

Kimball, Tirey & St. John LLP

Legal Alert

Listing the Name of an Individual to Whom Rent Can be Delivered in Pay or Quit Notices

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The Unlawful Detainer statute requires that a notice to pay rent or quit state “*the name, telephone number, and address of the person to whom the rent payment shall be made*”. Some courts have held that the name listed in the notice must be the name of a natural person, (i.e., an individual, and not a company), and have ruled against landlords who have listed only the name of the apartment complex, ownership entity or property management company without also listing the name of an individual. While some landlords have argued that corporations qualify as “persons” under California law, this argument may not be successful with some judges who want the notice to provide tenants with the name of an individual who is authorized to accept the rent and/or take phone calls to discuss rent payments and the like, to make it easier for tenants to keep tenancies in place and avoid mistakes leading to unnecessary evictions. While there is a California statute that states that corporations are “persons,” that argument may be unsuccessful with some judges, and there is no similar statute for LLCs, Partnerships and DBAs.

In Los Angeles County, cases have been thrown out at the time of trial because the judge could not find the name of a real person on the notice. It is therefore recommended that all pay or quit notices contain the name of an individual. The individual’s name should be placed in the notice near all other payment information (i.e. next to the telephone number, payment location, and usual days and hours available for receipt of payment). Printing a name at or near the signature line may be insufficient unless the notice also states that the undersigned is the person authorized to accept rent payments. Identifying a title only (e.g. Community Manager) may likewise be insufficient. Moreover, even if the notice only allows for mailing of the rent, the notice must still list the person who can be called to discuss rental payment issues. If more than one employee is available to accept rental payments then it is sufficient to simply list the name of one of the employees. Note that a notice to pay rent or quit can still contain the name of the company, corporation or entity ownership to which the rent payments need to be made. It should also contain the name of a real person within that company who is authorized to accept and or discuss the rent demanded in the notice.

Please feel free to contact our offices with any questions on this topic.

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