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Are Your Notices to Pay Rent or Quit in Compliance with the New 2002 California Code of Civil Procedure Amendments?

The 2002 amendments to California Code of Civil Procedure section 1161(2) impose new content requirements on Notices to Pay Rent or Quit. The amended statute now requires that commercial landlords include within their Notices the name, address and telephone number of the person to whom the outstanding rent payment should be delivered. The Notice must also identify the person's "office hours" during which he or she is available to accept personal delivery of a rental payment.

If the address provided in the Notice does not allow for personal delivery of rent, then the tenant may simply mail the rent to the address shown in the Notice. In the event of tender by mail, the landlord shall be deemed to have received the rental payment on the date the envelope is postmarked, unless the tenant can prove that the rent was sent by mail on another date. Alternatively, the landlord may state on the Notice the name, address and account number of a financial institution to which payment of rent may be made, provided that the financial institution is located within five miles of the leased premises. Finally, in the event that an electronic funds procedure has been established for payment of rent under the lease, the Notice must state that the rental payment may be made in that manner.

Should you have any questions regarding the preparation or service of a Notice to Pay Rent or Quit under the new statute or any other commercial landlord-tenant matter, please contact Brian Frasch, Esq. at bfrasch@gordonrees.com or Cynthia D'Ambrosio, Esq. at cdambrosio@gordonrees.com or call us at (619) 696-6700. Elizabeth Erhardt, Esq., the author of this Update, is an associate in the firm's San Francisco office.