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How to Serve a Notice on a Residential Tenant

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Generally, California law requires that residential tenants be served notices by:

- personal service; or
- posting on the property and mailing a second copy, normal mail the same day; or
- substituted service by delivery to someone of suitable age and discretion and mailing a second copy, normal mail the same day.

Personal service should generally be attempted before resorting to substituted service or posting and mailing.

If the notice is posted, California law requires that it be placed in a conspicuous place on the property. The main entrance door for the property is likely the most “conspicuous place” on the property. To avoid privacy issues, it is also recommended that the notice be turned facing the door, with all four corners taped to the door securely and the words “from management” written on the outside. The second copy of the notice should also be mailed and post marked the same day for proof of service issues.

Because the last day of the notice must fall on a business day, a notice served Wednesday, Thursday, or Friday will expire on Monday at midnight.

Notices for (1) rent increases, (2) entry, and (3) termination of month to month tenancies may be served differently.

Rent Increases. Notices of rent increases may be personally served or sent by first class mail. If sent by mail, an additional five days is added before the service is effective.

Notices of Entry. Notices of entry may also be served differently than other notices. Notices of entry must be in writing in most situations. The notice may be mailed, personally delivered to the tenant, left with someone of a suitable age and discretion at the premises, or, left on, near or under the usual entry door of the premises in a manner in which a reasonable person would discover the notice. The “subservice” and “posting” methods of service for notices of entry do not require that a second copy be mailed.

The tenant must be given “reasonable notice”. The law presumes twenty-four hours is reasonable. However, if the notice is only mailed, the law presumes that six days notice of intended entry is reasonable. The only exception is in cases of an emergency or when the tenant has abandoned or surrendered the premises, when entry need not be made during normal business hours and no prior notice is necessary.

If the purpose of the entry is to exhibit the unit to prospective or actual purchasers of the property, and the landlord has notified the tenant in writing within 120 days of the oral notice that the property is for sale and that the tenant may be contacted to allow for an inspection, the notice may be given orally, in person or by telephone. At the time of the entry, the landlord or agent must leave written evidence of the entry inside the unit.

Termination of Month to Month Tenancies. A notice of termination of a month to month tenancy may be given notices by 1) personal service, or 2) posting on the property and mailing a second copy, normal mail the same day, 3) substituted service by delivery to someone of suitable age and discretion and mailing a second copy, normal mail the same day, or 4) by certified or registered mail. This last method is the least preferred as some residents may refuse to accept the certified or registered mail and not have actual notice of termination.

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