



California Tenants -- Letter to assert rights under the price gouging ban due to the state of emergency in effect from April 2018 - December 4th 2018

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 if you have a received a notice of rent increase ABOVE 10%
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 of this letter for your records.
6. If you primarily deal with the property manager, consider sending a copy of this letter to the owner of the property.

Sent via Certified Mail- Return Receipt Requested

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Commented [SSL1]: DATE

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Commented [SSL2]: FULL NAME OF LANDLORD OR PROPERTY MANAGER

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Commented [SSL3]: FULL ADDRESS OF LANDLORD OR PROPERTY MANAGER

Dear (),

Commented [SSL4]: NAME OF LANDLORD OR PROPERTY MANAGER

On (), I received a notice from you of a rent increase at () of () % percent. I am writing to inform you that the notice does not comply with California Penal Code section 396.

Commented [SSL5]: DATE YOU RECEIVED NOTICE OF RENT INCREASE

Commented [SSL6]: ADDRESS OF UNIT WHERE NOTICE WAS RECEIVED

On () the Governor of California declared a state of emergency in (), California. California Penal Code section 396 prohibits price gouging (increases over 10%) for necessary goods and services after the governor declares a state of emergency. Housing is specifically enumerated as one of the services for which the price cannot be raised over 10%.

Commented [SSL7]: PERCENT INCREASE OF NOTICE

Commented [SSL8]: Date that the Governor declared a state of emergency in effect , to see recent states of emergency read the governors Executive Orders here: https://www.gov.ca.gov/category/executive-orders/

Commented [SSL9]: County or City that the state of emergency went into effect (see above for how to find this)

[Include only if you are outside of the counties listed above: The price gouging ban is not limited to the counties where the state of emergency is declared. According to the California Attorney General, "The statute does not restrict its protection to a city or county where the emergency or disaster is located. It is intended to prevent price gouging anywhere in the state where there is increased consumer demand as a result of the declared emergency." The state of emergency has impacted the demand for housing in our area.]

Commented [SSL10]: Include only if you are outside of the counties listed above

The notice you provided me on () does not comply with the above California Penal Code, and therefore it is not valid. Please be informed that price gouging a tenant is not just a civil violation, but a criminal misdemeanor under the law. Anyone convicted of violating the statewide anti-price-gouging law can face a year in county jail, a fine of up to \$10,000, or both, as well as civil penalties. Local ordinances may impose additional penalties.

Commented [SSL11]: DATE NOTICE WAS RECEIVED

Please confirm immediately that you are withdrawing the notice and that I should continue to pay my existing rent amount of \$().

Commented [SSL12]: CURRENT RENT AMOUNT

Sincerely,

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Commented [SSL13]: YOUR SIGNATURE

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Commented [SSL14]: YOUR FULL NAME