

Second Notice of Landlord's Breach of Obligation to Maintain a Residential Unit

Cal. Civil Code § 1941.1(a)

To: _____
(name and address of landlord)

From: _____
(name of tenant)

I am writing to you as owner/operator of the rental property commonly known as: _____
(address of rental unit)

This notice is to inform you that you have continued to breached your obligations under *Civil Code § 1941.1(a)* **despite prior written notice.**

The following conditions continue to be in **need immediate attention and must be corrected within the next 24 to 48 hours.** (*This section is only to be used in emergency situations.*)

1. _____
2. _____
3. _____
4. _____

The following conditions are in **urgent need of repair and must be corrected within one week.**

1. _____
2. _____
3. _____
4. _____

If the necessary steps are not taken to correct the above conditions within the time periods indicated above, I will be forced to do one or more of the following:

1. Use the rent money to correct these conditions myself pursuant to Civil Code §1942.
2. Obtain a Court order pursuant to Civil Code 1174 and *Hyatt v. Tedesco (2002) 96 CA4th Supp 62, 67*. Ordering that:
 - the rent be reduced to reflect the breach,
 - the landlord to make repairs,
 - the rent remain reduced until the repairs are made.
3. Terminate our rental agreement pursuant to *Petroleum Collections Inc. v. Swords (1975) 48 CA3d 841, 847*. “If the tenant vacates the premises because of the landlord's breach of the covenant of quiet enjoyment, the tenant may recover damages for constructive eviction.”
4. Apply for a court order reducing my rent until you correct such conditions, under *Green v. Superior Court (1974) 10 C3d 616, 635-637*. “If the landlord breaches the warranty of habitability, the tenant is excused from paying rent in the full amount set by the lease; the tenant may retain possession of the premises and pay only a reasonable amount of rent.”

Please respond to this request by making all the needed repairs to my home promptly.

Sincerely,

(Tenant's Signature)

(Date)