

UNLAWFUL DETAINER

EVICTION DEFENSE: COURT PROCESS AND RESOURCES



Self-Help Legal Access Centers

Santa Monica

1725 Main St.,
Room 210
Santa Monica, CA 90401

Inglewood

1 East Regent St.,
Room 107
Inglewood, CA 90301

Torrance

825 Maple Ave.,
Room 160
Torrance, CA 90503

Long Beach

275 Magnolia Ave.,
Room 3101
Long Beach, CA 90802

July 2017

© 2017 Legal Aid Foundation of Los Angeles

What Happens After I File an Answer?

TENANT
Filed Answer
(you are here)

- You should receive a notice of trial 10 days after filing an answer
- Call or walk into the clerk at the court if you did not receive your trial date

COURT

SETTLEMENT

- I have no legal defenses
- I want to move
- I have no money to pay back rent

TRIAL

- I have good defenses
- I want to stay in my house
- I have money to pay back rent

DISMISSAL

Tenant stays and pays rent

LOSE

Notice to Vacate

- Sheriff serves Notice to Vacate
- You only have five days to move once served
- Sheriff will force everyone out
- You will not be given time to pack

WIN

- You stay in possession
- If you fail to pay rent, the landlord will file a new eviction case
- If the court deducts for habitability issues and you do not pay the back rent, the court will give judgment and possession back to the landlord

Going to Court

What should I wear?

- Dress conservatively and neatly
 - No shorts, tank tops or anything tight or low cut
 - Cover tattoos if possible

What time should I get there?

- Be there at least 15 minutes before you are scheduled to be at court

Can I bring my children?

- No, you should find someone to watch your children if possible

What should I do when I get to court?

- Get in line to check in with the bailiff or clerk. Tell the bailiff or clerk your name, case number and what number you are on calendar.
- Turn off your cell phone. No talking, chewing gum or reading the newspaper.

How long will I have to wait?

- You should be prepared to wait the entire morning and in some cases all day

The judge will call your case

- When the judge calls your case, stand up state your first and last name and that you are the tenant
- Answer the judge's questions and instructions
- The judge might ask if you have talked with the landlord or with the landlord's attorney to settle the case. If you have not talked with the landlord or the attorney, the judge may tell you to try to settle the case with the other party.

Should I Settle My Case?

What is the purpose of settling a case?

- To reach an agreement without going to trial

When should I think about settling a case?

- You may want to settle if you feel that what the landlord is offering is just and fair
- If you do not have any defenses to win at trial
- You do not have money to pay the back rent

What can I ask for in a settlement?

- Pay in installments
- Pay less rent until repairs are made
- Extra time to move out
- Move out and agree that you do not have to pay the back rent and attorney's fees
- Seal the record

IF YOU DO NOT AGREE WITH WHAT THE LANDLORD IS OFFERING, TELL THE LANDLORD OR HIS/HER ATTORNEY THAT YOU WANT TO GO TO TRIAL.

The Trial Process

1. The Plaintiff (landlord) goes first

- The plaintiff will argue why you should be evicted
- The plaintiff may call witnesses to support his or her case
 - You may only ask the witness questions relevant to his or her testimony after the witness finishes testifying

2. Then you present your case

- Tell the judge your side of the story
 - You may want to prepare an outline of dates, times, and events
- Offer to show the judge all documents, pictures, or other evidence to support your case
- Ask your witness questions
 - You may only ask questions that are related to the case.
 - The landlord or the landlord's attorney will be able to ask you and your witness questions about the witness's testimony

3. The judge may allow you to make a final statement at the end

- You should tell the judge why you should win the case.

Preparing for Trial

What should I do to prepare before going to court?

If you are alleging that you paid the rent:

- Bring copies of the cancelled checks, money orders, or rent receipts if you paid in cash.

If there are problems with your apartment:

- Call the Housing or Health Department and ask for an inspection of your home
 - Ask for a CERTIFIED copy of the report
 - Phone numbers for your local housing and health department are located on the Government Agencies Referral List in this packet.
- Call your city's Building and Safety Department if it is an illegal unit, there are problems with the building's structure, or if you suspect there is not a valid occupancy permit.
 - Ask for a CERTIFIED copy of the reports or occupancy permit.
- It may take time to get CERTIFIED copies of the reports so start early.
- You should also bring hard copies of any photographs of the conditions in your house.

If you are alleging any problems with rent control in the City of Los Angeles, please contact the Los Angeles Rent Stabilization Division at 866-557-7368 or <http://lahd.lacity.org/lahdinternet/>

- Ask if the property is registered for the current year
 - If the property is not registered or registered after the date the landlord gave a pay or quit, obtain a certified copy of the "Declaration of Registration Status."
 - If the property was never registered, please call 311 or 213-473-3231. You can also obtain a Certificate of Occupancy online at www.ladbs.org. Ask for a certified "Certificate of Occupancy" for the property where you live.

NOTE: YOU MUST GATHER ALL EVIDENCE BEFORE YOU GO TO COURT! THE JUDGE WILL NOT DELAY YOUR TRIAL BECAUSE YOU DO NOT HAVE YOUR DOCUMENTS OR PROOF!

Presenting Your Case

1. If you did not pay the rent because the landlord would not fix problems in your apartment...

- **You say:** “I did not pay the rent because of the bad conditions and the landlord would not make repairs.”
- **Then show the judge your pictures and explain:**
 - Who took the photo
 - What the picture is showing
 - How long the defect existed
 - When you told the landlord about the problem
 - If the landlord repaired the defect
 - Tell the judge that you did not cause the problem
 - How the problem affects you and your family
 - Ask that the photo be “entered into evidence”
- **Then show the judge other evidence like inspection reports**
- **You may also call witnesses**

2. If the landlord is evicting you because he/she gave a three-day notice but you usually pay later in the month:

- **You say:** “I usually pay my rent on the ___ of the month.”
- **Show** the judge your rental receipts showing when you usually pay.
- **Ask** that the receipts be “entered into evidence.”

Evidence

**YOU MUST BRING ALL EVIDENCE WITH YOU TO COURT.
BRING THE ORIGINAL AND TWO COPIES**

What type of evidence should I bring?

- If there are bad conditions in the apartment:
 - Photographs
 - Inspection reports from the Health or Housing Department
 - Letters, emails or text messages showing you told the landlord about the conditions
 - These documents must be printed out; the judge will not consider evidence on a phone.
 - Witnesses
- If alleging you paid the rent or that you usually pay later:
 - Copies of rent receipts (put them in order)
 - Tell the judge that the 3-day notice does not have the name, address, phone number where to pay rent.
- You should also bring
 - Your answer
 - Interpreter (if you need one)
 - If you qualify for a fee waiver, you may request an interpreter.
 - Witnesses
 - The court will not consider letters or affidavits from witnesses.
 - The witness must be in court to testify.

NOTE:

**YOU MUST GET CERTIFIED COPIES OF ALL REPORTS!
IF THEY ARE NOT CERTIFIED, THEY CANNOT BE
PRESENTED AS EVIDENCE IN COURT!**

How to Present Photos to the Judge

1. Write a letter of the alphabet below and say to the judge:

Your honor, my photograph marked as ____ is a photo of:

1

2. Write below who took this photo and the date it was taken:

Who took this photo:

What date was this photo was taken:

2017

2

3. Write the dates when you complained to the manager or landlord about the bad conditions in this photo:

Date:

1. _____ 201_

2. _____ 201_

3. _____ 201_

4. _____ 201_

3

4. Write how this bad condition shown in the photo affects you and your family:

1. This affects my family because...

2. This affects my family because...

3. This affects my family because...

4

The Court's Decision

The judge will issue a decision while you are in court or by mail.

The court's written decision should include:

1. A statement that you are allowed to stay (you win) or the plaintiff wins (you lose)
2. Whether you have to pay back rent
3. Whether the side who wins can get money from the losing side for court costs
4. Whether the losing side has to pay for attorney's fees. You do not get attorney's fees if you represent yourself.

1. If you win at trial:

- You do not have to move out but you will have to pay the rent you owe
 - Even though the judge says that "Plaintiff will take nothing from his complaint," you **MUST** continue to pay the rent!
- If you do not pay the rent you owe, the landlord will give you another three day notice and file another eviction case against you
- If you win the case because of the bad conditions in your unit and the court reduces your rent and orders you to pay the reduced rent, you must pay the rent within the time given by the judge.
 - If it is not paid, the judgment will be reversed and you will have to move out.

2. If you lose at trial:

- Right away ask the judge for more time to move if you need more than a week and explain why you need extra time
- You say: "With all due respect, your honor, I request 30 days to move because..."

Final Notice to Vacate

The Notice to Vacate is a white paper with red lettering that states that you have five days to move out.

- The Sheriff will tape a copy of the notice to the door telling you when you have to move out
- You won't get a Notice to Vacate until after you lose your case. You lose when:

1. You lose at trial
2. You do not show up for the trial
3. The court orders you to pay a certain amount of money for rent and you do not pay
4. You do not file an answer to the Summons and Complaint
5. You do not comply with the terms in the stipulation you signed to settle your eviction case

Do not wait until the last minute to move. The Sheriff will not give you extra time to pack your things.

- The Sheriff will give you a couple of minutes to get out
- It does not matter if you have children or are disabled
- If your belongings are not out, your belongings will be moved and stored and you will have to pay more money to get them back

How do I get my possessions back if I could not get them out before the Sheriffs locked me out?

1. You must write a note to the landlord within 18 days of vacating the apartment. Make sure you put the date on the note and keep a copy for yourself.

The note should say:

(Date)

Dear (Manager/Landlord's name),
I was not able to take all of my things with me before I had to move out. [(List the property you left behind)]. Please do not throw away any of my things. I will contact you soon to set a time to get my things.

Thank you,
(your name)

2. You might have to pay the landlord money to get your belongings back. He cannot charge you more than a "reasonable moving fee" and your apartment's daily rental value for each day he stores your belongings.

3. If you do not give a note to the manager, the manager may claim that you abandoned your property.

Rent Control

If you live within the cities of Los Angeles, West Hollywood, Santa Monica, or Beverly Hills, you may be entitled to additional protections under rent control:

- The rent demanded exceeded the legal amount that could be demanded
- The premises were not registered with the Housing Department
- The landlord failed to provide a relocation fee

Note: In the City of Los Angeles, rent control only applies to buildings with two or more dwellings (not single family homes) built before 1979.

NEIGHBORHOODS IN LOS ANGELES UNDER RENT CONTROL

ARLETA	MACARTHUR PARK	STUDIO CITY
ARROYO SECO	MAR VISTA	SUNLAND
ATWATER VILLAGE	MID CITY	SUN VALLEY
BEL AIR	MISSION HILLS	SYLMAR
BOYLE HEIGHTS	NORTH HILLS	TARZANA
CANOGA PARK	NORTH HOLLYWOOD	TUJUNGA
CHATSWORTH	NORTHRIDGE	VALLEY GLEN
CYPRESS PARK	OLYMPIC PARK	VALLEY VILLAGE
EAGLE ROCK	PACOIMA	VAN NUYS
ECHO PARK	PALMS	VENICE
ELYSIAN PARK	PANORAMA CITY	WATTS
ENCINO	PARK MESA HEIGHTS	WINNETKA
GLASSEL PARK	PICO	WEST ADAMS
GRANADA HILLS	PICO UNION	WESTCHESTER
HARBOR CITY	PORTER RANCH	WEST HILLS
HARBOR GATEWAY	RAMPART VILLAGE	WEST LOS ANGELES
HOLLYWOOD	RESEDA	WESTWOOD
HOLLYWOOD HILLS	SAN PEDRO	WILMINGTON
LAKE BALBOA	SHERMAN OAKS	WOODLAND HILLS
LAKE VIEW TERRACE	SILVER LAKE	(Parts of Gardena and Torrance)
LINCOLN HEIGHTS	SOUTH CENTRAL	

Government Agencies Referrals

If your landlord will not repair your unit, file a complaint with your local code enforcement agency listed below. Ask for a certified copy of the inspection report.

For potential code violations on a residential property containing more than one dwelling unit:

LA Housing & Community Investment Department

866-557-7368

lahd.lacity.org/lahdinternet

For potential code violations on a residential property containing one dwelling unit:

Los Angeles Department of Building and Safety

888-524-2845

www.ladbs.org

For potential violation of the City of Los Angeles rent control ordinance:

Los Angeles Rent Stabilization Division

866-557-7368

lahd.lacity.org/lahdinternet

Legal Resources

<p>Shriver Project 111 N. Hill St., Room 115 Los Angeles, CA 90012 Mon-Thurs 8:30-noon & 1:30-4:30 Friday 8:30-noon For eviction cases filed at Mosk Courthouse</p>	<p>LEGAL AID FOUNDATION OF LOS ANGELES 800-399-4529 www.lafla.org Monday-Friday 9:00 a.m.-5:00 p.m.</p>
--	--

Legal Aid Foundation of Los Angeles, in providing you this referral list below, is not in any way making any representations as to the quality of the work of these agencies or attorneys. Contact information is subject to change without notice.

<p>The following agencies provide representation for a fee.</p>	
<p>THE EVICTION DEFENSE NETWORK 213-385-8112 edn.la</p>	<p>BASTA 213-736-5050 basta.org</p>

<p>The following agencies provide counsel and advice in housing matters. A donation may be requested.</p>		
<p>ALLIANCE OF CALIFORNIANS FOR COMMUNITY EMPOWERMENT 213-863-4548 www.acceaction.org</p>	<p>COALITION FOR ECONOMIC SURVIVAL 213-252-4411 cesinaction.org</p>	<p>INQUILINOS UNIDOS 213-483-7497 www.inquilinosunidos.org</p>
<p>UNION DE VECINOS 213-908-3454 www.uniondevecinos.org</p>	<p>KOREATOWN TENANTS DEFENSE NETWORK 213-738-9050</p>	<p>SAJE 213-745-9961 www.saje.net</p>
	<p>LA Community Action Network 213-228-0024 cangress.org</p>	