

KNOW YOUR RIGHTS: Tenants' Right To Call For Help

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

- Your landlord is not allowed to evict or punish you because you called law enforcement or emergency assistance if you called to prevent or stop abuse or a crime or an emergency.¹
 - **Abuse** means domestic violence, sexual assault, stalking, human trafficking, elder or dependent adult abuse.²
 - **Crime** means any misdemeanor or felony crime.³
 - **Emergency** means a situation where you think you or someone else needs immediate help to stop loss or impairment of your or someone else's life, health or property.⁴ Someone having a heart attack is an example of an emergency.

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

- No, your landlord is not allowed to evict or punish you because someone else called law enforcement or emergency assistance when they thought you needed help because of abuse, a crime or an emergency.⁵

What if my lease says I owe my landlord money if 911 is called?

- Lease terms that punish you – for example raise your rent, or fine you – because you or someone else called 911 for the reasons above are not enforceable.⁶ This means a court should not enforce the lease term.

¹ Civ. Code, § 1946.8, subds. (b) & (c).

² Civ. Code, § 1946.8, subds. (a)(5).

³ Civ. Code, § 1946.8, subds. (a)(6).

⁴ Civ. Code, § 1946.8, subds. (a)(1).

⁵ Civ. Code, § 1946.8, subds. (b) & (c).

⁶ Civ. Code, § 1946.8, subds. (b).

How do I know my landlord is unlawfully evicting me because of 911 calls?

- You may know because your landlord told you or because of the timing of a move out notice. Here are some examples of a landlord trying to unlawfully evict someone because of 911 calls:
 - You receive a 60-Day Notice stating you “having police at your unit created a nuisance” and police officers had come to your unit because you were experiencing domestic violence.
 - You received a move out notice two weeks after you called the police because the person stalking you was outside your unit and your landlord did not have a good reason to evict you. This means you are not behind on your rent and have followed your lease.

What can I do if I get a notice saying I need to move because of 911 calls?

1. Find legal help.

Talk with an attorney to figure out the best option for you. Find your local legal aid organization at <https://www.lawhelpca.org/>.

2. Inform your landlord of your rights.

Ask your landlord to cancel the notice asking you to move and educate them about a tenant’s rights to get help from law enforcement and emergency assistance because of abuse, crime or an emergency. You can do this with the below template letter [Demand Your Landlord Cancel an Eviction Notice They Gave You Because of 911 Calls](#).

What can I do if my landlord files an eviction (unlawful detainer) case against me?

1. Find legal help.

- The eviction process can move very quickly, so find legal help **RIGHT AWAY**. Find your local legal aid organization at <https://www.lawhelpca.org/>.
- You may also find a housing attorney on Tenants Together’s directory at <https://www.tenants-together.org/resource-directory>.
- Learn about the eviction process at <https://selfhelp.courts.ca.gov/eviction-tenant/>.

Legal Information - Not Legal Advice

2. Assert (state) your “affirmative eviction defense” in your Answer

- Tenants being evicted because they called or received help from law enforcement or emergency assistance may have an affirmative defense.⁷
- An “affirmative defense” is a legal defense that makes it so a landlord is not allowed to evict you.
- To get an affirmative defense, you must tell the court you have it.
- Often, a tenant first tells the court about the affirmative defense in their answer to the eviction complaint. You can find the answer form, UD-105 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.
- If the court agrees you have an affirmative defense, it should rule in your favor and allow you to stay in the unit.

Can my city have laws penalizing tenants or landlords for calls made to 911 because someone is experiencing abuse, crime or an emergency?

- No, cities and other local agencies, like housing authorities and counties, are not allowed to have laws that punish tenants or landlords because law enforcement or emergency assistance were called to a property to help a victim of abuse or crime, or a person in an emergency.⁸ If a local public agency has a law like this, it shouldn't be enforced.⁹
- Laws that punish tenants for calling 911 are called “nuisance laws” or “nuisance ordinances.” Learn about nuisance laws and their negative effect on survivors, from National Housing Law Project at <https://www.nhlp.org/initiatives/nuisance/>

⁷Civ. Code, § 1946.8, subd. (f)(1).

⁸ Gov. Code, § 53165, subd. (b).

⁹ Gov. Code, § 53165, subds. (b), (c) & (d).

Template: Demand Your Landlord Cancel an Eviction Notice They Gave You Because of 911 Calls

Instructions

1. You can download this template in a word document by clicking this [link](#).
2. Delete instructions, highlights and brackets i.e. [] before giving your letter to the landlord.
3. Fill out the highlighted sections.
4. Date and sign the letter.
5. Save a copy or picture of the letter and attachment(s) for your records.
6. Give or send the completed letter and attachment(s) to the landlord.
7. If the landlord does not respond to you, reach out to them.

[Insert Date]

[PROPERTY MANAGER/LANDLORD NAME]

[PROPERTY MANAGER/LANDLORD COMPANY]

[PROPERTY MANAGER/LANDLORD ADDRESS]

Re: Request to Rescind the [Date and Name of Notice for example: 30 Day Notice dated 7/20/2022]

I, [Insert: name] am a tenant at [insert: address]. I received a [Insert: Name of Notice, for example: "60 Day Notice to Terminate Tenancy" or "3 Day Notice to Quit"] dated [Insert: date on notice]. As explained below this notice is unlawful and if you try to use it to evict me, you will not succeed. Therefore, please rescind the [Insert: Name of Notice].

It is unlawful for a landlord in California to evict or punish a tenant because they received law enforcement or emergency assistance because they were a victim of abuse or crime or in an emergency. (Civ. Code, § 1946.8, subd. (c).) It is also illegal for a landlord to evict or punish a tenant because the tenant called for law enforcement or emergency assistance because they needed help, or thought someone else needed help, because of abuse, crime or an emergency. (*Id.*) A tenant has an affirmative defense if their landlord tries to evict them for law enforcement or emergency assistance calls made to help someone experiencing abuse, crime or an emergency. (*Id.* at 1946.8, subd. (f).) A tenant's right to

receive law enforcement and emergency assistance cannot be waived and any lease provision saying otherwise is unenforceable. (*Id.* at 1946.8, subd. (b) & (e).)

As explained below, because you are terminating my tenancy for an unlawful reason, you will not succeed in an eviction (unlawful detainer) action, and you must rescind the notice ending my tenancy.

[Insert: A description of your situation. Here are some examples:

- On 7/18/24 my neighbor called the police because they thought I needed help. I was experiencing domestic violence. The police came to my unit and asked me questions. A few days later you gave me a 3 Day Notice that claimed I “created nuisance on the property.” You are ending my tenancy because law enforcement was called because I was experiencing abuse.
- “An ambulance came to my unit 5 times this year because I needed emergency medical assistance. You gave me a 60 Day Notice dated 2/22/25 that stated you are terminating my tenancy because I violated paragraph 7 of my lease. Paragraph 7 of my lease states: ‘I shall have emergency service vehicles at the property no more than 3 times per year.’ Paragraph 7 of my lease is void because it punishes me for needing emergency assistance when I am experiencing an emergency. You are ending my lease because I needed emergency assistance.
- On 10/17/25 I called 911 and the police came because the person stalking me showed up at the house. On 10/20/25 you gave me a 60 Day Notice that does not say why you are ending my tenancy. I always pay my rent on time. I have never received complaints from you or my neighbors. You clearly gave me the 60 Day Notice because the police came to the house.

For the reason(s) listed above, you are ending my tenancy in violation of California law and the notice ending my tenancy is unenforceable. Therefore, please rescind the notice in writing immediately, and no later than [insert: The date you want to hear from your landlord by. If possible, the date should be before the notice you got expires and a few days or up to one week after your landlord will get this letter]. If you choose not to follow California law and file for an unlawful detainer, your claim will not succeed.

Thank you in advance for your understanding and cooperation in this matter.

Sincerely,

[Signature] _____

[Name]

[Attachments: List any documents you attached to support this letter, such as police reports, or a copy of the lease.]

I have made a copy of this letter for my records.