

Table of Contents

California Tenants' Rights: Your Legal Companion	1
Tenant Rights and Responsibilities	2
Eviction Defense in California	2
California Rent Control.....	2
Legal Forms, Letters, and Checklists for California Tenants.....	2
Looking for a Place and Renting It	5
Get Organized and Set Your Rental Priorities	7
Learn About Leases and Rental Agreements.....	8
Typical Provisions in Leases and Rental Agreements.....	10
Lease Terms to Watch Out For.....	15
Holding Deposits and Credit-Check Fees.....	19
Rental Applications and Credit Reports.....	20
How Landlords Must Handle Your Credit Information	21
Permissible Reasons for Rejecting Tenants.....	22
How to Check a Place Over	22
How to Bargain for the Best Deal.....	26
Get All Promises in Writing.....	27
The Landlord-Tenant Checklist.....	28
Cosigning Leases.....	28
Know Your Manager	35
Sharing a Home	37
The Legal Obligations of Roommates to the Landlord.....	38
Having a Friend Move In	38
Guests.....	43
All About Rent	45
How Much Can the Landlord Charge?	46
When Is Rent Due?	46
Form of Rent Payment.....	47
Late Fees and Returned Check Charges.....	47
Partial Rent Payments	48
Rent Increases	48

Rent Increase Notices	49
Rent Control and Eviction Protection	51
General Types of Rent Control Laws	54
Rent Control Board Hearings.....	55
What to Do If the Landlord Violates Rent Control Rules.....	59
Discrimination	61
Forbidden Types of Discrimination	62
Legal Reasons to Discriminate	64
How to Tell If a Landlord Is Discriminating.....	67
What to Do About Discrimination	67
Sexual Harassment by Landlords or Managers.....	69
Tenant’s Right to Privacy	71
Permissible Reasons to Enter	72
What to Do About a Landlord’s Improper Entry.....	74
Other Types of Invasions of Privacy	76
Major Repairs & Maintenance	79
Your Basic Right to Livable Premises	80
Your Repair and Maintenance Responsibilities.....	84
Agreeing to Be Responsible for Repairs.....	85
How to Get Action From Your Landlord: The Light Touch.....	86
What to Do If the Landlord Won’t Make Repairs.....	88
Minor Repairs & Maintenance	99
Minor Repairs: What Are They?.....	100
The Landlord’s Responsibilities.....	100
Agreeing to Do Maintenance	103
Getting the Landlord to Make Minor Repairs.....	104
Making Minor Repairs Yourself	108
Improvements, Alterations, & Satellite Dishes	111
Improvements That Become Part of the Property	112
Improving Your Rental Without Enriching Your Landlord.....	113
Cable TV Access	115
Satellite Dishes and Other Antennas	116
Injuries on the Premises	121
What to Do If You’re Injured.....	122
Is the Landlord Liable?.....	125

	If You're at Fault, Too	132
	How Much Money You're Entitled To	133
10	Environmental Hazards	135
	Asbestos.....	137
	Lead	142
	Radon	150
	Carbon Monoxide	152
	Mold.....	154
	Bedbugs.....	157
11	Crime on the Premises	163
	The Landlord's Basic Duty to Keep You Safe.....	164
	Problems With Other Tenants.....	168
	Illegal Activity on the Property and Nearby.....	170
	Getting Results From the Landlord.....	171
	Protecting Yourself.....	177
12	Breaking a Lease, Subleasing, and Other Leasing Problems	179
	What Happens When the Lease Runs Out	180
	Subleases and Assignments.....	180
	Subleasing and Returning Later.....	181
	How to Break a Lease.....	181
	Belongings You Leave Behind.....	185
13	Security Deposits and Last Month's Rent	187
	Amount of Deposit.....	188
	Nonrefundable Deposits.....	188
	What the Deposits May Be Used For	189
	Landlord's Duty to Return Deposits.....	189
	Effect of Sale of Premises on Security Deposits	191
	Effect of Foreclosure on Security Deposits.....	191
	May the Landlord Increase the Security Deposit?.....	191
	Avoiding Deposit Problems.....	192
	When the Landlord Won't Return Your Deposit.....	192
	Rent Withholding as a Way to Get Deposits Back in Advance	195
	Interest on Security Deposits	196
	Last Month's Rent.....	196
	When Your Landlord Demands More Money.....	198

	Overview of Evictions and Tenancy Terminations	199
	Illegal Self-Help Evictions	200
	Illegal Retaliatory Evictions	201
	Overview of Eviction Procedure	202
	Tenancy Termination Notices	203
	Notice to End a Fixed-Term Lease	203
	The Three-Day Notice Because of Nonpayment of Rent or Other Tenant Violation	204
	The 30-, 60-, or 90-Day Notice to Terminate a Month-to-Month Tenancy	206
	Your Options After a Three-Day or 30-, 60-, or 90-Day Notice Is Served	209
	Stopping an Eviction by Filing for Bankruptcy	209
	Your Rights If Your Landlord Suffers Foreclosure	210
15	The Eviction Lawsuit	215
	Key Eviction Rule	217
	Where Eviction Lawsuits Are Filed	217
	The Complaint and Summons	217
	What If a Tenant Is Not Named in the Complaint?	220
	The Motion to Quash	221
	The Demurrer	229
	The Answer	236
	Setting Aside a Default Judgment	244
	Discovery: Learning About the Landlord's Case	244
	Negotiating a Settlement	248
	Summary Judgment	251
	The Trial	252
	The Judgment	255
	Stopping an Eviction	255
	Postponing an Eviction	256
	Appeal From an Eviction	258
	After the Lawsuit—Eviction by the Sheriff or Marshal	260
16	Renters' Insurance	265
17	Condominium Conversion	267
	Legal Protection for Tenants	268
	Changing the Law	270

18	Lawyers, Legal Research, and Mediation	271
	Lawyers.....	272
	Typing Services and Unlawful Detainer Assistants.....	275
	Legal Research.....	275
	Mediation.....	278

Appendixes

A	Rent Control Chart	281
	Reading Your Rent Control Ordinance	282
	Finding Municipal Codes and Rent Control Ordinances Online.....	283
	Rent Control Rules by California City	285

B	How to Use the Interactive Forms on the Nolo Website	319
	Editing RTFs.....	320
	List of Forms Available on the Nolo Website.....	320
	Using California Judicial Council Government Forms.....	322

C	Forms	323
	Landlord-Tenant Checklist	
	Fixed-Term Residential Lease	
	Month-to-Month Residential Rental Agreement	
	Notice to Repair	
	Notice of Rent Withholding	
	Agreement Regarding Tenant Alterations to Rental Unit	
	Request to Waive Court Fees* (a Judicial Council form)	
	Order on Court Fee Waiver (Superior Court)* (a Judicial Council form)	
	Prejudgment Claim of Right to Possession* (a Judicial Council form)	
	Blank Numbered Legal Paper	
	Blank Numbered Legal Paper With Superior Court Heading	
	Proof of Service by First-Class Mail—Civil (a Judicial Council form)	
	Attachment to Proof of Service by First-Class Mail—Civil (Persons Served) (a Judicial Council form)	
	Demurrer	
	Points and Authorities in Support of Demurrer	
	Notice of Hearing on Demurrer	
	Answer—Unlawful Detainer* (a Judicial Council form)	
	Attachment	
	Request to Inspect and for Production of Documents	

Form Interrogatories–Unlawful Detainer* (a Judicial Council form)

Settlement Agreement

Demand for Jury Trial

Application and Declaration for Relief From Eviction

Order Granting Relief From Eviction

Application and Declaration for Stay of Eviction

Order Granting Stay of Eviction

Notice of Appeal and Notice to Prepare Clerk's Transcript

Claim of Right to Possession and Notice of Hearing* (a Judicial Council form)

Index.....405