



PREVENTIVE LAW SERIES

# DOMESTIC VIOLENCE VICTIMS AND RESIDENTIAL LEASES



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California law allows victims of domestic violence, sexual assault, and stalking to terminate their leases under certain circumstances. Under the law, such individuals are responsible for rent up to 30 days after giving their landlord written notice, but are otherwise released from their lease.

## REQUIREMENTS TO TERMINATE LEASE

In order to terminate a lease, you must:

1. Give written notice to your landlord that you are a victim of domestic violence, sexual assault, or stalking and wish to terminate your lease.
2. Provide one of the following documents, along with your notice:
  - a. Copy of a police report, issued in the last 60 days, demonstrating that you were the victim of domestic violence, sexual assault, or stalking.
  - b. A restraining order, issued in the last 60 days. The following restraining orders qualify:
    - Domestic violence restraining order
    - Criminal protective order
    - Civil harassment order
    - Juvenile court restraining order
3. Be prepared to pay 30 days of rent after you provide notice. If a landlord finds a new tenant before 30 days have passed, the landlord must return rent for the days after the new tenant moves in.
4. Your security deposit must be treated the same way it would have if you did not break your lease.

## IMPACT ON ROOMMATES

Non-family members will remain on the lease and be responsible for the full amount of rent for the duration of the lease, including the amount that the victim would have paid.

## IMPACT ON ABUSERS

California law allows landlords to evict tenants for committing domestic violence, sexual assault, or stalking on the premises of a rental property. If a victim of domestic violence, sexual assault or stalking wishes to remain in their residence, landlords may not evict them because they are victims. Landlords may still evict victims for other reasons covered by other areas of California tenancy law.

## RESOURCES

California Civil Code § 1946.7

Family Justice Center: (619) 533-6000; [www.sandiego.gov/sandiegofamilyjusticecenter/](http://www.sandiego.gov/sandiegofamilyjusticecenter/)