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Emailing Residential Tenants in California

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While email use is common and is growing faster than “snail mail”, the California legislature does not generally recognize email as a valid delivery method for most formal communications provided by California residential landlords to tenants¹. California law requires other delivery methods for most formal California residential landlord communications.

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 day².

While email has existed for decades, until recently, the California legislature ignored email as a communication method between California residential landlords and tenants. Recently, the California legislature authorized emailing three different California residential landlord communications (1) security deposit accountings (but only with the parties' agreement), (2) abandoned personal property notices, and (3) pesticide notices, when pesticides are applied by the landlord or the landlord's agent³.

Email can be used:

- for informal landlord/tenant communications⁴
- to serve security deposit accountings, if landlord and tenant have agreed (preferably written agreement) to email delivery after either party gives written notice of termination of the tenancy;
- as a supplemental method of serving abandoned personal property notices (notifying a resident or other party that when the unit was vacated, personal property was left in the unit); or
- to serve Proposition 65 notices.

1 Even if a landlord does not use an authorized service method, in some cases a notice may still be effective if there is proof that a tenant actually received it. See University of S. Cal. v. Weiss (1962) 208 Cal.App.2d 759, 25 Cal.Rptr. 475, 480 and Reserve Oil & Gas Co. v. Metzenbaum (1948) 84 Cal.App.2d 769, 774, 191 P.2d 769, 799; Colyear v. Tobriner (1936) 7 Cal.2d 735, 743, 62 P.2d 741, 745.

2 There are a few exceptions for (1) rent increases, (2) entry, and (3) termination of month to month tenancies; specific alternate service methods (not including email) are allowed for service of those specific notices.

3 Civil Code §1940.8.5.

4 Both Federal and state laws prohibit emailed “spam” (i.e. unsolicited commercial email advertisements).

For information about how to serve notices on California residential tenants, see Kimball, Tirey & St. John's article, "Service of Notices on California Residential Tenants", available at http://ClientPortal.kts-law.com/resource_library/docs/Articles/HowtoServeaNoticeonaResidentialTenant.pdf.

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