

# Your Landlord Can't Harass You

Your landlord—or anyone acting for your landlord—can't harass you out of your home. Landlords cannot lock you out, shut off your utilities, forcibly enter your home without notice, remove your belongings, or harass you into leaving your home.

## Harassment

Your landlord or landlord's agent can't verbally or physically threaten or harass you. Just because he is the landlord, doesn't mean he's above the law.

## What You Can Do

1. Keep a log of every incident of harassment. You may need this later if you go to court.
2. Write a letter to the landlord demanding that the harassment be stopped. Keep a copy of the letter.
3. Do not be afraid to call the police if you feel threatened.
4. You have the right to file for a Restraining Order in Superior Court restricting when your landlord may contact you. Forms are available at the Superior Court Clerk at the Superior Courthouse.
5. If the harassment doesn't stop and gets worse, talk to an attorney about suing your landlord.

## Landlord Entry

A landlord or landlord's agent can enter your home without your consent only by giving you 24 hours written notice and only in the following situations:

- To make necessary or agreed-upon repairs
- To show it to prospective tenants, buyers, mortgage holders, repair persons, or contractors.
- When the tenant has moved.
- When there is a court order authorizing entry by the landlord.

## What You Can Do:

1. Write a letter demanding these illegal entries be stopped. Demand 24 hours notice for future entries. You can also demand that these visits be made only during normal business hours, Monday through Friday, 9-5.
2. Keep a list of all known entries. Talk to your neighbors. You can serve as witnesses for each other.

## Utility Shut-Offs

Your landlord—or anyone acting for your landlord—may not shut off any of your utilities for purpose of evicting or harassing you. Utilities include: water, heat, gas, electricity, elevator service and telephone.

## What You Can Do:

1. Keep a list of all incidents, the dates, and the length of time that your service was turned off.
2. Inform your landlord in writing that you know your rights, the utility cutoff is illegal and that you want the situation remedied immediately. Keep a copy.

3. Call the utility company and try to get the service turned back on.
4. Under California Civil Code Section 789.3, you can sue the landlord for up to \$100 per day, but not less than \$250, plus actual damages and attorneys fees. You can hire a lawyer to bring suit or file suit in Small Claims Court.

### **Lockouts**

Your landlord—or anyone acting for your landlord—can't lock you out, change your locks, plug the hole in your lock, remove any part of your door or windows, remove your property, or in any fashion try to block your entry to your home.

### **What You Can Do:**

1. Keep a record of all such incidents.
2. You have a right to regain entry to the premises even if you have to break in.
3. Call the police. The landlord is guilty of violating Penal Code 418 and is liable for arrest.
4. Write a letter to your landlord stating that you are aware of your rights as a tenant, that s/he is in clear violation of the law, and that you want the situation remedied with no further harassment. Keep a copy of the letter; it will be good evidence if you have to take the landlord to court later.
5. Under California Civil Code Section 789.3, you can sue the landlord for up to \$100 per day, but not less than \$250, for damages, plus attorneys fees. You can hire a lawyer to bring suit or file suit in Small Claims Court.
6. You can ask the court to keep the landlord from locking you out again.

### **The Eviction Process**

There are five main steps before you can be evicted:

1. You must receive a three or thirty or sixty day notice.
2. After you receive a three, thirty or sixty day notice, you must receive a copy of the eviction lawsuit (called Unlawful Detainer); Note that you only have FIVE DAYS to respond.
3. You and your landlord go to court and tell you story to a judge or jury.
4. There must be a court judgment against you.
5. The sheriff must come to evict you if the court rules against you; only the sheriff can have you physically removed, even if the court ruled against you.

### **What You Can Do:**

Upon receiving a three, thirty, or sixty day notice, you may be able to negotiate with the landlord to correct the problem. This notice does not mean you have to move out in three, thirty or sixty days, it merely means the landlord can file an eviction lawsuit after the three, thirty or sixty days expires. If the landlord agrees to negotiate, get any arrangements you make in writing. If the landlord is unable to put them in writing, you can write a letter confirming your oral agreement. Make sure to keep copies of all agreements and letters.

If your landlord is unwilling to negotiate and serves you with an eviction lawsuit, you will need some help.