

California Housing Law – Top Takeaways

- 1** | **There is statewide rent control for most units.** Landlords cannot raise rent more than 10% total or 5% plus the percentage change in the cost of living – whichever is lower – over a 12-month period. Most units in multi-unit buildings (built at least 15 years ago) are subject to this rent control law and local rent control protections may further restrict rent increases.
- 2** | **Security deposits have new limits.** Beginning July 1, 2024, the maximum security deposit for a unit (furnished or unfurnished) is one month's rent (or up to 2 months rent under some narrow exceptions). The best protection against having a landlord keep your security deposit is to take photos at move-in and move-out, as well as do a walk-through with your landlord.
- 3** | **A low credit score cannot be the only deciding factor for a landlord to deny a prospective tenant applying for subsidized housing.** The housing provider must offer the opportunity to allow the applicant to present alternative proof of their ability to cover their portion of the rent (ex: receipt of public benefits, bank statements, pay stubs). If the applicant submits that alternative proof, the housing provider must consider that instead of the credit report.
- 4** | **Voucher discrimination is illegal.** California has a law called the Fair Employment and Housing Act that protects people from housing discrimination based on protected characteristics, including the source of a housing applicant or tenant's income. This includes the use of a federal, state, or local housing subsidy / voucher. Tenants who believe they have experienced this type of discrimination (called "source of income discrimination") can file a lawsuit against housing providers or they can file a complaint with the Civil Rights Division (calcivilrights.ca.gov/complaintprocess or 1-800-884-1684).
- 5** | **Evictions cannot occur outside of court.** A landlord cannot just lock a tenant out of their unit or tell them they have to move out – instead, they have to provide written notice that they might file an eviction, then file official forms in court to start the eviction process. The tenant gets to respond. Only after the landlord wins in court can the sheriff lock a tenant out.

If an eviction is filed in court, tenants have rights and should respond ASAP. If a landlord files for eviction (court paperwork), tenants should respond immediately – within 5 days. Just because the landlord filed does not mean they will win – tenants may have protections, get more time, have to pay less, and keep it off their consumer record if they respond!

Any dollar of unpaid rent can lead to an eviction. Never withhold rent for any reason without speaking with an attorney first.

Note: This Top Takeaways list does not cover all possible legal issues in housing, just the questions that Legal Link see most frequently. This is meant as information – not legal advice. Seek legal counsel on your specific situation to obtain advice.

- 6 Tenants have a right to safe and livable housing conditions, regardless of the home's condition when the tenant moved in.** Landlords must provide things like: working plumbing (including hot and cold water), safe and working electrical equipment, heating, unbroken windows and doors with working locks, adequate pest control for rodents and insects, clean common areas, repairs to fix and prevent health hazards like visible mold or dampness. Tenants should take pictures of any issues and request repairs in writing, but should not repair the problem and deduct the cost from their rent without speaking to an attorney first.
- 7 Housing laws apply regardless of a tenant's immigration status.** Housing providers cannot harass or intimidate tenants by threatening, or sharing information about tenant immigration status to ICE, law enforcement, or government agencies. Housing providers cannot refuse to provide applications, show properties, charge a higher rent than advertised, or demand tenants move out because of their immigration status. It is against the law for market rate housing providers to ask about immigration status. Tenants have a right to use a language other than English to communicate with a housing provider. If you provide your own translator the housing provider must speak with them. Leases that you negotiate in a language other than English must be translated into that language.
- 8 Tenants with disabilities have additional legal protections.** It is illegal for landlords to refuse to rent to an applicant because of their disability condition, or to require higher deposits. It is always okay to ask a landlord for a "reasonable accommodation" based on a disability. Housing providers must allow assistance animals if necessary as a reasonable accommodation for physical or mental disabilities without charging a pet deposit or extra rent/pet rent. Common reasonable accommodations include: the ability to have caregiving, reasonable modifications for safety (grab bars), parking as close to the unit as possible (when parking is provided), or financial accommodations (co-signer, or considering other sources of income) if your disability is the sole cause of low income or a low credit score.
- 9 Tenants experiencing domestic violence have additional legal protections.** Tenants in subsidized and market rate housing who identify as survivors of domestic violence, sexual assault, stalking, human trafficking, or elder/dependent adult abuse can end their leases early and move out, without owing additional rent. Landlords cannot unreasonably withhold a survivor's deposit.
- 10 All tenants have a right to "quiet enjoyment" of their units.** This means that landlords may only enter the unit with advance written notice, and only for a very limited number of specific reasons.
- 11 Tenants have a right to organize in California.** Tenants can form associations, unions, file building-wide petitions, and work with neighbors to stand up for tenants' rights. Organizing or participating in a tenants union or association is a protected right under state law. Landlords cannot try to evict tenants, give notices, or increase rent just because they exercised their right to organize with fellow tenants.

Where to Find Help

Most free housing attorneys focus their work on the eviction process but there are many free housing counselors and others (rent boards, state and federal agencies) who are well equipped to help with issues outside of court. Find referrals here: legallink.org/resources/#first