

# Kimball, Tirey & St. John LLP

## Third Party Payments to California Residential Landlords

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Effective August 28, 2018, California [AB 2219](#) required residential landlords to accept rent payments through a third party, if the payor provides a signed acknowledgment stating that they are not currently a tenant of the premises and that acceptance of the rent payment does not create a new tenancy with the third party. It amended [Civil Code §1947.3](#).

[Civil Code §1947.3\(c\)](#) provides the following sample form acknowledgement:

*I, [insert name of third party], state as follows:*

*I am not currently a tenant of the premises located at [insert address of premises].*

*I acknowledge that acceptance of the rent payment I am offering for the premises does not create a new tenancy.*

(signature of third party) \_\_\_\_\_

(date)

Failure of the third party to sign the acknowledgment permits the landlord to refuse the payment from the third party. The acknowledgement may be required for each payment or the parties may agree that one acknowledgment may be sufficient when the third party makes more than one rent payment during a period of time.

[Civil Code §1947.3\(E\)](#) states “[n]othing in this paragraph shall be construed to require a landlord or landlord’s agent to enter into a contract in connection with a federal, state, or local housing assistance program...”. However, since January 1, 2020, [SB 329](#) and [SB 222](#) have required landlords to accept to accept Section 8 and VASH vouchers and other forms of rental assistance and to consider them as part of an applicant’s income (as protected sources of income under fair housing laws).

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