California Month-to-Month Rental Agreement

General template, not legal advice. Have a California attorney review before use. Last reviewed October 29, 2026.

This Month-to-Month Rental Agreement (the "Agreement") is made on _____ (Date signed) between the landlord and the tenant or tenants named below, for a home located in California. The law of that state governs this Agreement.

1. Parties

Landlord or managing agent

Landlord address for notices

Landlord phone and email

Tenant 1 full name

Tenant 2 full name

Other occupants

Each tenant who signs is fully responsible for all rent and other obligations under this Agreement.

2. Property

Street address and unit

City, state and ZIP

Parking or storage included

Appliances and furniture included

3. Monthly term

The tenancy starts on _____ (Start date) and continues from month to month. Each rental period starts on the _____ (First day of each period) day of the month. There is no fixed end date.

4. Ending the tenancy

Either party may end this tenancy by giving the other written notice at least _____ (Notice period in days) days before the end of a rental period, or any longer period that California law requires for the length of this tenancy. Notice from one tenant ends the tenancy for all tenants unless the landlord agrees otherwise in writing.

A landlord's notice to end the tenancy must comply with any state or local rule that requires a reason, a longer notice period, or relocation help. The landlord will not end the tenancy to retaliate against the tenant or for any discriminatory reason.

> Notice to end a month-to-month tenancy in California: A tenant on a month-to-month agreement gives at least 30 days of written notice; a landlord gives 30 or 60 days depending on how long the tenant has lived there. (Civil Code sections 1946 and 1946.1)

5. Rent

Rent is $_____ (Monthly rent) per month, due in advance on the _____ (Due day) day of each month, paid by _____ (Accepted payment methods). Rent for the first partial month is $_____ (Prorated first month rent).

If rent is not received within _____ (Grace period in days) days after it is due, a late charge of $_____ (Late charge) applies, to the extent allowed by law. Returned payments incur a fee of $_____ (Returned payment fee).

> Late fee limits: _____ (check the rule in California)

6. Changes to rent or terms

The landlord may change the rent or other terms by giving written notice at least as far in advance as California law and any local ordinance require. A change takes effect at the start of a rental period after the notice period ends.

> Rent increase notice in California: A month-to-month rent increase of 10 percent or less within 12 months needs at least 30 days of written notice. (Civil Code section 827) An increase of more than 10 percent within 12 months needs at least 90 days of written notice. (Civil Code section 827)

> Rent control in California: California has a statewide cap on annual increases for many rentals, and cities may run stricter programs within limits set by state law. (Tenant Protection Act of 2019 (AB 1482) and Costa-Hawkins Rental Housing Act)

7. Security deposit

The tenant pays a security deposit of $_____ (Security deposit amount) on signing. The landlord may use it for unpaid rent, damage beyond normal wear and tear, and cleaning needed to restore move-in condition. The balance and an itemized statement go to the tenant's forwarding address within the deadline set by California law.

> Deposit limit in California: Most landlords may collect no more than one month of rent as a deposit, while a small landlord (a person or family LLC owning no more than two properties with four units in total) may collect up to two months. (Civil Code section 1950.5 (as amended by AB 12, 2023))

> Deposit return deadline in California: The landlord must return the deposit, minus any lawful deductions, within 21 days after the tenant moves out. (Civil Code section 1950.5)

8. Utilities

Tenant pays: _____ (Utilities paid by tenant). Landlord pays: _____ (Utilities paid by landlord).

9. Use, guests and pets

The home is a private residence for the people named above. Guests may stay up to _____ (Maximum guest stay in days) days in a row. Pets are _____ (Allowed, allowed with approval, or not allowed); approved pets: _____ (Approved pets). Assistance animals are handled under fair housing law, not this pet clause. Smoking inside is _____ (Allowed or not allowed).

10. Care, repairs and alterations

The landlord keeps the home safe and fit to live in and makes needed repairs within a reasonable time after notice. The tenant keeps the home clean, reports problems promptly in writing to _____ (How to request repairs), and pays for damage caused by the tenant, occupants, guests or pets. The tenant makes no alterations without written consent.

11. Entry

The landlord may enter at reasonable times for inspections, repairs and showings after giving the advance notice California law requires, and at any time in an emergency.

> Entry notice in California: Landlords must give reasonable written notice before entering, and 24 hours is presumed reasonable (6 days if the notice is mailed), except in emergencies. (Civil Code section 1954)

12. Subletting

The tenant may not sublet, assign, or rent the home for short stays without the landlord's written consent.

13. Default

If rent is unpaid or another term is broken, the landlord may serve the notice California law requires and, if the problem is not cured, end the tenancy through the courts. The landlord will not use lockouts, utility shutoffs or removal of belongings to force the tenant out.

> Notice for unpaid rent in California: For unpaid rent, the landlord serves a 3-day notice to pay rent or quit, and the three days do not count Saturdays, Sundays or judicial holidays. (Code of Civil Procedure section 1161)

14. Moving out

On move-out the tenant returns all keys, removes belongings, leaves the home clean, and gives a forwarding address in writing.

15. Disclosures

- ☐ Lead-based paint disclosure and pamphlet (homes built before 1978)
- ☐ Move-in condition checklist
- ☐ House or community rules
- ☐ State or local disclosures that may also be required: check

> State disclosures in California: Homes built before 1978 need the federal lead-based paint disclosure and the EPA pamphlet. (Residential Lead-Based Paint Hazard Reduction Act (42 U.S.C. 4852d)) Leases must include the statutory notice about the Megan's Law sex offender database. (Civil Code section 2079.10a) Landlords must give new tenants written information about bed bugs. (Civil Code section 1954.603) Landlords must disclose if the property is in a special flood hazard area they know about. (Government Code section 8589.45)

16. General terms

This Agreement and its attachments are the full agreement. Changes are made in writing, except rent or term changes made by proper notice under section 6. If one part is unenforceable, the rest remains. Electronic signatures count as originals.

17. Signatures

Landlord or agent signature

Printed name

Date

Tenant 1 signature

Printed name

Date

Tenant 2 signature

Printed name

Date

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