



## KNOW YOUR RIGHTS AS A CALIFORNIA TENANT EVICTIONS

**As a tenant**, knowing your rights is critical. You may be protected from certain types of evictions, and you may be able to prevent an eviction by fixing the issue identified in an eviction notice. The key is to act quickly—do not ignore notices or court papers, and seek legal help as soon as possible. Evictions can move fast, and you could lose a court case automatically if you take too long to act.

- **You can only be evicted by a court order.** It is illegal for a landlord to lock you out, shut off your utilities, or remove your things to force you out. Only a Sheriff, a Marshal, or their deputies may evict you, and only with a court order. Your landlord can only get a court order by starting an eviction case (also called an “unlawful detainer”).
- **Your landlord must first give you a written eviction notice.** Before your landlord can start an eviction case against you, they must give you a written notice stating why they want to evict you and how much time you have to do what they ask or move out. Your landlord cannot start an eviction case until the deadline in the notice has passed. The notice must be either (1) given to you in person; (2) given to another adult in your home and mailed to you; or (3) posted on your home and mailed to you. Just an email or text message, or verbal notice, is not enough.
- **Read the notice carefully.** Some notices give you an opportunity to pay money owed or to fix a problem. These are called “pay or quit” or “perform or quit” notices because they give you the option of fixing the problem **or** “quitting” (meaning, moving out) before a deadline. Other notices only give you a deadline to move out. If you don’t move out or fix the problem before the deadline, your landlord can start an eviction case, meaning they can ask a judge to order you to move out and possibly pay your landlord money. Here are some common types of notices:

Title of Notice	What it Means
3-Day Notice to Pay or Quit	Pay rent or move out within 3 days
3-Day Notice to Perform (or Cure) or Quit	Fix a problem or move out within 3 days
3-Day Notice to Quit	Move out within 3 days due to a serious lease violation that the landlord claims cannot be fixed
30-Day or 60-Day Notice to Quit	Move out because your lease term has expired or for a valid “no fault” reason

- **Try to fix the issue in the eviction notice before the deadline.** If you do what the landlord says by the deadline, your landlord should not be able to get a court order evicting you. **Get legal help** if you have questions about a notice or if there’s something wrong with the notice.
  - o If the notice asks you to pay rent or fix a problem within a certain number of days:
    - Calculate the deadline by counting the number of **business days**. Start from the day after the notice was given to you and skip any Saturdays, Sundays, or [court holidays](#).<sup>1</sup> For example, if a 3-day Notice to Pay is delivered on the Friday before a non-holiday weekend, the deadline is the following Wednesday.
    - If you can pay the amount or fix the issue, be sure to tell your landlord in writing (a letter, email, or text message) when you have done so. Keep copies of that writing and of proof that you paid or fixed the issue, such as photographs and receipts.
  - o If the notice tells you that you must move out within a certain number of days:
    - Count **every day** starting with the day after the notice was given to you. Do not skip any days.
    - If the last day that you count (e.g., the 3<sup>rd</sup> or 30<sup>th</sup> day) is a Saturday, Sunday, or a [court holiday](#),<sup>2</sup> then the deadline is the next business day.

1 [www.courts.ca.gov/holidays.htm](http://www.courts.ca.gov/holidays.htm)

2 [www.courts.ca.gov/holidays.htm](http://www.courts.ca.gov/holidays.htm)



- o Even if you don't move out by the deadline, your landlord cannot force you out—they must start an eviction case in court.
- **Notify your landlord in writing if you decide to move out before being evicted.** Always keep copies of any notices or letters you send to your landlord, and return your keys before leaving. This can help protect your credit record and prevent a court from ordering you to pay your landlord money.
- **Act immediately if you get eviction-related court documents.** To start an eviction case, your landlord has to serve you with court documents called a “Summons” and a “Complaint.” If you receive any court document related to an eviction, **get legal help right away.**
  - o Once your landlord serves you with court documents, you will have only **5 business days** to file a response in court.
  - o If you fail to file a response in court within 5 business days, your landlord may win automatically by getting a default judgment against you.
  - o If you do respond, your landlord (or you) can ask for a trial. The court will mail you a letter with your court date. If you don't hear about a court date after a week, call or visit the court clerk's office to see if a court date has been scheduled.
  - o For more information about eviction trials, visit the [California Courts' webpage on eviction trials](#).<sup>3</sup>
  - o If your landlord wins their eviction case, the court can order you to pay the landlord money and a Sheriff or Marshal can make you move out after posting a notice on your door. The fact you were evicted can be on your credit record for 7 years.
- **You may have defenses against eviction under state, federal, or local laws.** Certain types of evictions and high rent increases are illegal statewide. For example, for most tenants, a landlord must have a valid reason, also known as “just cause,” to evict a tenant who has lived in a rental for more than a year. Your local government may provide additional eviction and rent-increase protections. There are also laws protecting you from discrimination and retaliation. To learn more about your rights as a tenant, visit our [Landlord-Tenant webpage](#).<sup>4</sup> The [California Courts webpage](#)<sup>5</sup> has self-help information about evictions, rent control, security deposits and legal service programs that are available to help you. The [California Civil Rights Department](#)<sup>6</sup> has helpful information about housing discrimination, reasonable accommodations for people with disabilities, and landlord harassment. The [California Department of Housing and Community Development](#)<sup>7</sup> has information about evictions and other issues faced by mobilehome park residents. Your city or county may also have laws that prevent certain types of evictions, limit rent increases, and prevent landlord harassment.

**Get legal help as soon as possible** to learn about your options. If you cannot afford a lawyer, you may qualify for free or low-cost legal aid. To find a legal aid office near where you live, visit [LawHelpCA](#).<sup>8</sup> Then click on the tab in the middle of the page that says “Find Legal Help,” and enter your county. If you do not qualify for legal aid and need help finding a lawyer, visit the [California State Bar webpage](#)<sup>9</sup> to find a local certified lawyer referral service, or visit the [California Courts' webpage](#)<sup>10</sup> for tenants facing evictions.

For more information and resources, visit [www.oag.ca.gov/housing](http://www.oag.ca.gov/housing).

3 [www.selfhelp.courts.ca.gov/eviction-tenant/trial](http://www.selfhelp.courts.ca.gov/eviction-tenant/trial)

4 [www.oag.ca.gov/consumers/general/landlord-tenant-disputes](http://www.oag.ca.gov/consumers/general/landlord-tenant-disputes)

5 [www.courts.ca.gov/selfhelp-housing.htm](http://www.courts.ca.gov/selfhelp-housing.htm)

6 [calcivilrights.ca.gov/Posters/](http://calcivilrights.ca.gov/Posters/)

7 [www.hcd.ca.gov/manufactured-and-mobilehomes/mobilehome-assistance-center/your-rights-mobilehome-park-resident](http://www.hcd.ca.gov/manufactured-and-mobilehomes/mobilehome-assistance-center/your-rights-mobilehome-park-resident)

8 [www.lawhelpca.org/issues/housing/evictions](http://www.lawhelpca.org/issues/housing/evictions)

9 [www.calbar.ca.gov/Public/Need-Legal-Help/Using-a-Certified-Lawyer-Referral-Service](http://www.calbar.ca.gov/Public/Need-Legal-Help/Using-a-Certified-Lawyer-Referral-Service)

10 [www.selfhelp.courts.ca.gov/eviction-tenant](http://www.selfhelp.courts.ca.gov/eviction-tenant)