

RESPUESTA A UNA DEMANDA DE RETENCION ILICITA DE VIVIENDA (Negación General)



GUÍA

Centro de Acceso Legal de Auto-Ayuda

Santa Monica	Inglewood	Torrance	Long Beach
1725 Main St., Room 210 Santa Monica, CA 90401	1 East Regent St., Room 107 Inglewood, CA 90301	825 Maple Ave., Room 160 Torrance, CA 90503	275 Magnolia Ave., Room 3101 Long Beach, CA 90802

Este guía esta diseñada para ayudarle a llenar los formularios. La intención no es proporcionar asesoramiento legal, ni estrategia de como completar el caso. La información proporcionada en este paquete solo presenta opciones y ejemplos. Esto no es un sustituto para el consejo legal profesional de un abogado.

**Página esta en blanco
intencionalmente**

Información Generales

Este paquete de Negación General le ayudará a completar los formularios de respuesta o contestación a una Demanda de Retención ilícita de Vivienda (desalojo) cuando no dispone de tiempo suficiente para completar una respuesta completa. Está diseñado para ayudarlo a presentar una respuesta de último minuto para evitar un fallo por incumplimiento (o pérdida automática) en su caso de desalojo. En general, solo tiene cinco (5) días hábiles para presentar una respuesta a un caso de desalojo después de que se le entregó la Citación y Queja de Retención Ilegal (el Paquete de Desalojo)

Una vez que presente la Negación General, dispone de diez (10) días calendario para presentar una Respuesta (Enmendada) Modificada. La Respuesta (Enmendada) Modificada es una oportunidad para presentar una respuesta completa al caso con todas las defensas que pretende presentar en el juicio. Si no presenta una Respuesta (Enmendada) Modificada dentro de los 10 días calendario tras la presentación de Negación General, es posible que no pueda presentar ninguna defensa en el juicio o presentar ninguna evidencia/testimonio en respeto a esas defensas.

ES MUY IMPORTANTE QUE MODIFIQUE SU RESPUESTA (PRESENTE UNA RESPUESTA COMPLETA) DENTRO DE 10 DÍAS POSTERIORES A LA PRESENTACIÓN DE SU NEGACIÓN GENERAL SI DESEA PRESENTAR UNA RESPUESTA (ENMENDADA) MODIFICADA.

Si reúne los requisitos, es posible que pueda encontrar servicios legales gratuitos poniéndose en contacto con StayHousedLA.org o llamando a la Fundación de Ayuda Legal de Los Ángeles (LAFLA) al 1-800-399-4529 para encontrar un abogado que le ayude.

Instrucciones:

- Revise atentamente las instrucciones y utilice esta guía para completar los formularios UD-105, Prueba de Servicio, Exención de pago (Fee Waiver) FW-001 y FW-003.
- Complete y firme los formularios donde se indique.
- No olvide la prueba de servicio (POS-030). La otra parte (propietario o abogado del propietario si lo tiene) debe recibir una copia de cada documento que se presente en el corte. Por lo tanto, usted debe tener a alguien más, mayor de 18 años y no sea parte en el caso envíe por correo una copia de la respuesta de denegación general a la dirección del demandante (propietario) o de su abogado (dirección escrita en la citación y demanda). Esa persona debe completar y firmar la Prueba de Servicio por Correo (POS-030).
- Haga dos copias de la Respuesta (UD-105), Prueba de Servicio y una copia de la Solicitud de Exención de tarifas (FW-001), y de Orden de exención de tarifas (FW-003) Una copia de la respuesta de Denegación General y la Prueba de Servicio debe enviarse por correo a la otra parte (US Postal). No tiene que enviar por correo la solicitud de exención de tarifas y el pedido al otro lado. El demandante no necesita saber sobre su estado financiero privado.
- Lleve los documentos originales a la corte que está escrita en la Citación y Demanda y vaya a la oficina del secretario civil para presentar su respuesta a la Demanda de Retención Ilícita.
- El secretario tomara la respuesta de Denegación General Original y la Solicitud y Orden de Exención de Tarifas.
- El secretario le regresara la copia de los formularios de Respuesta de Denegación General y exención de tarifas para su archivo.
- Busque ayuda dentro de los 10 días calendario para presentar una Respuesta Enmendada (modificada).
- Si no pudo pagar la renta debido a una razón que figura en el UD-104(a) durante el periodo del tiempo aplicable, es posible que pueda incluir 1) Hoja para Declaración de dificultades financieras relacionadas con Covid-19. Adjunto Declaración de dificultades financieros relacionadas con Covid-19. Por favor refiérase a la página de Autoayuda de LAFLA, Cómo Guía para esas guías y formularios.

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: Escriba su Nombre, FIRM NAME: Dirección y Numero de STREET ADDRESS: telefono CITY: Escriba "Self-Represented" TELEPHONE NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NUMBER: STATE: ZIP CODE: FAX NO.:	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: Escriba la Dirección MAILING ADDRESS: de la Corte CITY AND ZIP CODE: BRANCH NAME:		
PLAINTIFF: Escriba el nombre del Demandante (persona o Compañía) como aparecen en la Demanda DEFENDANT: Escriba el nombre(s) de Demandado(s) como aparecen en la Demanda		
ANSWER—UNLAWFUL DETAINER		CASE NUMBER: Escriba el numero de caso

1. Defendant (all defendants for whom this answer is filed must be named and must sign this answer unless their attorney signs):

Print the Full Name(s) of Defendant(s) as They Appear on the Summons

answers the complaint as follows:

2. **DENIALS (Check ONLY ONE of the next three)**

a. ☐ **General Denial** (Do not check this box if Defendant generally denies each and every allegation—Unlawful Detainer)

b. ☐ **Specific Denials** (Check this box if Defendant admits that all of the following allegations are true except for the ones specifically denied—Unlawful Detainer)

(1) **Denial of Allegations in Complaint**

(a) Defendant claims the following statements are true, explain below or, if more room needed, on form MC-025:

☐ Explanation is on form MC-025, titled as Attachment 2b(1)(a).

(b) Defendant has no information to dispute the following statements of the complaint and, to defendant denies them (state paragraph numbers from the complaint or explain below or, if more room needed, on form MC-025):

☐ Explanation is on form MC-025, titled as Attachment 2b(1)(b).

(2) **Denial of Allegations in Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer (form UD-101)**

(a) ☐ Defendant did not receive plaintiff's *Mandatory Cover Sheet and Supplemental Allegations* (form UD-101). (If not checked, complete (b) and (c), as appropriate.)

(b) ☐ Defendant claims the statements in the **Verification required for issuance of summons—residential**, item 3 of plaintiff's *Mandatory Cover Sheet and Supplemental Allegations* (form UD-101), are false.

(c) Defendant claims the following statements on the *Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer* (form UD-101) are false (state paragraph numbers from form UD-101 or explain below or, if more room needed, on form MC-025): ☐ Explanation is on form MC-025, titled as Attachment 2b(2)(c).

Marque esta casilla para negar todas las alegaciones. Esto se llama una "Negacion General."

NOTA: Usted puede marcar esta casilla si (1) el Demandante pide \$1,000 o menos, o (2) es su ultimo dia para presentar una respuesta, o (3) la fecha para presentar su respuesta ya paso y quiere prevenir un fallo.

Si usted esta llanando una Negacion General por razon 2 o 3, usted tiene 10 dias para enmendar su respuesta.

PLAINTIFF:	Escriba el nombre del demandante	CASE NUMBER:	
DEFENDANT:	Escriba el nombre del demandado	Escriba el numero de caso	

2. b. (2) (d) Defendant has no information or belief that the following statements on the *Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer* (form UD-101) are true, so defendant denies them (*state paragraph numbers from form UD-101 or explain below or, if more room needed, on form MC-025*):
- ☐ Explanation is on form MC-025, titled as Attachment 2b(2)(d).
3. **DEFENSES AND OBJECTIONS** (NOTE: For each box checked, you must state brief facts to support it in item 3w (on page 4) or, if more room is needed, on form MC-025. You can learn more about defenses and objections at www.courts.ca.gov/selfhelp-eviction.htm.)
- a. ☐ (Nonpayment of rent only) Plaintiff has breached the warranty to provide habitable premises.
- b. ☐ (Nonpayment of rent only) Defendant made needed repairs and properly deducted the cost from the rent, and plaintiff did not give proper credit.
- c. ☐ (Nonpayment of rent only) On (date): before the notice to pay or quit expired, defendant offered the rent due but plaintiff would not accept it.
- d. ☐ Plaintiff waived, changed, or canceled the notice to quit.
- e. ☐ Plaintiff served defendant with the notice to quit or filed the complaint to retaliate against defendant.
- f. ☐ By serving defendant with the notice to quit or filing the complaint, plaintiff is arbitrarily discriminating against the defendant in violation of the Constitution or the laws of the United States or California.
- g. ☐ Plaintiff's demand for possession violates the local rent control or eviction control ordinance of (city or county, title of ordinance, and date of passage):
(Also, briefly state in item 3w the facts showing violation of the ordinance.)
- h. ☐ Plaintiff's demand for possession is subject to the Tenant Protection Act of 2019, Civil Code section 1946.2 or 1947.12, and is not in compliance with the act. (Check all that apply and briefly state in item 3w the facts that support each.)
- (1) ☐ Plaintiff failed to state a just cause for termination of tenancy in the written notice to terminate.
- (2) ☐ Plaintiff failed to provide an opportunity to cure any alleged violations of terms and conditions of the lease (other than payment of rent) as required under Civil Code section 1946.2(c).
- (3) ☐ Plaintiff failed to comply with the relocation assistance requirements of Civil Code section 1946.2(d).
- (4) ☐ Plaintiff has raised the rent more than the amount allowed under Civil Code section 1947.12, and the only unpaid rent is the unauthorized amount.
- (5) ☐ Plaintiff violated the Tenant Protection Act in another manner that defeats the complaint.
- i. ☐ Plaintiff accepted rent from defendant to cover a period of time after the date the notice to quit expired.
- j. ☐ Plaintiff seeks to evict defendant based on an act against defendant or a member of defendant's household that constitutes domestic violence, sexual assault, stalking, human trafficking, or abuse of an elder or a dependent adult. (This defense requires one of the following: (1) **a temporary restraining order, protective order, or police report that is not more than 180 days old**; OR (2) **a signed statement from a qualified third party** (e.g., a doctor, domestic violence or sexual assault counselor, human trafficking caseworker, or psychologist) concerning the injuries or abuse resulting from these acts.)
- k. ☐ Plaintiff seeks to evict defendant based on defendant or another person calling the police or emergency assistance (e.g., ambulance) by or on behalf of a victim of abuse, a victim of crime, or an individual in an emergency when defendant or the other person believed that assistance was necessary.
- l. ☐ Plaintiff's demand for possession of a residential property is in retaliation for nonpayment of rent or other financial obligations due between March 1, 2020, and September 30, 2021, even though alleged to be based on other reasons. (Civ. Code, § 1942.5(d); Gov. Code, § 12955.)
- m. ☐ Plaintiff's demand for possession of a residential property is based on nonpayment of rent or other financial obligations due between March 1, 2020, and September 30, 2021, and (check all that apply):
- (1) ☐ Plaintiff did not serve the general notice or notices of rights under the COVID-19 Tenant Relief Act as required by Code of Civil Procedure section 1179.04.
- (2) ☐ Plaintiff did not serve the required 15-day notice. (Code Civ. Proc., § 1179.03(b) or (c).)

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3. m. (3) ☐ Plaintiff did not provide an unsigned declaration of COVID-19–related financial distress with the 15-day notice. (Code Civ. Proc., § 1179.03(d).)
- (4) ☐ Plaintiff did not provide an unsigned declaration of COVID-19–related financial distress in the language in which the landlord was required to provide a translation of the rental agreement. (Code Civ. Proc., § 1179.03(d).)
- (5) ☐ Plaintiff identified defendant as a “high-income tenant” in the 15-day notice, but plaintiff did not possess proof at the time the notice was served establishing that defendant met the definition of high-income tenant. (Code Civ. Proc., § 1179.02.5(b).)
- (6) ☐ Defendant delivered to plaintiff one or more declarations of COVID-19–related financial distress and, if required as a “high-income tenant,” documentation in support. (Code Civ. Proc., §§ 1179.03(f) and 1179.02.5.)
(Describe when and how delivered and check all other items below that apply):
- (a) ☐ Plaintiff's demand for payment includes late fees on rent or other financial obligations due between March 1, 2020, and September 30, 2021.
- (b) ☐ Plaintiff's demand for payment includes fees for services that were increased or not previously charged.
- (c) ☐ Defendant, on or before September 30, 2021, paid or offered plaintiff payment of at least 25% of the total rental payments that were due between September 1, 2020, and September 30, 2021, and that were demanded in the termination notices for which defendant delivered the declarations described in (a). (Code Civ. Proc., § 1179.03(g)(2).)
- (7) ☐ Defendant is currently filing or has already filed a declaration of COVID-19–related financial distress with the court. (Code Civ. Proc., § 1179.03(h).)
- n. ☐ Plaintiff's demand for possession of a residential property is based on nonpayment of rent or other financial obligations due between October 1, 2021, and March 31, 2022, and (check all that apply):
- (1) ☐ Plaintiff's notice to quit was served before April 1, 2022, and
- (a) ☐ Did not contain the required contact information for the pertinent governmental rental assistance program, or the other content required by Code of Civil Procedure section 1179.10(a).
- (b) ☐ Did not include a translation of the statutorily required notice. (Code Civ. Proc., § 1179.10(a)(2) and Civ. Code, § 1632.)
- (2) ☐ Plaintiff's notice to quit was served between April 1, 2022, and June 30, 2022, and did not contain the required information about the government rental assistance program and possible protections, as required by Code of Civil Procedure section 1179.10(b).
- o. ☐ For a tenancy initially established before October 1, 2021, plaintiff's demand for possession of a residential property is based on nonpayment of rent or other financial obligations due between March 1, 2020, and March 31, 2022, and (check all that apply):
- (1) ☐ Plaintiff did not complete an application for rental assistance to cover the rental debt demanded in the complaint before filing the complaint in this action.
- (2) ☐ Plaintiff's application for rental assistance was not denied.
- (3) ☐ Plaintiff's application for rental assistance was denied for a reason that does not support issuance of a summons or judgment in an unlawful detainer action (check all that apply):
- (a) ☐ Plaintiff did not fully or properly complete plaintiff's portion of the application. (Code Civ. Proc., § 1179.09(d)(2)(A).)
- (b) ☐ Plaintiff did not apply to the correct rental assistance program. (Code Civ. Proc., § 1179.09(d)(2)(C).)
- (4) ☐ An application for rental assistance was filed before April 1, 2022, and the determination is still pending.
- (5) ☐ Rental assistance has been approved and tenant is separately filing an application to prevent forfeiture (form UD-125).
- p. ☐ Plaintiff's demand for possession of a residential property is based on nonpayment of rent or other financial obligations and (check all that apply):
- (1) ☐ Plaintiff received or has a pending application for rental assistance from a governmental rental assistance program or some other source relating to the amount claimed in the notice to pay rent or quit. (Health & Saf. Code, §§ 50897.1(d)(2)(B) and 50897.3(e)(2).)
- (2) ☐ Plaintiff received or has a pending application for rental assistance from a governmental rental assistance program or some other source for rent accruing since the notice to pay rent or quit. (Health & Saf. Code, §§ 50897.1(d)(2)(B) and 50897.3(e)(2).)

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3. p. (3) ☐ Plaintiff's demand for possession is based only on late fees for defendant's failure to provide landlord payment within 15 days of receiving governmental rental assistance. (Health & Saf. Code, § 50897.1(e)(2)(B).)
- q. ☐ Plaintiff violated the COVID-19 Tenant Relief Act (Code Civ. Proc., § 1179.01 et seq.) or a local COVID-19-related ordinance regarding evictions in some other way (*briefly state facts describing this in item 3w*).
- r. ☐ The property is covered by the federal CARES Act and the plaintiff did not provide 30 days' notice to vacate.
(Property covered by the CARES Act means property where the landlord:
• *is participating in a covered housing program as defined by the Violence Against Women Act;*
• *is participating in the rural housing voucher program under section 542 of the Housing Act of 1949; or*
• *has a federally backed mortgage loan or a federally backed multifamily mortgage loan.)*
- s. ☐ Plaintiff improperly applied payments made by defendant in a tenancy that was in existence between March 1, 2020, and September 30, 2021 (Code Civ. Proc., § 1179.04.5), as follows (*check all that apply*):
- (1) ☐ Plaintiff applied a security deposit to rent, or other financial obligations due, without tenant's written agreement.
- (2) ☐ Plaintiff applied a monthly rental payment to rent or other financial obligations that were due between March 1, 2020, and September 30, 2021, other than to the prospective month's rent, without tenant's written agreement.
- t. ☐ Plaintiff refused to accept payment from a third party for rent due. (Civ. Code, § 1947.3; Gov. Code, § 12955.)
- u. ☐ Defendant has a disability and plaintiff refused to provide a reasonable accommodation that was requested. (Cal. Code Regs., tit. 2, § 12176(c).)
- v. ☐ Other defenses and objections are stated in item 3w.
- w. (*Provide facts for each item checked above, either below or, if more room needed, on form MC-025*):
☐ Description of facts or defenses are on form MC-025, titled as Attachment 3w.

4. OTHER STATEMENTS

- a. ☐ Defendant vacated the premises on (*date*):
- b. ☐ The fair rental value of the premises alleged in the complaint is excessive (*explain below or, if more room needed, on form MC-025*):
☐ Explanation is on form MC-025, titled as Attachment 4b.
- c. ☐ Other (*specify below or, if more room needed, on form MC-025*):
☐ Other statements are on form MC-025, titled as Attachment 4c.

5. DEFENDANT REQUESTS

- a. that plaintiff take nothing requested in the complaint.
- b. costs incurred in this proceeding.
- c. ☐ reasonable attorney fees.
- d. ☐ that plaintiff be ordered to (1) make repairs and correct the conditions that constitute a breach of the warranty to provide habitable premises and (2) reduce the monthly rent to a reasonable rental value until the conditions are corrected.

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5. e. ☐ Other (specify below or on form MC-025):
☐ All other requests are stated on form MC-025, titled as Attachment 5e.

6. Number of pages attached: **Escriba "0"**

UNLAWFUL DETAINER ASSISTANT (Bus. & Prof. Code, §§ 6400–6415)

7. (Must be completed in all cases.) An unlawful detainer assistant ☒ did not ☐ did for compensation give advice or assistance with this form. (If defendant has received **any** help or advice for pay from an unlawful detainer assistant, state):

- a. Assistant's name: _____ b. Telephone number: _____
 c. Street address, city, and zip code: _____
 d. County of registration: _____ e. Registration number: _____ f. Expiration date: _____

(Each defendant for whom this answer is filed must be named in item 1 and must sign this answer unless defendant's attorney signs.)

Escriba su Nombre (TYPE OR PRINT NAME)	Su Firma (SIGNATURE OF DEFENDANT OR ATTORNEY)
(TYPE OR PRINT NAME)	(SIGNATURE OF DEFENDANT OR ATTORNEY)
(TYPE OR PRINT NAME)	(SIGNATURE OF DEFENDANT OR ATTORNEY)

VERIFICATION

(Use a different verification form if the verification is by an attorney or for a corporation or partnership.)

I am the defendant in this proceeding and have read this answer. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: Fecha Escriba su Nombre (TYPE OR PRINT NAME)	Su Firma (SIGNATURE OF DEFENDANT)
Date: _____ (TYPE OR PRINT NAME)	(SIGNATURE OF DEFENDANT)
Date: _____ (TYPE OR PRINT NAME)	(SIGNATURE OF DEFENDANT)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Escriba su Nombre, Dirección y Numero de Telefono TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): Escriba "Self-Represented"	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: Escriba la Dirección de la Corte MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PETITIONER/PLAINTIFF: Escriba el nombre del Demandante (Persona o Compania) como aparecen en la Demanda RESPONDENT/DEFENDANT: Escriba los nombre(s) de Demandado(s) como aparecen en la Demanda	
PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL	CASE NUMBER: Escriba numero de caso

(Do not use this Proof of Service to show service of a Summons and Complaint.)

1. I am over 18 years of age and **not a party to this action**. I am a resident of or employed in the county where the mailing took place.
2. My residence or business address is:

dirección de la persona que van enviar su respuesta
3. On (date):

Fecha cuando su respuesta fue enviada

 I mailed from (city and state)

Ciudad y estado de donde se envio su respuesta

 the following documents (specify):

☐ Answer (UD-105)

☐ Attachment 3w

☐ Exhibits

☐ Amended Answer (UD-105)

☐ Declarations

☐ The documents are listed in the *Attachment to Proof of Service by First-Class Mail—Civil (Documents Served)* (form POS-030(D)).
4. I served the documents by enclosing them in an envelope and (check one):

☐ **depositing** the sealed envelope with the United States Postal Service. I am fully prepaid.
☒ **placing** the envelope for collection and mailing following our business's practice for collecting and processing correspondence. I am readily familiar with this practice. If, on the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

Marque las casillas de los documentos que envio
5. The envelope was addressed and mailed as follows:

a. **Name** of person served:

Escriba el nombre del dueno o abogado(a) del dueno

 b. **Address** of person served:

Escriba la dirección del dueno o abogado(a) del dueno

☐ The name and address of each person to whom I mailed the documents is listed in the *Attachment to Proof of Service by First-Class Mail—Civil (Persons Served)* (POS-030(P)).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

Fecha

Nombre de la persona quien envio la respuesta

(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)

Firma de la persona quien envio la respuesta

(SIGNATURE OF PERSON COMPLETING THIS FORM)