If you have any questions regarding your role as a landlord, feel free to call our office at 510-832-7770. Next month I’ll discuss changes in employment law.

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