

# **California Practice Guide**

## **LANDLORD - TENANT**

CHAPTERS 1-6

**Judge Terry B. Friedman** (Ret.)  
Los Angeles Superior Court

**Judge David A. Garcia** (Ret.)  
San Francisco Superior Court

**Valentine S. Hoy**  
Allen Matkins  
San Diego

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## ABOUT THE AUTHORS



**Judge Terry B. Friedman** (Ret.) is a Mediator and Arbitrator with JAMS in Century City and Los Angeles. He was elected to the Los Angeles Superior Court in 1994 and presided over many landlord-tenant cases during his tenure. Before taking the bench, Judge Friedman served for eight years in the California State Assembly, where he authored numerous landlord-tenant laws. Before that, he was Executive Director of Bet Tzedek (1978-86) and a staff attorney at the Western Center on Law and Poverty.

Judge Friedman has represented countless tenants in lease negotiations, administrative proceedings and unlawful detainers. He is also a former Commissioner of the Los Angeles County Rent Control Adjustment Commission. He has taught at UCLA, USC and Loyola law schools and is codirector of Rutter Group programs in the landlord-tenant field. Judge Friedman is a graduate of UCLA and Boalt Hall (now known as Berkeley Law School).



**Judge David A. Garcia** (Ret.) is a Mediator and Arbitrator with JAMS in San Francisco. He was appointed to the San Francisco Municipal Court in 1983 and elevated to the Superior Court in 1990. While on the bench he presided over hundreds of landlord-tenant cases. Since retiring from the bench, Judge Garcia has mediated thousands of landlord-tenant disputes.

Before taking the bench, Judge Garcia served as General Counsel of the California Fair Employment and Housing Commission. He was also managing attorney of the San Francisco Neighborhood Legal Assistance Foundation, Mission Law Office. Judge Garcia is codirector of Rutter Group landlord-tenant programs, and was an Adjunct Professor of Law at the University of San Francisco Law School and Golden Gate University Law School where he taught amongst other courses, landlord-tenant litigation. He is a graduate of the University of San Francisco Law School and holds an LLM from Yale.



**Valentine S. Hoy** is partner in the San Diego office of Allen Matkins and is the leader of the firm's Business & Real Estate Disputes Practice Group. Mr. Hoy regularly counsels landlords and tenants in dispute resolution and litigation matters statewide and represents a variety of clients that include owners and developers of commercial, retail, office, hospitality, industrial and residential real estate.

Mr. Hoy is a graduate of Occidental College and received his juris doctorate from the University of California, Davis, School of Law (King Hall).

## PREFACE

Landlord-tenant dealings have become increasingly complex. Economic swings and the concomitant effect on supply and demand in the residential and commercial rental markets significantly impact lease negotiations and readily foster disputes between landlord and tenant.

A scarcity of rental units naturally makes rental agreements and leases more valuable, increasing a tenant's incentive to sublease or assign and a landlord's incentive to look for ways out of disadvantageous leases. Conversely, a glut of available rentals gives tenants greater bargaining power, increasing landlord willingness to agree to new rental concessions, long-term leases more favorable to tenant needs, and a general reluctance to resort to "knee-jerk" eviction remedies upon tenant defaults.

Working alongside these practical underpinnings is a tremendous body of law which steers, regulates and limits landlord-tenant substantive and procedural rights and obligations.

Not surprisingly, unlawful detainers continue among the most common matters on court dockets. This Practice Guide provides attorneys representing residential and commercial landlords and tenants with a comprehensive, systematic approach and explanation to the relevant federal, state and local law. In addition, we offer strategies and tactics, practice pointers and forms necessary to competently advise clients in rental negotiations, commencement of the tenancy, rights and obligations during the tenancy, and termination of the tenancy.

Obviously, no single book can substitute for independent research, analysis and experience. But we think you will find in this Practice Guide the basic information and tools needed to effectively handle problems commonly encountered in landlord-tenant negotiations and litigation.

We plan to keep this Practice Guide updated yearly so that it will continue to be a reliable source for all of us.

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