

Landlord-Tenant Notices to Terminate Tenancy (Residential)

How much notice is required to terminate a month-to-month residential tenancy?

If the tenant has been in the property less than a year, then only a 30-day notice is required.

If the tenant has been in the property for more than a year, then a 60-day notice will generally be required.

What about properties in escrow? May a 30-day notice be given even if the tenant has been in the property for more than a year?

Yes. There is an exception to the general 60-day rule to allow for 30 days' notices **IF** six criteria are all met:

- 1) An escrow has been opened;
- 2) The buyer intends occupy the property for a year;
- 3) The property is a single family or condo;
- 4) The buyer is a natural person;
- 5) The notice is given within 120 days after escrow is opened; AND
- 6) A notice has not been previously given.

Does C.A.R. have a form for terminating a month-to-month tenancy?

Yes. C.A.R. Form NTT, Notice to Terminate Tenancy, provides four options: 1) 30 days; 2) 60 days (based upon the length of the tenancy); 3) 30-day notice when the property is in escrow; and 4) 90 days for tenancies subject to government housing assistance (e.g., Section 8).

How must the notice be delivered?

There are two approaches. The first approach is for the notice to be 1) personally served; 2) served by substituted service on another person plus mailing; or 3) served by posting and mailing. Using this first approach, the service of *the notice must be attempted in this order*.

The second approach is to serve the notice by certified mail, in which case the tenant should be given an additional five days from the date of termination on the notice to vacate. It is not necessary to send the notice return receipt requested.

Is a good cause required to terminate a tenancy?

Typically, no. The general rule in California is that no reason is required to terminate as long as the reason isn't retaliatory or discriminatory. Further, it is not necessary to state on the notice the reason for termination UNLESS the tenant has made a complaint regarding habitability within the last six months, then the notice must state the reason for the termination.

What notice period is required to terminate a tenancy at the end of a lease?

Technically none. The lease itself stands as notice. Nonetheless, caution dictates that a landlord give at least 30 days' notice prior to the end of the lease. The C.A.R. Sample Letter "Lease Expiration Letter", available to C.A.R. members within zipForm® in the Sample Letter Library, may be used for this purpose.