

CALIFORNIA LAW CAN HELP YOU

When a tenant and abuser rent a home and are on the lease together, they are both “jointly responsible” for rent. This means that if the rent is not paid, both people will each be responsible for the entire rent debt and any negative consequences of not paying. You might worry that removing from the unit an abuser who was helping pay rent will mean you have to cover the full rent on your own. California law gives tenants some ways to avoid this situation.

HERA

housing and
economic
rights advocates

Contact us:

(510) 271-8443 Ext. 300

inquiries@heraca.org

www.heraca.org

P.O. Box 29435

Oakland, CA 94604



This project was made possible by a grant from the California Commission on the Status of Women and Girls.

Are you a victim of domestic violence, sexual assault, stalking, human trafficking, elder abuse, or dependent adult abuse?

If yes, and you would like to remove the abuser from your unit and afford to stay in the rental, California Law can help you.

YOUR RIGHTS INCLUDE:

- Getting a restraining order removing from the unit an abuser who is also on the lease.
- The abuser is still responsible for rent, even if the restraining order doesn't allow them to enter the apartment (California Civil Code § 1941.6(e)).
- The abuser is still on the hook for rent until the lease is changed or ends.

YOU CAN ALSO:

- Ask the court to order the abuser to pay rent as part of the restraining order.
- California Family Code § 6324 says that courts can order either party to pay “liens or encumbrances” as part of the restraining order.
- It is a good idea to talk to an attorney about ordering an abuser to pay rent, since the law isn't 100% clear.

YOU HAVE THE RIGHT:

- To not be charged a lease-break fee or other penalties for ending the lease early.
- To have your security deposit and any advance rent payments returned to you, even if you break your lease early (California Civil Code § 1946.7(f))

UTILITY DEBT

PG&E's rules state that all adults in the household are jointly responsible for utility bills that were charged while they lived in the home. This means that if a couple living together had utility debt and then split up, both people remain responsible for paying the debt. This can be a problem if one person moves out and the other stays, but has to pay debt from the relationship.

*PG&E Electric Rule 3,
www.pge.com/tariffs/assets/pdf/tariffbook/ELEC_RULES_3.pdf

Tip: If possible, try to get removed from utility accounts and check whether the account has any debt. It is very hard to open a new account if a previous account has outstanding debt, even if that debt is from after you moved out.

You have the rights:

To dispute utility debt in your name if you can prove that you were living somewhere else when the utility charges were made.

You can:

File a complaint disputing utility debt by contacting the California Public Utilities Commission (CPUC) Consumer Affairs Branch. More information here can be found here:

www.cpuc.ca.gov/consumer-support/file-a-complaint/utility-complaint/cab-faqs