



San Mateo County Sheriff's Office

Civil Enforcement Bureau – (650)363-4497
 Quick Code & Reference Guide for Landlord/Tenant Disputes

LANDLORD/TENANT DISPUTES

Unlawful Conduct by landlord (prior to lawful eviction)	418 P.C. (M) – May not change locks <i>(Tenant may sue landlord up to \$100 per day 789.3 C.C.)</i>	594 P.C. (M)- May not remove doors or cause malicious destruction	602.5 P.C.- Trespassing without tenants consent. <i>(May enter in an emergency 1954 C.C.)</i>	Unlawful Interruption of utility services: 591 P.C. – Telephone (F/M) 593 P.C. – Electricity (F/M) 593C P.C. – Gas (F) 624 P.C. – Water (M)
Landlord Obligations	Provide a dwelling fit for human occupancy 1941.1 C.C.	Weather proof Water proof Rodent proof	Working Plumbing <ul style="list-style-type: none"> • One toilet • Bathtub • Bathroom sink • Kitchen sink 	Adequate Heating Running Hot/Cold Water Trash storage Safe Electric
Unlawful Conduct by tenant or failure to pay rent. The landlord may begin eviction process	Eviction of tenant(s) 512.010 C.C.P.	Tenant returning after eviction: 419 P.C. (M) 602 P.C. (M) 602.5 P.C. (M)	1209.5 C.C.P. – Civil disobedience of a lawful judgment	594 P.C. - Tenant may not destroy landlord's property. (Citizen's arrest if Landlord sees violation 837 P.C.)
Recreational Vehicles/Mobile home parks 799.40 to 799.67 C.C. Must be less than 30 days.	Park must display notice per sections 799.22 C.C. and local phone number of law enforcement agency.	Park must have signed registration agreement and must give occupant a copy of the rules and regulations of the park 799.44 C.C.	Park must serve 72 hour notice 799.28 C.C. on occupant. Park must also serve copy of the notice to the law enforcement having jurisdiction 799.56(c)C.C.	If not moved after proper 72 hour notice call the proper law enforcement jurisdiction.

CC: CIVIL CODE
 CCP: CIVIL CODE OF PROCEDURE
 PC: PENAL CODE
 F: Felony
 M: Misdemeanor

The following information is for use as a general guide. If a situation arises after the enforcement of an eviction your agency should contact the appropriate law enforcement agency.

THE EVICTION PROCESS	
STEP 1:	The landlord serves the defendant(s) with a written notice (i.e. 3 day 60 day notices, and 60 day notice for mobile home)*. <i>* If the tenant is not a long term tenant (1 year or more per C.C. 1946.1) a 30 day notice may be given.</i>
STEP 2:	If the defendant does not conform to the notice, the landlord may now proceed with the eviction. Each defendant (age 18 or older must first be served with a Summons and Complaint Unlawful Detainer. This notice may be served by anyone not a part to the action and over 18 years of age.
STEP 3:	After the service of the Summons and Complaint Unlawful Detainer, the defendant has five (5) days to file an answer with the court. The five (5) days includes Saturday and Sunday, but not legal holidays. <i>*If no answer is filed go to STEP 6</i>
STEP 4:	If an answer is filed with the court a trial date will be set within 20 days. The defendant(s) are allowed to remain in the premises.
STEP 5:	A trial is held. If the landlord wins the trial a judgment is entered against the defendant(s). The landlord may now request a "Writ of Possession" from the court. If the defendant(s) wins the trial all eviction proceedings stop. The landlord must start the proceeding all over again.
STEP 6:	The landlord may now obtain a writ of possession from the court. After obtaining the writ, it is taken to the Sheriff's Office for service. The Sheriff's Office is the only agency allowed to enforce the order in San Mateo County.
STEP 7:	The Sheriff's Office prepares the "Notice to Vacate". Once this notice is prepared, along with a Writ of Possession, a deputy serves it. This notice may be served either personally to the defendant or it may be posted in a conspicuous place at the defendant's residence and a copy mailed. By posting the notice it is deemed a valid service. This notice will state date and time that the defendants must vacate the property.
STEP 8:	The defendant(s) has five (5) days after the service of the notice to vacate the property. <u>During this time the landlord has no legal right to enter the property, unless invited by the defendant(s).</u>
STEP 9:	On the date and time noted on the "Notice to Vacate" two civil detectives from the Sheriff's Office will enforce the eviction. If the defendants have vacated the property, possession is turned over the landlord and a "notice" posted on the door. The notice advises the defendant they may not enter the property without permission of the landlord. If the defendant returns to the property and enters, they are subject to arrest pursuant to the sections noted on the form. If the defendants are still at the property when the civil detectives arrive, they (the detectives) will ask the landlord if he still wishes to proceed. If so, the defendant must vacate the property immediately. The landlord may give the defendants extra time to remove their belongings. If this is done, possession of the property is returned to the landlord and the defendants are at the property as a "guest" of the landlord.

	<p>The landlord may revoke this "guest privilege" at any time after the Sheriff has returned possession. If the landlord revokes the privilege, the landlord must ask the defendant(s) to leave. If the defendant(s) do not leave the landlord must contact the local law enforcement agency to report a trespass.</p> <p>Generally the landlord will give the defendant(s) a specific time to leave. The defendant is told that they must vacated by that time.</p> <p>The landlord has the option to have the defendant(s) leave and return at a later date to pick up their property. This is a done at the convenience of the landlord.</p> <p>AT NO TIME ARE THE DEFENDANT(S) TOLD THEY MAY REMAIN IN THE PROPERTY OVER NIGHT. IF THIS WERE TO OCCUR, THIC COULD RE-ESTABLISH TENANCY AND POSSIBLY RESULT IN HAVING TO START THE EVICTION PROCESS ALL OVER</p>
<p>STEP 10:</p>	<p>If the defendant(s) don't leave the property when requested to do so by the landlord after possession has returned, the landlord must contact the local police agency in the jurisdiction for any criminal actions.</p> <p>If the defendant(s) return to the property after the enforcement of the eviction, the landlord must contact the local police agency of jurisdiction for criminal action.</p>

** If the tenant is not a long term tenant (1 year or more per C.C. 1946.1) a 30 day notice may be given.*

San Mateo County Sheriff's Office: (650)363-4915 (Patrol)

Your Local Police Agency: _____

Legal Admonition

The San Mateo County Sheriff's Office is not authorized to give personal legal advice. Any information that is provided should not be construed as legal advice. Legal advice should be requested via an attorney. The San Mateo Sheriff's Office role is to act that of a neutral party and act only on a lawful court order. Please do not direct individuals to the Sheriff's Office – Civil Enforcement Bureau for advice on civil matters.