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INTRODUCTION

What should a tenant do if his or her apartment needs repairs? Can a landlord force a tenant to move? How many days' notice does a tenant have to give a landlord before moving out? Can a landlord raise a tenant's rent? *California Tenants – A Guide to Residential Tenants' and Landlords' Rights and Responsibilities* answers these questions and many others.

Whether the tenant is renting a room, apartment, house, or duplex, the landlord-tenant relationship is governed by federal, state, and local laws. This booklet focuses on the most significant aspects of the relationship of landlords and tenants in California, particularly the California laws that govern the landlord-tenant relationship. There are other parts of the landlord-tenant law that may not be covered. It is suggested that in addition to reading and using this guide, tenants and landlords may wish to seek additional information regarding their rights and responsibilities from a tenant-landlord program, a housing clinic, a legal aid organization, or an attorney.

It is important that tenants understand their legal rights when it comes to renting a residential unit. This booklet discusses various fair housing laws that protect tenants from unlawful discrimination and harassment. These laws are designed to protect and uphold the inalienable rights of all California tenants, without compromise.

This booklet also suggests steps that both landlords and tenants can take to develop and maintain a good working relationship. Although this booklet is written from the tenant's point of view, landlords can also benefit from the information contained herein.

Tenants and landlords should discuss their expectations and responsibilities before they enter into a rental agreement. If a problem occurs, the tenant and landlord should try to resolve the problem through open communication and discussion. Honest discussion of problems may show each party that they are not completely in the right, and that a fair compromise is warranted.

If the problem is one for which the landlord is responsible, the landlord may be willing to correct the problem or work out a solution without further action by the tenant. If the problem is one for which the tenant is responsible, the tenant may agree to correct the problem once the tenant understands the landlord's concerns. If the parties cannot reach a solution on their own, they may be able to resolve the problem through mediation or arbitration. In some situations, legal action may be the only solution.

While much of this booklet focuses on tenants, it is designed to educate landlords and tenants on the fundamental aspects of rental housing laws in California. Although this booklet itself is not considered legal authority, the footnotes contained within it cite to the statutes and case law that are considered binding legal authority.

The Department of Real Estate hopes that tenants and landlords will use the information contained in this booklet to avoid problems in the first place, and resolve problems fairly when they do occur.

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