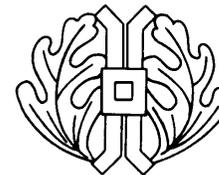


PREVENTIVE LAW SERIES

RENTING - RENT INCREASES



Prepared by:
Legal Assistance Department
Naval Legal Service Office Southwest
P.O. Box 357042
Naval Air Station, North Island
San Diego, CA 92135-7042
(619) 545-6278



A landlord is generally not prohibited from increasing a tenant's rent. However, a landlord may not increase the rent if the increase is:

- a. Discriminatory;
- b. Prohibited or limited by local rent control ordinances;
- c. Prohibited by the lease agreement; or
- d. In retaliation against the tenant for exercising a legal right.

Notice Required

If the landlord intends to increase the rent, he must give the tenant written notice. This notice must be "served" on the tenant. The time between the tenant's receipt of the notice and the date of the rent increase must be at least as long as the time between rent payments, unless the written lease agreement allows for a shorter period.

If the tenant and the landlord have a lease agreement, the landlord may not raise the rent until the lease ends, unless the lease allows otherwise.

Service of Notice

The landlord must serve notice of rent increases on the tenant in one of the following manners:

- a. By handing the notice to the tenant;
- b. If the tenant is not at the unit and is not at his workplace, the landlord may (1) leave a copy of the notice with a "person of suitable age and discretion" at the unit or workplace, and (2) mail a copy of the notice to the tenant at the rental address; or
- c. If the landlord cannot find the tenant and does not know where the tenant works, or a "person of suitable age and discretion" cannot be found at the unit or workplace, the landlord may (1) attach a copy of the notice to the unit in a conspicuous place, (2) leave a copy with any person living there, and (3) mail a copy to the tenant at the rental address.

If the landlord fails to serve the tenant in one of these ways, the notice is invalid.

LEGAL ASSISTANCE APPOINTMENTS:

For an appointment to see a legal assistance attorney, please contact the Legal Assistance Office, located in Building 610, Naval Air Station North Island, by telephone at (619) 545-6278.

RESOURCES:

California Department of Consumer Affairs: 1-800-952-5210, <http://www.dca.ca.gov>
California Civil Code Sections 1942.5, 1947.8
California Code of Civil Procedure Section 415.20