



Rights of Tenants: Illegal Lockout

CAN MY LANDLORD LOCK ME OUT OF MY HOME?

The only way a landlord can legally evict a tenant is by giving proper written notice, obtaining a court order for eviction, and having the Sheriff enforce the order. It is illegal for a landlord to prevent a tenant's access to his or her home by changing the locks without a court order. A landlord cannot legally remove your personal property while you live there without prior notice and court order for eviction. One rare exception is if you are the only lodger in an owner-occupied home. In that instance the homeowner does not have to go to court to evict you, but must still give you written notice of the time by which you must move. (California Civil Code Section 1946.5).

CAN MY LANDLORD CUT OFF MY UTILITIES TO FORCE ME TO MOVE?

A landlord cannot try to force you to move by cutting off your utility services. Utilities include things like water, heat, electricity, gas, and telephone. This rule applies whether or not the utility is under the landlord's control. If this happens, you can call the utility company directly to report the problem and to ask them how the utility service can be restored. (California Civil Code 789.3)

WHAT CAN I DO IF MY LANDLORD LOCKS ME OUT?

If you find that you have been locked out, call your local police at a non-emergency telephone number for the closest precinct. Ask for an officer to come to the property for a "civil stand-by." Show the responding officer any items or documents in your possession that show you live at this address and that you are a tenant (e.g., your ID with the address, your mail to that address, your DMV registration, rent receipts, your lease, or any prior notices served to you by the landlord). Police officers will generally instruct the landlord to let you back into your home if they assess the situation as an illegal lockout. Even if the police do not arrest your landlord, ask them to write a report about the incident. By locking you out, the landlord may have committed a misdemeanor. (California Penal Code 418).

CAN I SUE MY LANDLORD FOR LOCKING ME OUT?

If your landlord has locked you out or has shut off your utilities to force you to move, you can sue her/him to regain possession of your place or to turn the utilities back on. You must do this quickly, before the landlord rents the place to another person who doesn't know you have a claim to the home. You can also sue for money including: your actual damages (for example, the cost to stay somewhere else while you are locked out); \$100 per day for each day the landlord continues to violate the law, but not less than \$250; and attorney's fees. (California Civil Code 789.3(c)).

IF YOU HAVE BEEN ILLEGALLY LOCKED OUT OF YOUR HOME AND NEED HELP ASSERTING YOUR RIGHTS, CALL THE LEGAL AID SOCIETY AT (650) 517-8911 or 1-800-381-8898.