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AB-2503 Landlords and tenants: California Law Revision Commission: study. (2021-2022)

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Assembly Bill No. 2503

CHAPTER 462

An act relating to tenancy.

[Approved by Governor September 22, 2022. Filed with Secretary of State September 22, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2503, Cristina Garcia. Landlords and tenants: California Law Revision Commission: study.

Existing law generally regulates the relationship between parties to a lease of real property. Existing law refers to the lessor of real property variously as, among other terms, "landlord" or "lessor" and refers to the lessee of real property variously as, among other terms, "tenant" or "lessee." Existing law creates the California Law Revision Commission and requires the commission to, among other things, examine the common law and statutes of the state and judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reforms.

This bill would require the commission to, on or before December 31, 2024, deliver to the Legislature a study regarding, among other things, the establishment of consistent terminology across the California codes to describe the parties to an agreement, lease, or other contract for the rental of residential real property, including in mobilehome parks, that meets certain criteria, specifically, among other things, that the study addresses whether the continued use of the terms "landlord" and "tenant," including related terms including "cotenant" and "subtenant," is useful and appropriate in code provisions that involve the rental of residential real property.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. (a) The Legislature finds and declares all of the following:

- (1) The California codes were first adopted in 1872. Among the topics initially addressed in the codes was the law of real property, including that governing the rental of residential real property.
- (2) There are currently a variety of terms used in the California codes to describe the parties to an agreement to rent residential real property, including landlord, lessee, lessor, mobilehome park owner, mobilehome park resident, occupant, owner, persons who hire dwelling units, renter, and tenant.
- (3) A review of the derivation and use of the terms "landlord" and "tenant" in the codes could help determine whether these terms remain relevant to modern residential housing law.

(b) It is the intent of the Legislature to do all of the following:

(1) Establish consistent terminology to describe the parties to an agreement to rent residential property.

(2) Determine if continued use of the terms "landlord" and "tenant" in the California codes is useful and appropriate.

(c) On or before December 31, 2024, the California Law Revision Commission shall deliver, pursuant to Section 9795 of the Government Code, to the Legislature a study regarding all of the following:

(1) Establishment of consistent terminology across the California codes to describe the parties to an agreement, lease, or other contract for the rental of residential real property, including in mobilehome parks, that meets all of the following criteria:

(A) The terminology chosen shall preserve legal distinctions currently recognized in statute, regulation, case law, and contracts, including the distinction between month-to-month rental agreements and leases for agreed-upon periods of time.

(B) The study addresses whether the continued use of the terms "landlord" and "tenant," including related terms including "cotenant" and "subtenant," is useful and appropriate in code provisions that involve the rental of residential real property.

(C) (i) If continued use of the terms "landlord" and "tenant" is no longer useful and appropriate, then the study suggests replacement terms that are reasonably concise, given the frequency with which these terms are currently used in statute, regulation, litigation, case law, and contracts.

(ii) Replacement terms suggested under this subparagraph shall not affect the usage of the terms "landlord" and "tenant" elsewhere in real property law, including in the terms "joint tenants" and "tenants in common."

(2) Terminology used in the laws of other states.

(3) The effect of the establishment of terminology under paragraph (1) on case law established under existing terminology.

(4) The effect of the establishment of terminology under paragraph (1) on contracts made under existing terminology.

(d) If the California Law Revision Commission determines that adopting a statutory scheme that meets the criteria set forth in paragraph (1) of subdivision (c) is prudent and practicable, the study shall do both of the following:

(1) Recommend a comprehensive statutory scheme that meets those criteria.

(2) Identify provisions of the California Code of Regulations involving the hiring of residential real property that may need to be amended in order to conform to the terminology in the comprehensive statutory scheme under paragraph (1).

(e) This section shall remain in effect until January 1, 2027, and as of that date is repealed.