



COMMUNITY
LEGAL SERVICES
IN EAST PALO ALTO

[date]

[landlord name]
[landlord address]

RE: [tenant name, address]

Dear [landlord],

I am writing to you on behalf of [tenant name], your tenant at [address]. The purpose of this letter is to inform you that the 60-Day Notice of Termination of Tenancy dated [insert date of notice] (the “Notice”) is invalid and will not support an eviction action against [tenant].

Your decision to evict [tenant] is legally invalid for several reasons, all of which relate to the passage of the Tenant Protection Act of 2019 (Assembly Bill 1482) on September 11, 2019 (hereinafter “AB 1482”). AB 1482 amends the California Civil Code to require that a landlord state and prove a qualifying “good cause” in order to terminate a tenancy such as [tenant’s], in addition to imposing a statewide cap on most rent increases. On the day of passage, California Governor Gavin Newsom announced that these “anti-gouging and eviction protections will help families afford to keep a roof over their heads, and they will provide California with important new tools to combat our state’s broader housing and affordability crisis.” Governor Newsom signed the bill into law on October 8, 2019.

First, your decision to evict [tenant] without just cause violates AB 1482. The just cause provisions of AB 1482, codified at Civil Code Section 1946.2, apply to any eviction notices currently pending because the California Legislature intended the law’s protections to take effect immediately. In general, new laws that only impact procedural rules set out in statute apply to pending actions upon enactment. *Brenton v. Metabolife Internat., Inc.* (2004) 116 Cal.App.4th 679, 689; *Thorpe v. Housing Authority of Durham* (1969) 393 U.S. 268, 283. Your right to evict was based entirely on a statute that the California Legislature has now amended, requiring the invalidation of the pending Notice. *See Alaei v. Rockstar, Inc.*, 224 F. Supp. 3d 992, 998-99 (S.D. Cal. 2016).

Second, your decision to terminate [tenant’s] tenancy without cause violates California’s Unfair Competition Law, Business and Professions Code Section 17200 *et seq.* The Unfair Competition Law prohibits any “unlawful, unfair or fraudulent business act or practice,” as well as any act specifically prohibited under Business and Professions Code section 17200 *et seq.* *Committee on Children’s Television, Inc. v. General Foods Corp.*, 35 Cal. 3d 197, 209 (1983). It would be unlawful for you to insist on terminating [tenant’s] tenancy because the just cause protections of AB 1482 are currently in effect and the Notice fails to comply with the new rules. Moreover, even to the extent that the just cause provisions of AB 1482 do not take effect until January 1, 2020 – which we do not concede – the timing of

your decision to terminate [tenant's] tenancy shortly after the passage of AB 1482 demonstrates an apparent attempt to contravene the intended protections of this new state law. By deciding to evict [tenant] without stating good cause immediately after the passage of new state legislation forbidding this exact action, you have engaged in an unlawful and unfair business practice within the meaning of the Unfair Competition Law.

As set forth above, your decision to terminate [tenant's] tenancy without cause violates state law. As such, it is unenforceable and [tenant] need not vacate by [date] as demanded in the Notice. [Tenant] plans to exercise her right to remain in her home at this time.

We demand that you withdraw the Notice in writing no later than [date] to confirm that you no longer seek to evict [tenant]. If you fail to withdraw the Notice in writing by [date], then we will deem it withdrawn in acquiescence to the arguments herein. If you seek to enforce your decision to evict [tenant], she is determined to consider all available legal remedies and will vigorously assert her rights in court.

You may reach me at [email] or [phone]. Thank you in advance for your understanding and cooperation in this matter.

Sincerely,

[Attorney name]
[Title]