

INSTRUCTIONS FOR THE ABANDONMENT NOTICES

Under California Civil Code sections 1951.3 and 1980 through 1991, the State Legislature has established a procedure by which a landlord may repossess abandoned real property and dispose of abandoned personal property that a tenant leaves behind.

A. Abandonment of the unit (real property) – Real property shall be deemed abandoned by the tenant, when the rent is due and unpaid for fourteen (14) consecutive days and the landlord has a good faith belief that the resident has abandoned the property. The landlord may serve the tenant a “NOTICE OF BELIEF OF ABANDONMENT OF REAL PROPERTY”. If the Notice is served personally, the tenant has 15 days to respond. If the Notice is served by mail, the resident has 18 days to respond. When serving by mail, the landlord must use the last known address, usually the subject premises.

If the resident responds to the notice, the resident must notify the landlord that he/she does not intend to abandon the premises and an address where he/she may be served with process. In that event, the landlord will proceed with the normal “UNLAWFUL DETAINER” procedures.

If the resident does not respond, the landlord may enter the premises on the fifteenth (15th) day after serving the Notice, with a disinterested party and inventory the goods therein, and re-let the premises. (California Civil Code section 1951.3)

B. Abandonment of personal property – After the resident is gone and their personal belongings remain in or around the unit, the landlord then must store the former resident's goods and is responsible for their safe-keeping until proper notice and disposition occurs. The landlord is not, however, liable for any losses to the property unless the landlord is negligent.

1. NOTICE -

A. When a resident vacates by means of a Sheriff Lockout - No formal written notice is required. The occurrence of the lockout is deemed adequate notice to any resident that their right to occupy the subject premises has been terminated. However, the landlord must secure the personal property and wait fifteen (15) days. At the end of 15 days, if the resident has not returned to claim his property, the landlord must assess the value of the property and dispose of according to #2 below. (California Code of Civil Procedure 1174(f)).

B. When a resident vacates under any other circumstances – (i.e., abandonment, expiration of a Notice, etc.) At this point the landlord must prepare and serve a “NOTICE OF RIGHT TO RECLAIM ABANDONED PERSONAL PROPERTY”, and the resident either has 15 days to reclaim it if the resident can be personally served, or 18 days if it is served by mail. If within that time period, the resident demands his goods, the landlord is only entitled to the reasonable cost of storage. (California Civil Code section 1983-1984).

2. DISPOSITION OF PERSONAL PROPERTY – If the resident does not respond during the waiting or notice periods, or fails to pay reasonable storage costs, the

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landlord must access the reasonable re-sale value of the personal property, the landlord may then do either of two things:

- A. When reasonable value is less than \$700 – If the property has a re-sale value worth less than \$700, it may be disposed of it in any manner the landlord chooses.
- B. When reasonable value is more than \$700 - If the property has a re-sale value worth more than \$700, the landlord must publish a “NOTICE OF SALE OF ABANDONED PERSONAL PROPERTY” in a newspaper of general circulation in the county where the sale is to be held, with the time and location and describing the property to be sold. Said advertisement shall run for two consecutive weeks with the sale being held on the third week. The last publication must run at least 5 days prior to the date of the sale. [Each newspaper has a special form available for this purpose.]

If the resident does not claim their property by paying reasonable storage costs, the landlord may deduct the cost of storage, advertising and sale from the proceeds. In no event may the landlord deduct from the sale proceeds any unpaid rent, cleaning or repairs or other charges that came due during the preceding tenancy, i.e., no credit toward unpaid judgment from an eviction or small claims matter. The landlord must pay the balance of the proceeds to the treasurer in the county in which the sale takes place no later than 30 days after the date of sale.