

04/04/84

Memorandum 84-48

Subject: Study of Landlord-Tenant Law

The Executive Committee of the Real Property Law Section of the State Bar suggests that the Law Revision Commission undertake a comprehensive study of California landlord-tenant law. The Executive Committee believes that the law in this area is confusing and in need of revision. The Section has two active committees working in this area that could work with the Commission in developing a recommendation. See the attached letter.

The Legislature has authorized the Commission to study this area of the law. The question for decision is whether the Commission wishes to give this study a priority. If so, the staff believes that a background study by an expert in the field (a law professor) would be needed. The study would identify the problems in this area of law, the possible solutions to those problems, and the considerations to be taken into account in determining whether the existing law should be changed and, if so, the best solution.

If the Commission decides to go ahead on this study, we should obtain the consultant as soon as possible. We will not have funds to finance a background study until after July 1, 1984. However, the staff might be able to submit its recommendation concerning a possible consultant and the terms of the consultant's contract for Commission consideration at the June meeting.

Respectfully submitted,

John H. DeMouilly
Executive Secretary

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March 22, 1984

California Law Revision
Commission
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Gentlemen:

Recently the Executive Committee of the Real Property Section of the State Bar had occasion to consider legislation which is currently pending pertaining to unlawful detainer proceedings in small claims courts. During the course of our discussion regarding this legislation, we had occasion to discuss the confusing state of California landlord/tenant law. The Executive Committee requested that I contact you to make inquiry regarding whether or not you plan on undertaking any study of landlord/tenant law and, in addition, to indicate our interest in participating with you on any such project. In the event that you are not contemplating a project to study the landlord/tenant law, then we would like to suggest that you consider doing so.

Please have the appropriate person communicate with me since we are interested in pursuing this matter. I should indicate to you we have two very active landlord/tenant committees, one of which is based in northern California and the other in southern California. Our landlord/tenant committees represent a broad spectrum of persons interested in landlord/tenant law.

Sincerely,

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