

Tenant Harassment

What is tenant harassment?

Actions by landlords against tenants that are intended to upset the tenants and make them want to move out. Santa Monica law prohibits the following acts *if they're done with the intent to harass*:

- Taking away services provided in the lease (such as parking or laundry)
- Entering the apartment without proper notice
- Using lies or intimidation intended to make a tenant move out
- Giving a “three-day notice” or other eviction notice that’s based on false charges, where the landlord does not intend to take the case to court
- Using fighting words or threatening bodily harm
- Refusing to do repairs that are required by law
- Intentionally disturbing a tenant’s peace and quiet
- Interfering with a tenant’s right to privacy
- Refusing to acknowledge receipt of a lawful rent payment

What should I do if I've been harassed?

Always try to resolve your problem directly with the owner. Clear communication can solve many problems faster than you might think. If that doesn't work, and you want to file a complaint, go to smconsumer.org or call the City Attorney's Office at 310-458-8336.

What about three-day notices and evictions?

If the owner has given you eviction papers or a three-day notice that you believe are unjustified, always talk to a private lawyer first. If you can't afford one, find out if you qualify for Legal Aid (310-899-6200). If you also want to file a harassment complaint, call the City Attorney's Office for more information. Please note that we can't get involved in eviction cases while they are pending.

Can the City Attorney's Office represent tenants?

No. We are neutral enforcers of the law. Although we investigate complaints against landlords and enforce the harassment law, we can't represent tenants directly.

The landlord refuses to do necessary repairs. What can I do about it?

Tenants should always request the repairs in writing, and keep a copy of the letter. If the landlord fails to respond, the problem should be reported to Code Enforcement (310-458-4984). Tenants can also apply for a rent decrease with the Rent Control Board (310-458-8751).

Can a landlord offer tenants money to move out?

Yes – but there are strict rules about how this is done. All offers must be in writing and accompanied by a list of the tenants' rights, among other things. Also, landlords can't use fraud or intimidation to try and get a tenant to vacate. For example, if a landlord says that a tenant will have to abandon their tenancy due to upcoming repairs, the landlord may be guilty of harassment.

If I file a complaint, what evidence does the City Attorney need from me?

It's important to keep copies of all rental agreements, letters, notices, photos, names of witnesses, and any other evidence to support your claim. You need to enclose copies of these items with your complaint.

What if my apartment is not under rent control?

The Tenant Harassment law applies to all tenants, regardless of whether their units are under rent control.

What penalties does the landlord face for harassment?

Each separate violation of the ordinance may be either a criminal misdemeanor (with up to six months in jail plus a \$1,000 fine), or a civil violation (subject to injunction, a fine of up to \$10,000 per violation, attorneys' fees and possible punitive damages).

How can I get more information?

Call the City Attorney's Office (310-458-8336).