



KNOW YOUR RIGHTS: Tenants' Right To Call For Help

Law enforcement and emergency assistance, like ambulances, are often called to the homes of survivors of domestic violence and survivors of other types of abuse and crime. To help keep survivors housed, California made it illegal to evict or punish a tenant because they needed help from law enforcement or emergency assistance because of abuse, crime or an emergency.¹

Is my lease allowed to say I need to pay a fine if law enforcement or emergency assistance come to my unit or if I call them for someone else?

No, your lease is not allowed to limit your right to call law enforcement or emergency assistance when you are calling because you need help or you think someone else needs help.² Lease terms that punish you, such as raising your rent, making you pay a fine, or taking away your parking spot, if you call for needed law enforcement or emergency assistance are not allowed.³ If your lease has one of these lease terms, they should not be enforced.⁴ This means a court should not allow you to be evicted for violating the unallowed lease term. It also means a court should not allow your landlord to charge you for violating an unallowed lease term.

Is my landlord allowed to evict me because I called 911?

No, your landlord is not allowed to evict, punish or threaten to evict or punish you because you called emergency assistance or law enforcement when:

1. you were experiencing domestic violence, sexual assault, stalking, human trafficking, elder or dependent adult abuse; or
2. you were the victim of a crime; or
3. you were experiencing an emergency. For example, you were having a heart attack, or someone was breaking into your home; or
4. you called for emergency assistance because you believed someone else was being abused, victimized or experiencing an emergency.⁵

If your landlord tries to evict you for these reasons, you may have an affirmative defense to the eviction. An "*affirmative defense*" is something you may raise in your court papers if your landlord files an unlawful detainer (eviction) case against you. If you have an affirmative defense, unless the landlord can disprove the defense, the court should rule in your favor and let you stay in the unit.

Learn more about the eviction process in FVAP's information sheet "[Overview of the Eviction Process](#)" found [here](#) or in the URL in the footnotes.⁶



Is my landlord allowed to evict me because my neighbor called 911 because they thought I needed help?

No, your landlord is not allowed to evict, punish, or threaten to evict or punish you because someone else called for emergency assistance or law enforcement when they:

1. thought you were experiencing domestic violence, sexual assault, stalking, human trafficking, elder or dependent adult abuse; or
2. thought you were the victim of a crime; or
3. thought you were experiencing an emergency. For example, they thought someone was breaking into your home or you needed medical assistance.⁷

If your landlord tries to evict you for these reasons, you may have an affirmative defense to the eviction.

How do I know if my landlord is evicting me because law enforcement or emergency assistance came to my unit?

Your landlord may tell you in writing, verbally or with the timing of a move out notice.

- In writing in the notice ending your tenancy. For example a 60-Day Notice that states something like you “created a nuisance when police officers came to your unit on 8/2/22.”
- Verbally by telling you they want you to move and saying something like, “I don’t want police called to my property.” A landlord might say this to you but not mention the police in the move out notice
- The timing of the move out notice may suggest your landlord wants you to leave because of calls for police or emergency assistance. For example, the police came to your unit on 8/2/22 and your landlord gives you a 30-Day Notice to end your tenancy on 8/4/22 that does not mention the police.

Can my city have a law that punishes me or my landlord if emergency assistance or law enforcement come to my unit because I experienced domestic violence?

No, local public agencies, like cities, housing authorities and counties, are not allowed to punish tenants or landlords because law enforcement or emergency assistance come to a property for someone who was a victim of abuse, a victim of crime or in an emergency.⁸ If a local public agency has a law like this, it is not allowed to be enforced.⁹

Laws that punish tenants for calling law enforcement and emergency assistance are called “nuisance laws” or “nuisance ordinances.” You can learn more about “nuisance” laws that punish tenants who use emergency services, and their negative effect on



survivors, from National Housing Law Project at <https://www.nhlp.org/initiatives/nuisance/>

What can I do if my landlord gave me a notice saying I needed to move after law enforcement or emergency assistance came to my unit to help me?

1. Find legal help.
Talk with an attorney to figure out the best option for you. For help finding an attorney, locate your local legal aid organization at <https://www.lawhelpca.org/>.
2. Inform your landlord of your rights.
Educate your landlord about your right to receive help from law enforcement and emergency assistance and ask them to cancel the notice asking you to move. You can explain in a letter that if they try to evict you, they will not succeed because you have an affirmative defense. You may use FVAP's template letter [Demand Your Landlord Cancel an Eviction Notice You Received Because of 911 Calls, found here](#) or in the URL in the footnotes.¹⁰

What can I do if my landlord filed an eviction (unlawful detainer) against me because law enforcement or emergency assistance came to my unit to help me?

1. Find legal help.
The eviction process can move very quickly. (See FVAP's Information Sheet "Overview of the Eviction Process") Find legal help **ASAP**. For help finding an attorney, locate your local legal aid organization at <https://www.lawhelpca.org/>. If you are unable to get help from legal aid, you may be able to find a local housing attorney at <https://www.tenantstogether.org/resource-directory>.
2. Assert your affirmative eviction defense in your Answer (Form UD-105).
As explained above, tenants being evicted because they called for help or receive help from law enforcement or emergency assistance may have an affirmative defense.¹¹ You can assert this defense by checking the box 3k in your Answer (Form UD-105). Here is the 3k box checked.

- k. Plaintiff seeks to evict defendant based on defendant or another person calling the police or emergency assistance (e.g., ambulance) by or on behalf of a victim of abuse, a victim of crime, or an individual in an emergency when defendant or the other person believed that assistance was necessary.



In Box 3w of your answer explain why you should get the defense. Here is an example of someone explaining why they should get this defense in Box 3w.

w. (Provide facts for each item checked above, either below or, if more room needed, on form MC-025):

Description of facts or defenses are on form MC-025, titled as Attachment 3w.

3k: On 5/7/22, the police came to my unit because my ex was abusing me. (See Attachment 1, 5/7/22 Police Report) On 5/10/22, Plaintiff gave me a 60 Day Notice that stated I created a nuisance. Before 5/10/22, I ever received any notices or complaints from Plaintiff. The timing and content of the 60-Day Notice show Plaintiff is trying to evict me because I experienced domestic violence and needed assistance from law enforcement.

Be sure to assert all your defenses in your Answer. You can find the UD-105 form at <https://www.courts.ca.gov/documents/ud105.pdf>.

If you have documents that support your defense, attach them to your Answer. For example, if you are stating your landlord is evicting you because the police came to your unit after an incident of domestic violence, attach a police report indicating you were the victim and label the police report “Attachment 1.”

How do I Get More Assistance? Contact FVAP at info@fvaplaw.org or (510) 380-6243

¹ Civ. Code, § 1946.8; Gov. Code, § 53165.

² Civ. Code, § 1946.8, subds. (b) & (d).

³ *Id.* at § 1946.8, subds. (b) & (d).

⁴ *Id.* at § 1946.8, subd. (b).

⁵ Civ. Code, § 1946.8.

⁶ <https://fvaplaw.org/wp-content/uploads/2022/12/Overview-of-Eviction-Process.pdf>

⁷ *Id.*

⁸ Gov. Code, § 53165, subd. (b).

⁹ *Id.* at § 53165, subds. (b), (d) & (c).

¹⁰ <https://fvaplaw.org/wp-content/uploads/2022/12/Template-Letter-Cancel-Notice-Received-Because-911-Calls.docx>

¹¹ Civ. Code, § 1946.8, subd. (f)(1).