

FARMWORKER HOUSING RIGHTS

Sobrato Center for Nonprofits

330 Twin Dolphin Drive, Suite 123

Redwood City, CA 94065

(650) 558-0915, Housing Intake Line 650-517-8911

Agenda

- Types of Employer provided housing
- The eviction process
- Repairs and conditions
- Retaliation and illegal evictions

EMPLOYER PROVIDED HOUSING

Types of housing

"Employee" = The boss provides you with housing as part of the compensation for your work, free of any additional charge.

"Tenant" = Your boss provides your housing but you pay the rent, even if it is deducted from your salary.

□ If rent is deducted from your paycheck, it must be voluntary and there must be a written agreement.

"Boss" = employer who is also your landlord

**We are using these terms for the purpose of this presentation.

When your boss is also your landlord

- The boss MUST follow the legal process in order to evict you.
 - They can ask you to leave but only the Sheriff can force you out with a Court order.
 - It is illegal for the landlord to kick you out and change the locks on their own.
- RARE EXCEPTIONS when you are a "lodger" who lives in the boss' house with them

Basic Rights for Workers

- Right to a minimum wage.
- Right to paystubs even if you are paid in cash.
- Right to be free from retaliation.
- Paycheck deductions have to be voluntary and agreed to in writing

<u>Labor Commissioner</u> - 833-LCO-INFO (833-526-4636) 224 Airport Parkway, Suite 300, San Jose, CA 95110 (408) 277-1266

Legal Aid At Work - (415) 404-9093 or 866-864-8208 (toll-free)

Employees and Evictions

- The boss MUST still follow the legal process to evcit you even if you do not pay rent.
- □ But, they do not need to give you a written notice to start and eviction case once your job has been terminated.

Example 1

Do you need to leave tomorrow?

NO

Can the landlord change the locks on their own?

NO

What happens if you are still living there after Friday?

The boss must file a legal case and serve you

Tenants and Evictions

- If you pay rent to your boss, you have the same rights as any tenant to the eviction court process.
 - Advanced notice to move
 - Just Cause (if the TPA applies)
 - Does not require a lease in writing
- Timing of notice
 - □ 3, 30, or 60 days

EVICTIONS

Evictions Always Involve Court

 "Self help" evictions by landlords are almost always illegal.

 Landlords cannot lock out tenants; They MUST obtain a court order and ask the SMC Sheriff to carry out the eviction.

□ The Sheriff will post a notice indicating what day the eviction will take place.

Eviction is a 2 Step Process

Step 1: Notice that your tenancy has ended

 Step 2: Court case – the landlord or their lawyer files an eviction case, known as an "Unlawful Detainer" to start the legal process

Step 1 - The Notice

*	*	
CALIFORNIA ASSOCIATION NO OF REALTORS®	OTICE OF TERMINATION OF TENANCY (CAR. Form NTT, Revised 11/12)	V
To: and any other occupant(a) in possession of the p (City)	(Unit/Apartment #)(State) (Zip Gode) ("Premisea").	——— Your name
	terminated 60 days from service of this Notice, or on	
OR 2. You have, or another tenant or re tenancy, if any, in the Premises (whichsever is	seldent has, resided in the Resmises for less than one year. Your s is terminated 30 days from service of this Notice, or on	Your address
Notice, or on	ancy, if any, in the Premises is terminated 30 days from service of this (whichever is later).	
AND B. Purchaser Intends to reside in	tract to sell the Premises to a natural person(s); In the Premises for at least one year following the termination of the	
	escrow with an escrow company licensed by the Department of urance or a licensed Real Estate Broker.	Deadline to move
AND D. Escrow was opened 120 or fews		
	bly allenable from any other dwelling unit (i.e., it is a single-family unit or	
AND F. Tenant has not previously been	given a notice of termination of tenancy.	
assistant program. The tenancy, if a	the tenancy is subject to, a government agency rental housing ny, in the premises is termineted 90 days from service of this notice ever is tater).	"Legal action will be taken if you
If you fall to give up possession by the specifie could result in a judgment being awarded agains	d date, a legal action will be filled seeking possession and damages that et you.	don't move out on time"
The copyright laws of the United States (Title 17 U.S. Code) unauthoritud reproduction of this form, or any portion thefred, by machine or any other researce, housing facultation or computations Coveriors in 1001-1011, CALLIFORNIA ASSOCIATION OF REA	fulful the photocray a forma. LICRES.	

Step 2 - Court Case

- Unlawful Detainer ("UD") is the type of case used to get an eviction order in Court.
- You can stay in the home until the case ends.
- The case is sealed until it ends, if the case is resolved without a judgment, there won't be any eviction on your record.

Step 2 - The Court Papers

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TREET ADDRESS:			
CITY:	STATE: ZIP COCE:		
TELEPHONE NO.	FAX NO.:		Electronically
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ATTORNEY FOR (Name):	and the second second	h. Super	ior Court of California, County of San M
SUPERIOR COURT OF CALIFORNIA, COUN		ON	10/3/2024
STREETADDRESS: 400 County Cer	nter, Second Floor	Oh	10/0/2024
MAAJING ADDRESS:		By	/s/ Taylor Howe
CITY NHO ZP CODE Redwood City,			Deputy Clerk
PLAINTIFE: Redwood City	Courthouse	_	
DEFENDANT:			
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	Photographic and the second second	CASE	A.MBER:
	UNLAWFUL DETAINER*	100000	24-UDL-
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UD Timeline

- The notice expires
- Legal case is filed
- 5 days to file a response withe the court***
- Settlement conference*
- Trial
- Sheriff's eviction notice is posted
- Eviction performed

SAFE AND HEALTHY LIVING CONDITIONS

The right to habitable housing

You have the right to a have your home maintained in safe, livable condition.

Examples:

- □ Plumbing;
- Hot and cold water;
- Heat;
- Electricity;
- Rodents and insects;

There are specific requirements for farm worker housing like the distance between the housing any animal pens on a farm.

Report a problem

- Employee Housing Act
 - Environmental Health Services (650) 599-1112

□ Farmworker Housing Taskforce

RETALIATION AND ILLEGAL EVICTIONS

Illegal Acts

Change the locks

□ Threaten force or violence

Cut off utilities

Threaten to report you to immigration enforcement

What to do if your boss changes the locks

You can call the police and ask for a "Civil standby"

- You can file your own case against the landlord
 - "forcible detainer"
 - Illegal eviction

Retaliation is illegal

- Your boss or landlord cannot retaliate against you for asserting your rights.
- If they do it anyway, you can use it as a defense in your eviction case, and this defense can delay the case.
- You can call the Labor Commission's Retaliation Investigation Unit.

EXAMPLE OF LEGAL ISSUES

Example 2

Juan has been living in an employer-provided house with 15 other farmworkers since 2022. He shares a room with three other employees in a single room. Juan's monthly rent is \$500 and is automatically deducted from his biweekly paycheck. Juan suspects that more than \$500 was deducted from the last three paychecks he received due to a significant inconsistency in the amount. Juan wants to ask his employer for a rent receipt, but he is afraid that this will upset his boss and he does not want to lose his job. What can he do?

Does Juan have the same rights as a tenant?

Yes

Does Juan have the right to a rent receipt?

Yes

OUR SERVICES

When to call

- □ If you receive an eviction notice
- If you have a pending eviction case in court

Housing Line 650-517-8911

All of our services are available regardless of your immigration status.