



TENANT RIGHT TO PRIVACY / LANDLORD RIGHT TO ENTER

Every tenant has a right to privacy, and the right to live in the rental property in “**quiet enjoyment**”. The right extends to all of the rental premises, including balconies, yards and garages if these areas are included in the rental agreement.

Landlords are required to observe these tenant rights, but also may have legitimate reasons that require them to enter the tenant’s rental property. California tries to balance these two interests by establishing specific rules defining the limits on the landlord’s right to enter. These rules cannot be waived by contrary terms in a lease or rental agreement.

A landlord may enter the rental property only for certain specific reasons:

- In the case of an emergency such as a fire or broken waterpipe
- To make necessary or agreed repairs or alterations or supply necessary or agreed services
- To exhibit the premises to prospective tenants or purchasers or contractors
- To make a “pre-departure” inspection when the current tenant is moving or to inspect smoke detectors, or an annual inspection in government funded housing
- When it is evident that the tenant has abandoned the premises
- Pursuant to a court order

A landlord must give 24 hours written notice to the tenant of his intent to enter, and may only enter during normal business hours. Notices must include date, approximate time, and purpose of entry. These limitations do not apply if:

- The tenant is present at the time of entry and agrees to waive the requirements, or
- The tenant and landlord agree orally to an entry to make repairs or supply services and the entry occurs within 1 week of the agreement, or
- The landlord is responding to an emergency, or
- The tenant has abandoned the premises, or
- The tenant has been advised in writing within the last 120 days that the property is for sale. Then, the landlord or agent need only give 24 hours oral notice of the date and actual time of entry to show the property. Written evidence of the entry must be left inside the unit.

If a landlord has followed the applicable rules for entry, the tenant does not have a right to refuse entry, or to dictate the time of entry. Also, a landlord has a right to require that the tenant provide keys to the unit, in order to safeguard the right to enter. However, the landlord may not abuse the right to enter or use it to harass the tenant.

For assistance call Project Sentinel (408) 720-9888

Project Sentinel offers neutral counseling and dispute resolution services, but not legal advice or representation.