

THE EVICTION (UNLAWFUL DETAINER) PROCESS

WHAT HAPPENS BEFORE TRIAL?

**HOW DO I PREPARE FOR
MY TRIAL DATE?**

WHAT CAN I EXPECT AT COURT?

WHAT HAPPENS AFTER COURT?



What Happens Before Trial?

Step 1: You are served with a Notice

- If your landlord wants to evict you, they have to serve you with a notice. The landlord can serve the notice by posting it on your door and/or mailing it to you, or they can give it to you or have someone else give it to you.
- There are many different kinds of eviction notices. Often, a notice will ask you to fix something in 3 days (for example, pay your rent, or remove someone who is not on the lease) or leave your unit within a set amount of time. If you receive a three-day notice, the three-day period does not include weekends and holidays.
- If you receive a 60 or 90-day notice that does not list a reason for making you leave, a new law may protect you. Contact legal aid.

Step 2: Landlord files an eviction case and serves you with a Summons and Complaint

If your landlord believes that you did not do what the notice told you to do, the landlord can file an eviction (unlawful case). Your landlord can serve you by posting it on your door and/or mailing it to you.

Step 3: You file an Answer

You must file an Answer within 5 court days (weekends and holidays do not count). An Answer tells the court if you agree with the papers your landlord filed with the court. You can visit one of the self-help centers described on the next page for help with writing your Answer. You should try to get help as soon as possible. You should bring the papers you were served and any other documents you might need to help you write your Answer. The self-help centers can help you fill out all of the necessary paperwork.

Step 4: Trial

After you file your Answer, you will get a Notice of Trial mailed to you by the court. This will tell you where and when you need to show up for court. Your trial date will usually be 2-3 weeks after the date you filed your Answer.

If you do not file an Answer by the deadline, or you file an Answer but do not show up for your trial date, the judge can order that your landlord gets what they asked for in the eviction. Usually, that means the landlord will get an order saying you can be removed from your home and a judgment (an order saying you owe money) for any unpaid rent. If the landlord gets a default judgment, a Notice to Vacate will be posted on your door. The lock-out process can happen within days or weeks.

Self-Help Legal Access Centers

Self-Help Legal Access Centers are free, first-come first-served walk-in clinics created to help people help with paperwork in family law, housing and other limited civil matters. You can get help writing an answer to an unlawful detainer case at a self-help center.

Neighborhood Legal Services of Los Angeles County, in partnership with the Legal Aid Foundation of Los Angeles and Community Legal Services, and with assistance from the County Board of Supervisors, operates 10 Self-Help Centers in Los Angeles County. You can find more information on the self-help centers at:

http://www.lacourt.org/selfhelp/resourcesandassistance/SH_RA001.aspx

Hours: Monday – Thursday: 8:30am – 12:00pm, 1:00pm – 4:30pm
Friday: 8:30am – 12:00pm

Antelope Valley/Michael Antonovich

Los Angeles Superior Court
42011 4th Street West,
Room 3700
Lancaster, CA 93534

Chatsworth

Los Angeles Superior Court
9425 Penfield Ave
Room 2501
Chatsworth, CA 91311

Compton

Los Angeles Superior Court
200 W. Compton Blvd.
Room 200 F
Compton, CA 90220

Inglewood

Los Angeles Superior Court
1 Regent Street,
1st Floor, Room 107
Inglewood, CA 90301

Downtown/Stanley Mosk

Los Angeles Superior Court
111 North Hill St. Room 115
Los Angeles, CA 90011
*This self-help center is
staffed and run by the
Shriver Housing Project-LA

Long Beach

Los Angeles Superior Court
275 Magnolia Ave
Room 3101
Long Beach, CA 90802

Pasadena

Los Angeles Superior Court
300 E Walnut St.
Room 300
Pasadena, CA 91101

Pomona

Los Angeles Superior Court
400 Civic Center Plaza
Room 730
Pomona, CA 91766

Santa Monica

Los Angeles Superior Court
1725 Main Street
Room 210
Santa Monica, CA 90401

Torrance

Los Angeles Superior Court
825 Maple Ave.
Room 160
Torrance, CA 90503

Van Nuys

Los Angeles Superior Court
-East Building
6230 Sylmar Ave.
Room 350
Van Nuys, CA 91401

How Do I Prepare for Trial?

Consider your options.

You should start by considering these options and figuring out what might work best for you. We recommend that you go to trial preparation clinics and get a lawyer (if possible) to help you think through these options.

NEGOTIATE TO MOVE OUT

- Ask for the case to be dismissed after you move out or for the record to be permanently sealed.
- Ask for at least 30-60 days from the date of your trial to move out. Two weeks is probably not in your best interest.
- Ask your landlord to let you keep any past-due rent, attorney's fees, and court costs.
- Bring evidence to help you negotiate more time or less money owed (proof of bad conditions, evidence of harassment, proof of disability, etc.)
- Consider giving up your security deposit.
- Get EVERYTHING in writing.

NEGOTIATE TO PAY AND STAY

- You should be ready to pay all or most of the rent money.
- Be prepared to pay the landlord's attorney fees and court costs.
- Bring evidence to help you negotiate less money owed (proof of bad conditions, evidence of harassment, proof of disability, etc.)
- If you don't have all of the money, you can ask for a payment plan, but be careful—if you miss a payment you may be evicted without further notice.
- Ask for the case to be dismissed or the record to be permanently sealed upon payment.
- Get EVERYTHING in writing.

MOVE OUT BEFORE TRIAL

- Return key to landlord.
- Get receipt or bring someone with you to be a witness.
- Go to court and tell the judge you moved out. Bring proof: photos of your empty unit, a new lease, a change of address with the post office, etc.
- If you move out before your trial, the landlord cannot evict you, but they can still sue you for money owed. Some landlords may still be able to identify the new case as an eviction based on the case number.
- Do not sign anything or enter into a settlement for money owed.

GO TO TRIAL

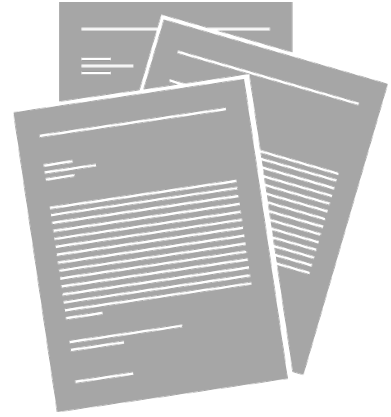
- Get your evidence together in advance. You WILL NOT get a second chance.
- Ask witnesses to come with you to trial, take photos of problems with your unit, and collect receipts and other proof of rent payments.
- Check with Local Housing Departments:
 - DBS (regarding construction permits and defects): 3-1-1, www.ladbs.org
 - HCID (regarding building registration): (866) 557-7368, www.hcidla.lacity.org
 - DPH (regarding infestations or mold): (888) 700-9995, www.publichealth.lacounty.gov/
 - Get certified copies of all documents from government agencies.
- If you lose, ask for the record to be sealed.
- If you are sick or elderly and you lose, ask for the court to grant you relief from forfeiture.

How Do I Prepare for Trial?

Collect your evidence

Some examples are:

- Pictures of what is wrong with your apartment
- Copies of health or housing department reports – if you plan to use these kinds of reports in court, you should go to that agency before trial and ask that they certify the documents you are going to use
- Copies of letters to your landlord (for example, letters you sent the landlord asking for repairs)
- Copies of reasonable accommodation requests or a letter from a doctor
- Proof you paid rent or tried to pay rent (for example, rent receipts, money order stubs, certified mail receipts, etc.)
- Witnesses who can help prove your case at trial. You cannot bring a letter from a neighbor.
- A list of questions that you will ask your witness. Write them down so that you don't forget anything.
- Any other documents you think will help prove your side of the story.



The judge will not delay your trial because you don't have all your documents or witnesses. You must bring any proof you have to your trial.

What Can I Expect at Court?

Before getting to court

Dress so that you feel confident. For example, wear clothes that you might wear to attend church or a job interview. Leave early to make sure you arrive at the court on-time.

When you get inside the courtroom

Go to the person in uniform ("bailiff"). Tell them your name and then sit down. Always check in with the bailiff to make sure they know that you showed up. When the judge calls your name, stand up. Say your first and last name and that you are the "tenant."

You can settle the case

The landlord, their attorney, or the judge may ask you to try to make a deal. It is often a good idea to settle your case because you can make sure that the record is sealed, so that it is not visible to future landlords.

Do not be afraid to ask for that you want. The worst that could happen is they say no.

For example, you can ask:

- For more time to move out
- To pay less rent until the repairs are made
- To stay in your unit if you pay what is owed
- To not have to pay the landlord's attorney fees
- For the court to seal the record so the eviction won't show up when you try to rent a new apartment in the future
- For the landlord to give up their right to ("waive") some of the money you owe, in exchange for making a deal

If you settle the case, you should make sure that the outcome works for you. If you think that the deal is fair, you can go ahead and take it.

What Can I Expect at Court?

You can go to trial

If your landlord will not make a fair deal, it is sometimes in your best interest to take the case to trial.

Remember: if you go to trial, the judge may rule against you, in which case you may get an eviction on your record and need to move out very quickly.

If you DO NOT have proof that shows a legal reason why you should not be evicted, you will probably lose your case. The judge can only decide legal issues.

Even if you win, the court will usually make you pay back some or all of the money you owe. Make sure you have all of the money if you are going to take a case to trial.

Here are some examples of common legal defenses:

- There was something wrong with the notice
- The landlord refused to fix things in the unit (although the judge may still say you have to pay some of your rent)
- You already paid what you owed
- The rent your landlord asked for is illegal because of rent control
- You fixed the issue the landlord asked you to fix in the notice
- Your disability makes it difficult for you to do what you need to do to keep your housing

If you go to trial, Plaintiff (the landlord) presents their argument first.

The landlord will ask witnesses questions and give the judge evidence to show why you should be evicted.

After the landlord questions their witnesses, you can ask the landlord's witnesses questions. Do not try to tell the judge that the landlord or the witness is lying.

What Can I Expect at Court?

You (the tenant) will go next.

- Tell your side of the story clearly, like you would tell it to a friend. Be confident, honest, and get right to the point.
- Never argue with the judge.
- Tell the judge the legal reasons you should not be evicted. These will be listed on the answer you filed after you were served with the unlawful detainer.
- Offer to show the judge the things that you brought to court that prove your legal defenses.
- If you brought a witness, you can ask him or her questions. After you have finished with your questions, the other side will ask your witness questions.

How to show evidence to the judge

Example #1

1. Say "I did not pay the rent because of the bad conditions and the landlord would not make repairs."
2. Show the judge one picture at a time.
3. Tell the judge important details about what is shown in the picture. For example, tell the judge when the picture was taken and how it affects you and your family.

Example #2

1. Say "The landlord gave me a notice on the 3rd. But, I usually pay my rent on the 8th and he accepts it."
2. Show the judge your rent receipts that show that you usually pay your rent on the 8th of the month.

The judge may let you make a final statement at the end. You should tell the judge all the legal reasons you should not be evicted. Remember, the judge won't let you stay because you have no place to go. You have to prove you have a legal defense.

The Court's Decision

The judge will usually tell you and the landlord who has won the case while you are still in court. But if not, you will get a written decision in the mail within a few days.

The decision will tell you:

- Who won the case. If you (the tenant) won, it will say that you are allowed to stay.
- If you must pay unpaid rent.
- If the losing side has to pay the winning side's attorney fees and court costs.

Read the decision very carefully and make sure that you understand it. If you do not understand something, ask someone to explain it to you.

What Happens After Court?

If you win:

- You do not have to move out.
- Even if you win, you usually have to pay all of your unpaid rent. The judge may order you to pay this within 5 days. If you do not, the landlord will win the case and you will have to move out.
- If you want the other side to pay your court fees, you must file a form with the court within 10 days.

If you lose:

- You will have to move out quickly.
- You should ask the judge for more time to move if you need it while you are in Court.
- You can say, "With all due respect, your honor, I request 30 days to move." Explain why you need more time. You can give reasons such as your age, illness, children in school, or because there are individuals with disabilities in your home.
- You should ask for the eviction record to be sealed.
- You will get a Notice to Vacate. The Notice to Vacate will say that you have 5 DAYS to move out. The Sheriff will tape a copy of this notice to your door. It will state the date that you must be out. You must leave the unit by that date.
- The sheriff WILL NOT give you more time to pack, so do not wait until the last minute to move. It does not matter if you have children, or if you have disabilities or are sick. You will have to get out immediately.