

Introduced by Senator SimitianFebruary 22, 2012

An act to add Section 2924.9 to the Civil Code, relating to landlord-tenant relations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1191, as introduced, Simitian. Landlord-tenant relations: disclosure of notice of sale.

Existing law generally regulates the hiring of real property, including, among other things, specifying certain obligations imposed on landlords and obligations imposed on tenants. Existing law, until January 1, 2013, requires a resident of property upon which a notice of sale has been posted to be provided a specified notice advising the resident that, among other things, if the person is renting the property, the new property owner may either give the tenant a new lease or rental agreement, or provide the tenant with a 60-day eviction notice, and that other laws may prohibit the eviction or provide the tenant with a longer notice before eviction.

This bill would require every landlord who is in default under a mortgage or deed of trust and who has received a notice of sale from the mortgagee, trustee, or other person authorized to take the sale to disclose the notice of sale to any prospective tenant prior to executing a lease agreement for the property to be sold. The bill would also provide that a violation of those provisions would invalidate the lease and entitle the tenant to recovery of all rent paid under the lease.

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. Section 2924.9 is added to the Civil Code, to
2 read:

3 2924.9. (a) Every landlord who is in default under a mortgage
4 or deed of trust and who has received a notice of sale from the
5 mortgagee, trustee, or other person authorized to take the sale shall
6 disclose the notice of sale to any prospective tenant prior to
7 executing a lease agreement for the property to be sold.

8 (b) A violation of subdivision (a) shall invalidate the lease and
9 shall entitle the tenant to recovery of all rent paid under the lease.

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