

# California Law Protects Survivors from Eviction



*All too often, landlords attempt to evict survivors of domestic violence, sexual assault, stalking, human trafficking, or elder/dependent adult abuse because of disturbances, violence, or damage caused by an abuser. California Code of Civil Procedure Section 1161.3 prohibits landlords from evicting survivors because of the violence committed against them.*

## 1. What does the eviction defense law do?

California Code of Civil Procedure Section 1161.3 prohibits a landlord from evicting a tenant (or refusing to renew a tenant's lease) based on acts of domestic violence, sexual assault, stalking, human trafficking, elder abuse, or dependent adult abuse committed against the tenant. The law is designed to prevent survivors from being evicted simply for reporting abuse.

## 2. When can a survivor use this law?

Survivors who are renters in California can use this law as a defense to an eviction action, as long as he or she (1) has obtained a restraining order or police report that is not older than 180 days and (2) does not live with the abuser.

## 3. What types of proof does a survivor need to use the law?

The survivor must have a restraining order or police report documenting the domestic violence, sexual assault, stalking, human trafficking, elder abuse, or dependent adult abuse. The restraining order or police report cannot be more than 180 days old.

## 4. Even if the survivor provides this information, can he or she still be evicted?

A survivor who provides the required information may still be evicted (or fail to obtain a lease renewal) if he or she has already used this law for protection, AND either: (1) the survivor allows the person named in the restraining order or police report to visit the property; OR (2) the landlord reasonably believes the abuser is a physical threat to other tenants or people on the property, or to a tenant's "right to quiet possession." Before

evicting the survivor, however, the landlord must provide notice to the survivor and give him or her three days to address the problem. Advocates should work to promote understanding among landlords that oftentimes, abusers force their way into a survivor's home through the use of force and/or intimidation, or by engaging in stalking activities. Therefore, such intrusions should not be viewed as a survivor allowing an abuser to visit the property.

## 5. What if the survivor lives with the abuser?

If the survivor lives with the person named in the restraining order or police report, the law does not apply. However, advocates still should work with the landlord to think of alternatives to evicting the survivor, such as allowing him or her to relocate to another property owned by the landlord.