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Strict Compliance With Statutory Conditions: Another Challenge For California Landlords In The Eviction Process

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The long moratorium on most evictions due to the COVID-19 pandemic, as well as the de facto shutdown of the court system for civil matters, caused most California landlords to defer unlawful detainer and related landlord-tenant litigation over the past two-and-a-half years. Landlords are now resuming efforts to pursue their legal and contractual rights to enforce payment of rent and other tenant responsibilities, as well as to terminate leases and recover possession from nonperforming tenants. This resumption of eviction proceedings is occurring in the midst of a still-developing body of caselaw that holds landlords and their counsel to “strict compliance” with a number of procedural and substantive requirements imposed by the Legislature, some of which no doubt are still to be discovered by unsuspecting litigants. While not directly attributable to COVID-19, this body of law has the potential to delay and obstruct recovery of premises, and also to limit and potentially deny recovery of substantial rental arrearages, even where the tenant has clearly defaulted and is contractually liable to perform lease covenants for payment of rent and other charges.

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