

## **Tenant Tip Sheet: What to do if a landlord claims you “abandoned” your wildfire-impacted unit?**

### **1. What is “abandonment”?**

A landlord may claim abandonment if they reasonably believe you have moved out and do not intend to return. If a unit is considered abandoned, the lease may be treated as terminated, and the landlord may have the right to remove or dispose of personal belongings left in the unit, subject to state and local laws.

### **2. When can a landlord claim “abandonment”?**

A unit is not simply “abandoned” when a tenant is temporarily away. A landlord must show that *all* of the following requirements are met:

1. Your rent is at least 14 days overdue
2. Your landlord reasonably believes you moved out permanently
3. Your landlord served you a “Notice of Belief of Abandonment” that meets certain requirements under California Civil Code § 1951.3
4. After receiving the Notice, you did not respond in time:
  - If the notice was **personally delivered**: You must respond within 15 days after it was delivered.
  - If the notice was **mailed**: You must respond within 18 days after it was mailed.
  - Your landlord may allow additional time to respond, but cannot require a response in less time than stated above

### **3. If the requirements for “abandonment” are met, what happens to my personal belongings?**

If a unit is “abandoned,” a landlord may treat any belongings inside the unit as “abandoned” property. If you do not respond or reclaim your property in time, your landlord may be allowed to sell, keep, or dispose of your property depending on the value:

- If the property is worth more than about \$700, it may be sold at a public sale.
- If the property is worth about \$700 or less, the landlord may keep, sell, or dispose of it without a public sale.

Refer to California Civil Code §§ 1983–1991 for more information regarding personal property after “abandonment.”

#### 4. How can I protect my right to return to my unit and avoid a claim of “abandonment”?

- Communicate with your landlord **in writing** that you still live there and intend to return to the unit.
- Stay in regular contact with your landlord and respond promptly to any notices or messages **in writing**.
- If possible, continue paying rent and/or utilities. Ongoing payments may help you show your landlord knew you planned to return.
- Carefully check your mail, door notices, and any posted communications, and respond promptly to any “Notice of Belief of Abandonment” or similar claims.
- Keep copies of all communications with your landlord, including emails, texts, and letters.

#### 5. How do I respond to a “Notice of Belief of Abandonment” ?

Landlords are required to issue “Notice of Belief of Abandonment” and give you a chance to respond before taking action to terminate your lease or remove your property from the unit. To avoid the consequences of your landlord claiming “abandonment,” your response, should be in writing and provided to your landlord before the date specified in the notice. It must also include:

1. Your intent to return to the unit, **and**
2. An address where you can receive legal notices

Refer to the sample response provided below:

\_\_\_\_(Name of landlord)\_\_\_\_

\_\_\_\_(Address of landlord)\_\_\_\_

**RE: Notice of Belief of Abandonment – Intent to remain at [address of property]**

This notice is given pursuant to Section 1951.3 of the Civil Code concerning the real property leased by me, \_\_\_\_ (name(s) of tenant(s)) \_\_\_\_, at \_\_\_\_ (address of property) \_\_\_\_, in response to your notice of belief of abandonment, dated \_\_\_\_\_.

I do not intend to abandon the property at \_\_\_\_ (address of property) \_\_\_\_.

My address for service via certified mail is: \_\_\_\_\_.

Dated: \_\_\_\_\_ (signature of tenant(s)) \_\_\_\_

\_\_\_\_ (Type or print name(s) of tenant(s)) \_\_\_\_

*Disclaimer: The information provided in this document is for informational purposes only and does not constitute legal advice. You should consult with a qualified attorney for advice regarding your specific circumstances.*

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