

LEGAL AID SOCIETY OF SAN MATEO COUNTY

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or

[www.dca.ca.gov/legal/landlordbook/
index.html](http://www.dca.ca.gov/legal/landlordbook/index.html)

This pamphlet is designed to provide general information on the law, which may change. If you have a specific legal problem, you may wish to see a lawyer.

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LOCKOUTS

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Prepared by the
Legal Aid Society of
San Mateo County

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CAN MY LANDLORD LOCK ME OUT?

The only way a landlord can evict you is by giving your proper legal notice, obtaining a court order for your 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. A landlord cannot legally remove your property, including furniture, without prior consent. Your landlord cannot enter your home when you are away or without prior notice when you are home to threaten you to leave.

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, telephone, elevator, and refrigerator. 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 utilities can be turned on.

WHAT CAN I DO IF MY LANDLORD LOCKS ME OUT?

In this case you may try calling the police on "civil stand-by" to see if they can convince the landlord to let you back into your home. Even if the police do not arrest your landlord, ask them to

write a report about the incident. By locking you out, the Landlord has committed a misdemeanor ("forcible entry", "malicious mischief", and "unauthorized entry")

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 possession of the place. You can also sue for damages, including:

1. your actual damages (for example, the cost to stay somewhere else while you are locked out, filing fees, etc.);
2. \$100 per day for each day the landlord continues to violate the law, but not less than \$250;
3. attorney's fees.

If you do not want to return to the premises and only want the landlord to pay your damages, you can sue him/her in Small Claims Court for damages up to \$7,500 or in Superior Court if your damages are more than \$7,500.

WHAT ARE MY RIGHTS IF I AM RENTING ONE ROOM IN A HOUSE?

If you are the only tenant in an owner-occupied home, the landlord does not have to go to court to evict you. All she/he must do is give you written notice one rental period prior to putting you out (such as 7 days if you pay rent every week). Then she or he can have you removed from the building for trespass under Penal Code Section 602.3 and Civil Code Section 1946.5 by calling the police.