



California Tenants -- Letter to send notice to landlord of unfair returned check fee

Instructions:

1. [Click here to open a Microsoft Word version of this sample letter](#)
2. The Microsoft Word-version will have the same blank spaces as this version, but will not have the comments in the margin. Fill out the blanks in the Microsoft Word-version using the comments on the margins of this version as a guide.
3. This sample letter is intended to be used by tenants who have been charged an unfair late fee.
4. Please note that you should **tailor this letter to the facts in your case**. This template is **not a substitute for legal advice**. If you need help finding a tenant attorney, please see the [Tenants Together Directory](#).
5. Once filled out with your information, keep a copy for your records.

Sent via Certified Mail- Return Receipt Requested

( )

**Comment [AI1]:** Date

( )

**Comment [AI2]:** Full name of landlord and/or property manager

( )

**Comment [AI3]:** Address of landlord and/or property manager

Dear ( ),

**Comment [AI4]:** Full name of landlord and/or property manager

I ( ) am a tenant at ( ).

**Comment [AI5]:** Tenant's Name(s)

**Comment [AI6]:** Address, City, State, ZIP

As you know, on ( ) I was charged a returned check fee.

**Comment [AI7]:** Date you were charged a return check fee

Under California law, returned check fees are strictly limited. In order for a landlord to charge the tenant a fee for any returned checks, the lease or rental agreement must explicitly authorize such a fee, and the fee must be reasonable. A reasonable fee could be the amount

that the bank charges the landlord for the returned check, plus any actual costs to the landlord caused by the returned check.

Under California's "bad check" statute, a landlord may chose to charge either a returned check fee *or* a service charge of up to \$25 for the first check that is returned for insufficient funds, and up to \$35 for each additional returned check. *California Civil Code §1917(a)(1)*. However, the landlord cannot collect both a returned check fee and a service fee.

Thank you for your attention to this matter.

Sincerely,

( \_\_\_\_\_ )

( \_\_\_\_\_ )

**Comment [A18]:** Your signature

**Comment [A19]:** Your full name