



# **Know Your Rights: Housing Protections for Domestic Violence Victims**

## **California Code of Civil Procedure Section 1161.3**

Are you a victim of domestic violence, violent threats, sexual assault, human trafficking, or stalking?

Has your landlord tried to make you move out because of crimes committed against you?

**California Code of Civil Procedure  
Section 1161.3 may help you.**

# Housing Protections for Domestic Violence Victims

## 1. What is California Code of Civil Procedure Section 1161.3?

The law stops landlords from making tenants move out because they have been victims of domestic violence, violent threats, sexual assault, human trafficking, stalking, or elder/dependent adult abuse.

## 2. What does the law do?

In most California cities, a landlord can end a tenancy for any reason. A landlord may be able to evict you because of noise complaints, fighting, or calls to the police, even if these acts were related to violence against you. The law stops landlords from evicting you based on acts of domestic violence, sexual assault, human trafficking, stalking, or elder/dependent adult abuse committed against you.

## 3. Who can use the law?

You can use the law if you:

- Rent your home.
- Have a restraining order or police report.
- Do not live with the person who committed the abuse against you.

## 4. What if my landlord tries to evict me because of the abuse against me?

If your landlord tries to evict you because of the abuse against you, the law may protect you. Ask a domestic violence agency or legal aid attorney to help you right away if you receive an eviction notice.

## 5. What type of proof do I need to use the law?

The law may protect you if you have:

- A restraining order, OR
- A police report showing that you were the victim of domestic violence, sexual assault, human trafficking, stalking, or elder/dependent adult abuse.

The police report or restraining order can be no more than 180 days old.

## 6. What if I do not have a police report or restraining order?

The law requires that you have either a police report or restraining order. If you don't have these documents, ask a domestic violence agency or legal aid to help you talk to your landlord. These agencies also can help you get a restraining order.

## 7. Can my landlord ever make me move out because of the abuse?

Yes. Even if you are a victim, your landlord still can end your tenancy for two reasons:

- You allow the person named in the restraining order or police report to visit the property, or
- The abuser is a physical threat to other tenants or to their use of the property.

If your landlord seeks to evict you for one of these reasons, he or she first must notify you of the problem and give you three days to correct it.

## 8. What if I live with the abuser?

This law does not apply to you if you live with the abuser. Ask a domestic violence agency or legal aid to help you talk to your landlord about your options.

## 9. What if I need help to use the law?

If you believe your landlord isn't following the law, contact a legal aid attorney, fair housing agency, or domestic violence agency.



## **Conozca sus derechos: Protecciones de vivienda para víctimas de violencia doméstica**

### **Artículo 1161.3 del Código de Procedimiento Civil de California**

¿Es víctima de violencia doméstica,  
amenazas violentas, ataque sexual, trata  
de personas o acecho?

¿El arrendador ha tratado de desalojarlo  
por los delitos cometidos contra usted?

**El artículo 1161.3 del Código de  
Procedimiento  
Civil de California puede ayudarlo.**

# Protecciones de vivienda para víctimas de violencia doméstica

## 1. ¿Qué es el artículo 1161.3 del Código de Procedimiento Civil de California ?

La ley impide a los arrendadores que desalojen a los inquilinos porque han sido víctimas de violencia doméstica, amenazas violentas, ataque sexual, trata de personas, acecho o maltrato de ancianos o adultos dependientes.

## 2. ¿Cómo actúa la ley?

En la mayoría de las ciudades de California, un arrendador puede terminar un arrendamiento por cualquier motivo. Un arrendador puede desalojarlo por quejas de ruidos, peleas o llamadas a la policía, aun cuando estos actos estén relacionados con la violencia contra usted. La ley impide a los arrendadores que la desalojen debido a actos de violencia doméstica, ataque sexual, trata de personas, acecho o maltrato de ancianos o dependientes cometidos contra usted.

## 3. ¿Quiénes pueden usar la ley?

Puede usar la ley en los siguientes casos:

- Si alquila su casa.
- Si tiene una orden de restricción o un informe policial.
- Si no vive con la persona que cometió el

maltrato contra usted.

## 4. ¿Qué sucede si el arrendador trata de desalojarme debido al maltrato cometido contra mí?

Si el arrendador trata de desalojarlo debido al maltrato contra usted, la ley puede protegerlo. Pida a una agencia de violencia doméstica o a un abogado de asesoramiento legal que lo ayude de inmediato si recibe un aviso de desalojo.

## 5. ¿Qué tipo de prueba necesito para aplicar la ley?

La ley puede protegerlo si tiene lo siguiente:

- Una orden de restricción, O
- Un informe policial en el que se especifique que usted fue víctima de violencia doméstica, ataque sexual, trata de personas, acecho o maltrato de ancianos o adultos dependientes.

El informe policial o la orden de restricción pueden tener hasta 180 días de antigüedad.

## 6. ¿Qué sucede si no tengo un informe policial o una orden de restricción?

La ley exige que tenga un informe policial o una orden de restricción. Si no tiene estos documentos, pida a una agencia de violencia doméstica o a un asesor legal que la ayuden a hablar con el arrendador. Estas agencias también ayudan a obtener una orden de restricción.

## 7. ¿El arrendador puede desalojarme debido al maltrato ?

Sí. Aunque usted sea víctima, el arrendador puede terminar su arrendamiento por dos motivos:

- Porque usted permitió que la persona nombrada en la orden de restricción o en el informe policial visitara la propiedad.
- Porque el agresor es una amenaza física para otros inquilinos o para el uso de la propiedad.

Si el arrendador procura desalojarlo por uno de estos motivos, debe notificarle sobre el problema y darle tres días para solucionarlo.

## 8. ¿Qué sucede si vivo con el agresor?

La ley no se aplica a su caso si vive con el agresor. Pida a una agencia de violencia doméstica o de asesoramiento legal que lo ayude a hablar con el arrendador sobre sus opciones

## 9. ¿Qué sucede si necesito ayuda para aplicar la ley ?

Si considera que el arrendador no respeta la ley, comuníquese con un abogado de asesoramiento legal, una agencia de vivienda justa o una agencia de violencia doméstica.

# 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.