

UNLAWFUL DETAINER GENERAL DENIAL



How To Guide

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

February 2024

This guide is designed to help you fill out the forms yourself. It is not intended to provide legal advice or strategy as to how to complete the case. The information provided in this packet only presents options and examples. This is not a substitute for professional legal advice from an attorney.

Please type or print in black ink.

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This General Denial Packet helps you fill out the response or answer forms to an Unlawful Detainer (Eviction) Lawsuit when you do not have enough time to complete a full answer or when the filing deadline has already passed. This General Denial is or may not be a full or complete response to an eviction. It is designed to help you submit a last minute response to AVOID A DEFAULT JUDGMENT (or automatic loss) in your eviction case. Generally, you only have Five (5) Business Days to file an answer to an eviction case after you were given the Unlawful Detainer Summons and Complaint (The Eviction Packet).

This guide and form is designed to help you complete the General Denial and Fee Waiver Request on your own. Once you file the General Denial and Fee Waiver Request, you have ten (10) CALENDAR days to file an Amended Answer. That Amended Answer is an opportunity to file a complete response to the case with all the defenses that you intend to bring at trial. If you do not file an amended answer within the 10 Calendar Days after filing a General Denial, you may not be able to bring up any defenses at trial or submit any evidence/testimony regarding those defenses. Why? Because it was not in your answer.

IT IS VERY IMPORTANT THAT YOU AMEND YOUR ANSWER (FILE A FULL ANSWER) WITHIN 10 DAYS OF FILING YOUR GENERAL DENIAL IF WISH TO FILE AN AMENDED ANSWER.

If you qualify, you may be able to find free legal services by contacting StayHousedLA.org or contacting the Legal Aid Foundation of Los Angeles at 1-800-399-4529 to find an attorney to help you.
About this Packet and What To Do:

- Review the Instructions carefully and begin using the guide to fill out the forms - UD105, Proof of Service, Fee Waiver Request and Fee Waiver Order.
- Complete and sign the forms where indicated.
- Do not forget about the Proof of Service. The other side deserves to have a copy of any document that is filed with the court. So, you must have someone else over the age of 18 and not a party to the case mail a copy of the general denial answer to the address of the Plaintiff or Plaintiff's attorney (address written on the Summons & Complaint). That person should complete and sign the Proof of Service by Mail.
- Make two copies of the ANSWER (UD105)/Proof of Service and one copy of the Request for Fee Waiver (FW001) & Fee Waiver Order (FW003).
- A copy of both the General Denial Answer and Proof of Service must be mailed to the other side (US Postal). You do not have to mail out the Fee Waiver Request (FW001) and Order (FW003) to the other side. The Plaintiff does not need to know about your private financial status.
- Take the documents to the courthouse that is written on the Summons & Complaint and proceed to the unlawful detainer filing window in the Clerk's Filing Office.
- The clerk will take the original General Denial Answer and Fee Waiver Request & Order.
- The Clerk will return the copy of the General Denial Answer and Fee Waiver Forms for your records
- Seek out assistance within 10 Calendar Days to file an AMENDED ANSWER.

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY</p> <p>NAME: PRINT YOUR FULL NAME</p> <p>FIRM NAME:</p> <p>STREET ADDRESS: PRINT YOUR STREET ADDRESS</p> <p>CITY: PRINT YOUR CITY</p> <p>TELEPHONE NO.: PRINT YOUR TELEPHONE #</p> <p>EMAIL ADDRESS:</p> <p>ATTORNEY FOR (name): PRINT "Self-Represented"</p> <p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Print "Los Angeles"</p> <p>STREET ADDRESS:</p> <p>MAILING ADDRESS:</p> <p>CITY AND ZIP CODE:</p> <p>BRANCH NAME:</p> <p>PLAINTIFF:</p> <p>DEFENDANT:</p>	<p style="text-align: center;">FOR COURT USE ONLY</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>This information is on the Summons and Complaint. It should be spelled exactly as it is there - even if there is a mistake in your name</p> </div> <p>CASE NUMBER:</p> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> <p>Print Case #</p> </div>
<p>ANSWER—UNLAWFUL DETAINER</p>	

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 that are Signing/Filling out this Form
answers the complaint as follows.

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

- a. ☒ **General Denial** (Do not check this box if the complaint demands more than \$1,000.)
Defendant generally denies each statement of the complaint and of *Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer* (form UD-101).
- b. ☐ **Specific Denials** (Check this box and complete (1) and (2) below if complaint demands more than \$1,000.)
Defendant admits that all the statements of the complaint and of *Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer* (form UD-101) are true EXCEPT:
- (1) **Denial of Allegations in Complaint (form UD-100 or other complaint for unlawful detainer)**
- (a) Defendant claims the following statements of the complaint are false (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)(a).
- (b) Defendant has no information or belief that the following statements of the complaint are true, so 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 following statements on *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)(b).

PLAINTIFF: Print Plaintiff(s) Name(s)	CASE NUMBER:
DEFENDANT: Print Defendant(s) Name(s)	Print Case Number

2. b. (2) (c) Defendant has no information or belief that the following statements on *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)(c).
3. **DEFENSES AND OBJECTIONS** (NOTE: For each box checked, you must state brief facts to support it in item 3t (on page 3) 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. ☐ (Nonpayment of rent only) Plaintiff's demand for possession is based on nonpayment of rent due more than one year ago.
- e. ☐ Plaintiff waived, changed, or canceled the notice to quit.
- f. ☐ Plaintiff served defendant with the notice to quit or filed the complaint to retaliate against defendant.
- g. ☐ 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.
- h. ☐ 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 3t the facts showing violation of the ordinance.)
- i. ☐ 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 3t 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.
- j. ☐ Plaintiff accepted rent from defendant to cover a period of time after the date the notice to quit expired.
- k. ☐ Plaintiff seeks to evict defendant based on an act—against defendant, defendant's immediate family member, or a member of defendant's household—that constitutes domestic violence, sexual assault, stalking, human trafficking, abuse of an elder or a dependent adult, or a crime that caused bodily injury, involved a deadly weapon, or used force or threat of force. (This defense requires one of the following, which may be included with this form: (1) **a temporary restraining order, protective order, or police report** that is not more than 180 days old; (2) **a signed statement from a qualified third party** (e.g., a doctor, domestic violence or sexual assault counselor, human trafficking caseworker, psychologist, or a victim of violent crime advocate concerning the injuries or abuse resulting from these acts); or (3) **another form of documentation or evidence that verifies that the abuse or violence occurred.**)
- (1) ☐ The abuse or violence was committed by a person who does not live in the dwelling unit.
- (2) ☐ The abuse or violence was committed by a person who lives in the dwelling unit and defendant claims protection from eviction under Code of Civil Procedure section 1161.3(d)(2).
- l. ☐ 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.
- m. ☐ 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).)

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3. m. (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).)
- (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).)
- n. ☐ 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 3t*).
- o. ☐ 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.*)
- p. ☐ 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.
- q. ☐ Plaintiff refused to accept payment from a third party for rent due. (Civ. Code, § 1947.3; Gov. Code, § 12955.)
- r. ☐ Defendant has a disability and plaintiff refused to provide a reasonable accommodation that was requested. (Cal. Code Regs., tit. 2, § 12176(c).)
- s. ☐ Other defenses and objections are stated in item 3t.
- t. (*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 3t.

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.

PLAINTIFF: Print Plaintiff(s) Name(s)	CASE NUMBER:
DEFENDANT: Print Defendant(s) Name(s)	Print Case Number

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




Print "1. Right to a Jury Trial pursuant to CCP §631; 2. Reinstatement of the tenancy or in the alternative, relief from forfeiture per CCP§1179; 3. An order sealing the record after dismissal or judgment; 4. if the breach of warranty of habitability is pleaded, then the court to retain jurisdiction over this matter until all repairs and corrections are made; 5. Any additional relief the Court deems just and proper"

6. Number of pages attached: **PRINT "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 or 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.)




Print Your Full Name _____ (TYPE OR PRINT NAME)	 Sign Your Name _____ (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: **Print Date**

Print Your Full Name _____ (TYPE OR PRINT NAME)	 Sign Your Name _____ (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): PRINT YOUR NAME PRINT YOUR ADDRESS TELEPHONE NO.: PRINT YOUR PHONE # FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Self Represented	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: PRINT THE COURT'S ADDRESS MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	Note that service can only be performed by a person over the age of 18, who is not a party to the legal proceedings. That person will need to sign and date this form before it can be filed.
PETITIONER/PLAINTIFF: PRINT THE PLAINTIFF'S NAME (PERSON OR COMPANY SUING) LISTED ON COMPLAINT RESPONDENT/DEFENDANT: PRINT THE NAME OF THE DEFENDANT(S) LISTED ON THE COMPLAINT	
PROOF OF SERVICE BY FIRST-CLASS MAIL - CIVIL	

(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:

 THE PERSON WHO SERVED YOUR PAPERWORK WILL WRITE THEIR ADDRESS HERE
3. On (date): PRINT THE DATE IT WAS MAILED I mailed from (city and state): PRINT THE CITY AND STATE WHERE YOUR ANSWER WAS MAILED FROM
 the following **documents** (specify):

<input type="checkbox"/> Answer (UD-105)	<input type="checkbox"/> Attachment 3t	<input type="checkbox"/> Exhibits
<input type="checkbox"/> Amended Answer (UD-105)	<input type="checkbox"/> Declarations	<input type="checkbox"/> UD104/104a

CHECK THE BOXES THAT INDICATE WHAT DOCUMENTS WERE SERVED ON THE OTHER PARTY

☐ 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):
 - a. ☐ **depositing** the sealed envelope with the United States Postal Service with the postage fully prepaid.
 - b. ☒ **placing** the envelope for collection and mailing following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. 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.
5. The envelope was addressed and mailed as follows:
 - a. **Name** of person served: PRINT THE NAME OF THE LANDLORD OR THE LANDLORD'S ATTORNEY
 - b. **Address** of person served:

 PRINT THE MAILING ADDRESS OF THE LANDLORD OR THE LANDLORD'S ATTORNEY
 THIS INFORMATION MAY BE FOUND IN THE UPPER LEFT HAND CORNER OF THE FIRST PAGE OF THE COMPLAINT
☐ 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: PRINT THE DATE

THE PERSON WHO MAILED THE ANSWER WILL PRINT THEIR NAME	SIGNATURE OF PERSON WHO MAILED THE ANSWER
(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)	(SIGNATURE OF PERSON COMPLETING THIS FORM)