

Coalition for Economic Survival (CES)

Tenants' Rights Facts

A Landlord's Right of Entry

1. Does my landlord have the right to enter my apartment whenever he or she wants?

A landlord or manager may enter rented premises while the tenant is living there without advance notice in the case of emergency, such as a fire or serious water leak. And, of course, a landlord may enter when a tenant gives permission.

Civil Code 1954

Under Civil Code 1954 [see below], the landlord may enter your unit without your permission ONLY:

- (1) in an emergency, like a fire or broken pipe, or
- (2) upon reasonable advance notice, and then ONLY:
 - (A) to inspect, repair, or show the apartment,
 - (B) during normal business hours [presumably Mon.-Fri. 8AM-6PM]
 - (C) 24 hours is presumed to be sufficient notice
 - (D) You do not have to be home when they come, but the landlord is liable for anything stolen or broken.
 - (D) The notice must identify a date and reasonable time range [like an hour] within which the entry will occur
 - (E) The notice MUST be written [not oral or e-mail], except if a WRITTEN notice that realtors will be showing the property is given, for the next 120 days only an oral telephonic 24 hour notice is required [business hour limit still applies]
 - (G) The right of entry can't be "abused", so that an open house, lock box, extended repair, daily entry, or excessive range of entry time are probably all "abuses" which you have the legal right to prevent.

The nature of the reasonableness of the notice seems to be to give you time to pick up the place, secure pets, arrange to be there, or otherwise make ready for the visit. The law is not clear, here, and the above is the best interpretation of what the law probably is.

2. What are examples of situations when a landlord may enter, but only after giving the tenant reasonable notice?

Typically, a landlord has the right to enter rented premises after giving tenants reasonable notice in order to make needed repairs (or assess the need for them) and to show the property to prospective new tenants or purchasers. In addition, a landlord may enter rented premises in instances of abandonment (that is, when the tenant moves out without notifying the landlord) or by court order. A landlord may not enter just to check up on the tenant.

3. Assuming it is not an emergency, but the landlord has a valid reason to enter -- for example, to make repairs -- what kind of notice is required?

Landlords are required to provide a specific amount of notice (usually 24 hours) before entering a rental unit. In California, landlords must provide a reasonable amount of notice, legally presumed to be 24 hours. Landlords can usually enter on shorter notice if it is impracticable to provide the required amount of notice.

4. May a landlord enter a rental unit any time of day, as long as he's given the required amount of notice?

No. In most instances -- except emergencies, abandonment and invitation by tenant -- states allow a landlord to enter only at reasonable times, without setting specific hours and days. California state law requires that landlords may enter only during normal business hours. This would be Monday through Friday, between the hours of 8 a.m. and 5 p.m.

5. What are the landlord's options if a tenant refuses to allow entry even when a landlord has given adequate notice and has a valid reason to enter?

A landlord should not force entry except when there is a true emergency, such as a fire or gas leak. However, if a tenant is repeatedly unreasonable in denying the landlord access, the landlord can legally enter anyway, during reasonable times, provided he does so in a peaceful manner. However, in no case should the landlord enter if the tenant is present and saying "stay out."

If a landlord has a serious conflict over access with an otherwise satisfactory tenant, a sensible first step is to meet with the tenant to see if the problem can be resolved. Often, neighborhood mediation programs will, for a low cost, help work out an agreement. If these attempts at compromise don't work, a landlord can usually evict the tenant for violating the lease or rental agreement, assuming it contains an appropriate right-of-entry provision.

6. What should a tenant do if a landlord repeatedly violates her privacy rights by entering the rental unit with no good reason and/or advance notice?

Call the police. A landlord or manager who enters a tenant's apartment without permission is trespassing. Also, consult an attorney regarding taking legal action.

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