



# Tenant Power Toolkit Training for Advocates

An Initiative of the Debt Collective, L.A. Tenants Union, UCLA Luskin Institute on Inequality and Democracy & Anti-Eviction Mapping Project





## The Tenant Power Toolkit has Served Over 10,000 Individuals Facing Eviction

- The Tenant Power Toolkit was introduced in July 2022 ahead of COVID-19 eviction protections being rolled back across California.
- The Toolkit was designed by tenant advocates and eviction defense lawyers for the general user. **No legal expertise is expected though.**
- Since its inception, the Tenant Power Toolkit has created answers **in over 4,000 eviction cases.**
- Of these 4,000, **the Tenant Power Toolkit has *filed and served* answers on behalf of 2,000 tenants.**

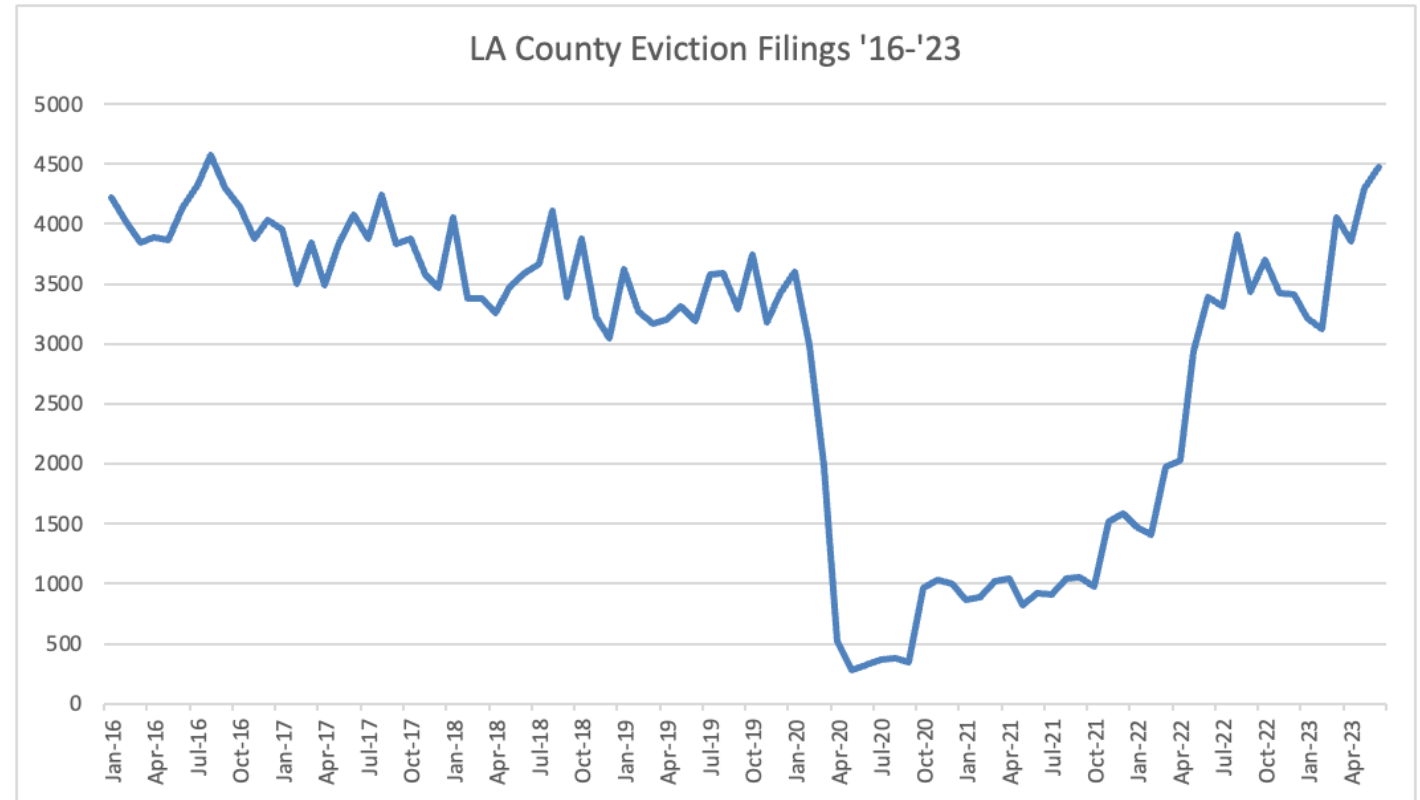
# **Evictions Across California Today**



# The Eviction Wave

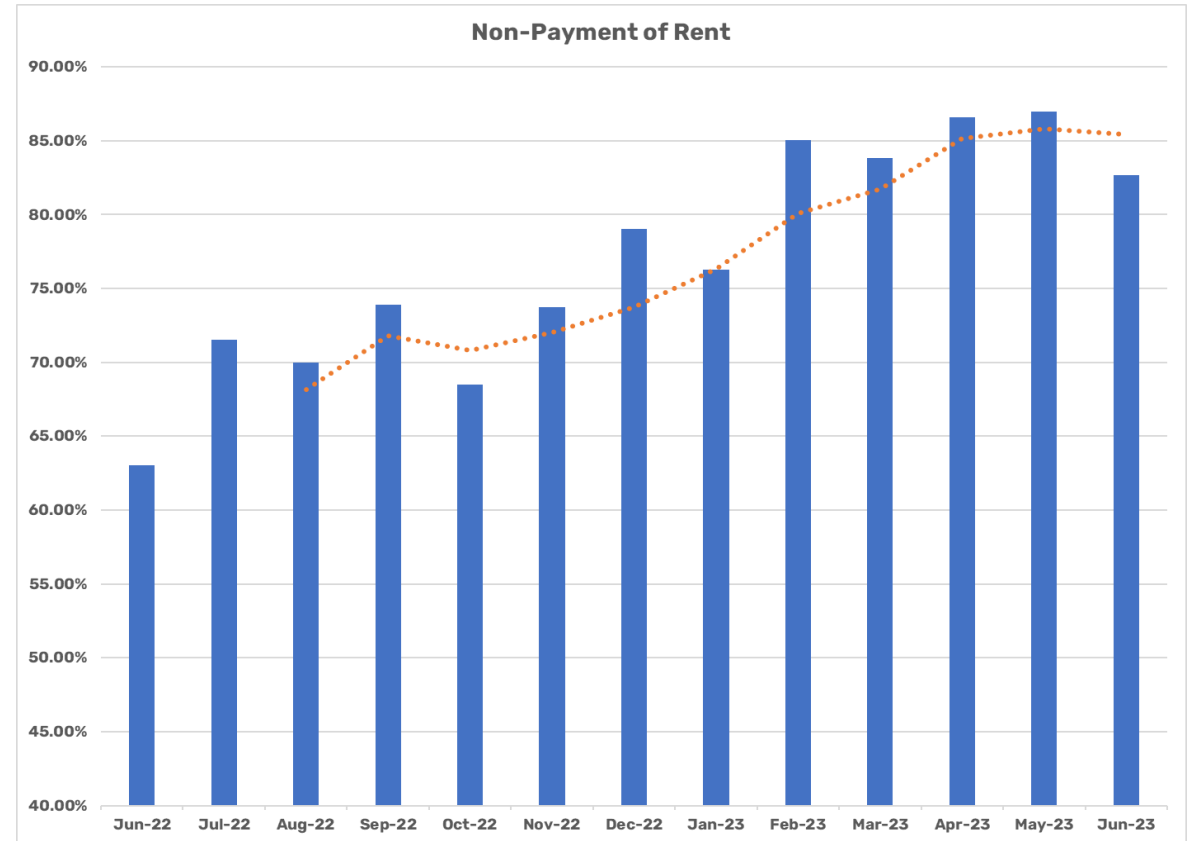
- Evictions began to return to their pre-pandemic lows in 2022 **even before state-wide and municipal protections were lifted.**
- 2023 looks to be the highest on record since 2015.

***Eviction defenses are not self-enforcing.*** Tenants must raise them to stay in their homes.



# What's Ahead: Non-Payment of Rent & Rent Debt

- Non-payment evictions have always constituted most evictions
- Evictions for non-payment started to surge in November 2022 and are an ever-larger share of evictions
- **Many COVID-era protections against eviction for rent debt lapse in 2023/2024.**



## Rent & Rent Debt

<b>Avg Monthly Rent</b> \$1,800	<b>Avg Rent Debt</b> <b>\$6,000</b> (3.3x monthly rent)
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## Evictions for Other Reasons

<b>Fault (Other)</b> 9.7%	<b>No Fault</b> 6.0%	<b>Ellis Act (No Fault)</b> 2.1%
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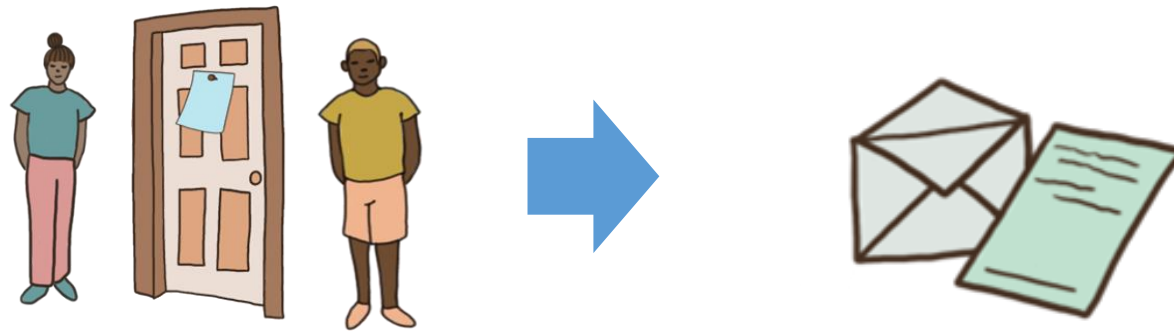
# **The Eviction Process**

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# The Eviction Process

The eviction process **can be** long and complicated

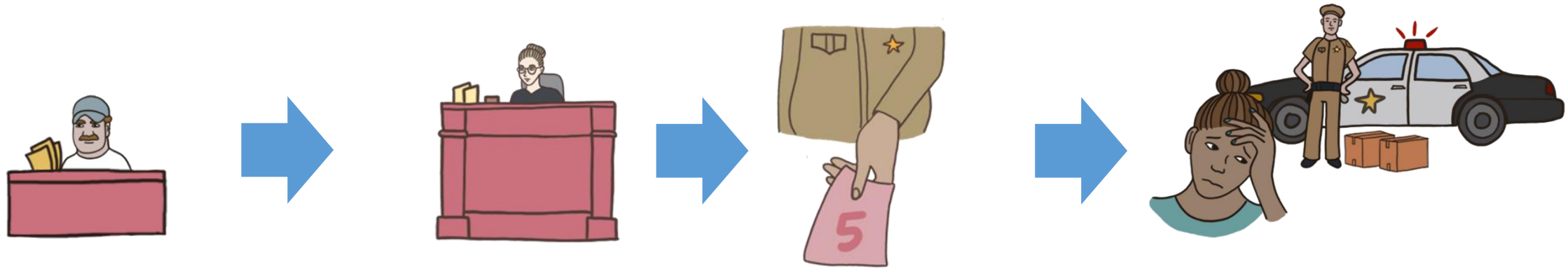


Tenant gets 3-Day, 15-Day, 30-Day, 60-Day or 90-Day Notice to move out. Your landlord must issue a written notice. Verbal notices are not valid.

Tenant is served “Summons” and “Complaint – Unlawful Detainer” (Eviction lawsuit)

SUMMONS (CITACIÓN JUDICIAL) UNLAWFUL DETAINER—EVICTION (RETENCIÓN ILÍCITA DE UN INMUEBLE—DESALOJO)		SUM-130 FOR COURT USE ONLY (SOLO PARA USO DE LA CORTE)
<b>NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):</b>		
<b>YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE):</b>		
<p><b>NOTICE!</b> You have been sued. The court may decide against you without your being heard unless you respond within 5 days. You have 5 DAYS, not counting Saturdays and Sundays and other judicial holidays, after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff.</p> <p>A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (<a href="http://www.courts.ca.gov/selfhelp">www.courts.ca.gov/selfhelp</a>), your county law library, or the courthouse nearest you. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.</p> <p>There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services website (<a href="http://www.lawhelpca.org">www.lawhelpca.org</a>), the California Courts Online Self-Help Center (<a href="http://www.courts.ca.gov/selfhelp">www.courts.ca.gov/selfhelp</a>), or by contacting your local court or county bar association.</p>	<p><b>¡AVISO!</b> Usted ha sido demandado. Si no responde dentro de 5 días, el tribunal puede emitir un fallo en su contra sin una audiencia. Una vez que le entreguen esta citación y papeles legales, solo tiene 5 DÍAS, sin contar sábado y domingo y otros días feriados del tribunal, para presentar una respuesta por escrito en este tribunal y hacer que se entregue una copia al demandante.</p> <p>Una carta o una llamada telefónica no lo protege. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (<a href="http://www.sucorte.ca.gov">www.sucorte.ca.gov</a>), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no presenta su respuesta a tiempo, puede perder el caso por falta de comparecencia y se le podrá quitar su sueldo, dinero y bienes sin más advertencia.</p> <p>Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (<a href="http://www.lawhelpcalifornia.org">www.lawhelpcalifornia.org</a>), en el Centro de Ayuda de las Cortes de California, (<a href="http://www.sucorte.ca.gov">www.sucorte.ca.gov</a>) o poniéndose en contacto con la corte o el colegio de abogados local.</p>	
<p><b>FEE WAIVER:</b> If you cannot pay the filing fee, ask the clerk for a fee waiver form. <b>NOTE:</b> The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.</p>	<p><b>EXENCIÓN DE CUOTAS:</b> Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. <b>AVISO:</b> Por ley, la corte tiene derecho a reclamar las cuotas y los costos eventos con un gravamen sobre cualquier cantidad de \$10,000 o más recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desestimar el caso.</p>	
1. The name and address of the court is: (El nombre y dirección de la corte es):		CASE NUMBER (número del caso):
2. The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):		
<small>Form Adopted for Mandatory Use Judicial Council of California SUM-130 (Rev. September 1, 2018)</small>		
<b>SUMMONS—UNLAWFUL DETAINER—EVICTION</b>		
<small>Page 1 of 2 Code of Civil Procedure, §§ 412.20, 414.40, 1167 <a href="http://www.courts.ca.gov">www.courts.ca.gov</a></small>		

# Tenant does nothing



Landlord files  
"Request to Enter  
Default"

Judgment  
entered in favor of  
Landlord

\*

Tenant receives  
Sheriff's 5 business  
Days Eviction  
Notice

\*

\*

**Sheriff evicts  
Tenants(s)**

\*Tenant files "Motion to Set Aside Default and Default Judgment" (difficult to win)

\*\*Tenant files "Motion for Stay of Execution" (to buy more days to stay) (very difficult to win)



# Tenant files "Answer" within 5 days



Judgment for  
Tenant

Tenant Stays and pays rent



Settlement  
Meeting

Trial Date

Judgment



Judgment for  
Landlord

Tenant receives  
Sheriff's 5-Day Eviction  
Notice

**Sheriff evicts  
Tenants(s)**

# What is an "Answer"?

**An Answer to an unlawful detainer is a tenant's court-filed response to the landlord's lawsuit against them.**

The answer...

...prevents a default judgement against the tenant for non-response.

...establishes the defenses the tenant and/or their legal representation can use in their case

# When Should an Answer Be Filed By?

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- The answer to the unlawful detainer must be filed and accepted by the court within the required timeline to **prevent the landlord from seeking a default judgement**
- If tenant served...
  - ...via **personal service** (i.e. summons and complaint handed to named tenant)  
*must file and have answer accepted by court within **5 court days***
  - ...via **mail and posted summons/complaint**  
*must file and have answer accepted by court within **10 calendar days and 5 court days** of postmarked date*

**Note:** Court days are not necessarily business days. Check local court calendar to determine filing deadline.

# Important Note Regarding Deadlines!

- **Landlords manipulating the service requirement is unfortunately not uncommon.** There have been instances of landlords falsely claiming that service has occurred or when it occurred.
- **Tenants should be as cautious as possible** and remove the possibility of a default judgement early in the process.
- Tenants who have not yet been served but who have received the court notice of unlawful detainer can **request copies of their summons and complaint to file an answer early if they believe their landlord may make false claims regarding service.**

# What does the Tenant Power Toolkit Do?

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Generates documentation below for California tenants who have been served with a Summons and Complaint of Unlawful Detainer

- Answer
- Fee Waivers
- Jury Demand
- Proof of Service
- UD104, if applicable

E-filing for LA County residents at least one day from filing deadline and qualify for a fee waiver (does not include those who apply for a discretionary waiver)

Tenants outside of LA County or who do not qualify for a fee waiver will have to self-file and have a third party serve landlord/landlord's lawyer after they create their documents - we provide step-by-step instructions for this.

An Answer can be amended within 10 days of being filed. The Toolkit can also generate and file an Amended Answer!

# What the Tenant Power Toolkit Can't Do

## The Tenant Power Toolkit cannot...

- Generate documents required for tenants who **do not have a copy of their Summons and Complaint.**
- Adequately serve **commercial** tenants facing eviction.
- Assist tenants who have already received a sheriff's **notice to vacate.**
- Provide legal advice or representation.
- **Generate an answer for tenants not named in the lawsuit.** Such tenants should consider filing a "Prejudgment Claim of Right to Possession" in order to be added to the lawsuit. Once they are added, they can file an answer in their name.



# How the Toolkit Builds an Answer

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- The Tenant Power Toolkit builds the defenses a tenant may raise at trial or in front of a judge using plain language questions tenants respond to.
- It is important to note that while defenses can be raised in the answer but ultimately not be raised during a case, **a defense not noted in the answer cannot be raised later. It is therefore better to be over-inclusive. The toolkit takes this into account in its wording** (i.e., "...if not sure, select yes").
- While the answers to any questions regarding possible defenses should ultimately reflect the tenant's own understanding of their situation, be aware that tenants may sometimes downplay or normalize illegal management practices or habitability conditions. **Tenants should understand that raising as many rightful defenses as possible to their eviction is key to saving their homes. An answer is not a place to present evidence.**

# Jury Demand

- Tenants in California have a **constitutional right to request a jury trial**. Tenants who do not request a jury trial will have their case heard directly by a judge ("**bench trial**").
- **Why should a tenant consider requesting a jury trial?**
  - Jury trials are **costly for landlords** and may provide **incentive to reach a settlement**
  - **Juries can be more sympathetic** to tenant's defense than a judge may be
  - Jury trials generally extend the entire unlawful detainer process, buying the tenant **more time to prepare defenses and make decisions**

# Fee Waivers

- While the Tenant Power Toolkit is entirely free to use, **California courts charge their own filing and jury trial fees.**
  - The fee for filing an answer is \$225 across most counties
    - *Riverside, San Bernardino, and San Francisco charge additional local fees.*
  - Jury trials require a \$150 deposit before trial along with daily trial fees set by the court
- **The Toolkit generates fee waivers! Most tenants facing an unlawful detainer will be able to have filing and jury fees waived.**

FW-001 Request to Waive Court Fees		CONFIDENTIAL																		
<p>If you are getting public benefits, are a low-income person, or do not have enough income to pay for your household's basic needs and your court fees, you may use this form to ask the court to waive your court fees. The court may order you to answer questions about your finances. If the court waives the fees, you may still have to pay later if:</p> <ul style="list-style-type: none"><li>• You cannot give the court proof of your eligibility.</li><li>• Your financial situation improves during this case, or</li><li>• You settle your civil case for <b>\$10,000</b> or more. The trial court that waives your fees will have a lien on any such settlement in the amount of the waived fees and costs. The court may also charge you any collection costs.</li></ul>		<p>Clerk stamps date here when form is filed.</p>																		
<p>1 <b>Your Information</b> (person asking the court to waive the fees):</p> <p>Name: _____</p> <p>Street or mailing address: _____</p> <p>City: _____ State: _____ Zip: _____</p> <p>Phone: _____</p>		<p>Fill in court name and street address:</p> <p>Superior Court of California, County of _____</p>																		
<p>2 <b>Your Job</b>, if you have one (job title): _____</p> <p>Name of employer: _____</p> <p>Employer's address: _____</p>		<p>Fill in case number and name:</p> <p>Case Number: _____</p> <p>Case Name: _____</p>																		
<p>3 <b>Your Lawyer</b>, if you have one (name, firm or affiliation, address, phone number, and State Bar number): _____</p> <p>a. The lawyer has agreed to advance all or a portion of your fees or costs (check one): Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>b. (If yes, your lawyer must sign here) Lawyer's signature: _____</p> <p>If your lawyer is not providing legal-aid type services based on your low income, you may have to go to a hearing to explain why you are asking the court to waive the fees.</p>																				
<p>4 <b>What court's fees or costs are you asking to be waived?</b></p> <p><input type="checkbox"/> Superior Court (See Information Sheet on Waiver of Superior Court Fees and Costs (form FW-001-INFO).)</p> <p><input type="checkbox"/> Supreme Court, Court of Appeal, or Appellate Division of Superior Court (See Information Sheet on Waiver of Appellate Court Fees (form APP-015/FW-015-INFO).)</p>																				
<p>5 <b>Why are you asking the court to waive your court fees?</b></p> <p>a. <input type="checkbox"/> I receive (check all that apply; see form FW-001-INFO for definitions):</p> <p><input type="checkbox"/> Food Stamps <input type="checkbox"/> Supp. Sec. Inc. <input type="checkbox"/> SSP <input type="checkbox"/> Medi-Cal <input type="checkbox"/> County Relief/Gen. Assist. <input type="checkbox"/> IHSS</p> <p><input type="checkbox"/> CalWORKS or Tribal TANF <input type="checkbox"/> CAPI <input type="checkbox"/> WIC <input type="checkbox"/> Unemployment</p> <p>b. <input type="checkbox"/> My gross monthly household income (before deductions for taxes) is less than the amount listed below. (If you check 5b, you must fill out 7, 8, and 9 on page 2 of this form.)</p> <table border="1"><thead><tr><th>Family Size</th><th>Family Income</th><th>Family Size</th><th>Family Income</th><th>Family Size</th><th>Family Income</th></tr></thead><tbody><tr><td>1</td><td>\$2,430.00</td><td>3</td><td>\$4,143.34</td><td>5</td><td>\$5,856.67</td></tr><tr><td>2</td><td>\$3,286.67</td><td>4</td><td>\$5,000.00</td><td>6</td><td>\$6,713.34</td></tr></tbody></table> <p>If more than 6 people at home, add \$836.67 for each extra person.</p>		Family Size	Family Income	Family Size	Family Income	Family Size	Family Income	1	\$2,430.00	3	\$4,143.34	5	\$5,856.67	2	\$3,286.67	4	\$5,000.00	6	\$6,713.34	
Family Size	Family Income	Family Size	Family Income	Family Size	Family Income															
1	\$2,430.00	3	\$4,143.34	5	\$5,856.67															
2	\$3,286.67	4	\$5,000.00	6	\$6,713.34															
<p>c. <input type="checkbox"/> I do not have enough income to pay for my household's basic needs and the court fees. I ask the court to: (check one and you <b>must</b> fill out page 2):</p> <p><input type="checkbox"/> waive all court fees and costs <input type="checkbox"/> waive some of the court fees <input type="checkbox"/> let me make payments over time</p>																				

# Filing the Answer

- Tenants qualify for free e-filing **if they meet all of the below**
  - Are a resident of Los Angeles County
  - Are more than one calendar day from their filing deadline
  - Qualify for an automatic fee waiver (based on their income or their receiving certain government benefits)
- Tenants who do not qualify for e-filing must **self-file (go into court in person) and have a third party serve landlord/landlord's lawyer with their documents** (note - fee waivers are not served on the other side).

# TENANT POWER TOOLKIT

## Tenant Power Toolkit Walkthrough

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[tenantpowertoolkit.org](https://tenantpowertoolkit.org)



**I'VE BEEN SERVED EVICTION PAPERS IN CALIFORNIA AND I WANT TO FIGHT MY EVICTION! (ONLY IF YOU HAVE ALREADY RECEIVED A SUMMONS AND A COMPLAINT-UNLAWFUL DETAINER)**

**START YOUR DEFENSE**

**LEARN MORE**



**I OWE MY LANDLORD BACK RENT DEBT AND I WANT TO UNDERSTAND MY SITUATION, GET SOME LEGAL HELP, AND ORGANIZE WITH OTHERS IN THIS SITUATION.**

**COMING SOON!**

**LEARN MORE**





[Sign in or sign up to save answers](#)

**Welcome!**

**Basic Information**

**Information from  
your Documents**

**Your Defenses to  
Eviction**

**Jury Trial & Fee  
Waivers**

**Next Steps**

What language do you speak? (¿Qué idioma habla?)

☐ **English**

☐ **Español**

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COUNTY OF LOS ANGELES  
**SHERIFF'S DEPARTMENT**  
COURT SERVICES DIVISION

## NOTICE TO VACATE

CASE NUMBER: 415B123

TO: Judgment debtor, members of judgment debtor's household, and any occupants residing with the judgment debtor.

By virtue of *Writ of Possession of Real Property*, a copy of which is attached,  
**YOU ARE ORDERED TO VACATE THE PREMISES DESCRIBED IN THE WRIT NOT LATER**

**THAN:** 3/10, 20 20.

SHERIFF'S BRANCH (Name, Address and Telephone Number)



By: 

Date: 3/5/20



NOTICE TO VACATE

**If a tenant has received this notice, the Tenant Power Toolkit cannot assist them.**

**The toolkit will pose this and related questions to determine whether or not a tenant can be adequately served by using it.**

**The Tool can help with form complaints and pleading paper complaints. Most landlords and lawyers use the form complaint, but some lawyers create their own “pleading paper” complaints. Some portions of the Toolkit look different for pleading paper complaints.**



Sign in or sign up to save answers

## First Answer or Amended Answer

Required fields are labeled with a star: \* \*

If you have already filed with the Court an Answer to the Complaint-Unlawful Detainer, you may also be able to use this Tool to prepare an amended (changed) Answer to the Complaint.

**Is this your first Answer in this case?** 'This case' means a case with the same case number. If you're using this Tool to create your first response to your eviction case, select Yes. If someone you live with has filed an Answer in this case but you have not, select Yes. If you have already filed an Answer for this case with the court, select No. Select No only if you are trying to use this Tool to create an amended (changed) Answer for your eviction case. \*

☐ Yes

☐ No

**Be sure to correctly note whether or not a session is for an amended answer. This means they have previously filed an answer in the same case. ( Tenants have 10 calendar days after they have filed their original Answer to file an Amended answer.)**

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Sign in or sign up to save answers

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## Getting Started

Required fields are labeled with a star: \* \*

Your deadline for getting your Answer to the court depends on when and how you (or someone else in your household) received the SUMMONS or COMPLAINT-UNLAWFUL DETAINER. There are three ways you can receive these documents:

1. Personal service - you are handed the documents in person (even if you didn't accept the documents and they were left on the ground near you).
2. Substituted service - someone else in your household is handed the documents and the documents are also mailed to you.
3. Service by posting - the documents are left on your door and the documents are also mailed to you.

If you received your SUMMONS and COMPLAINT-UNLAWFUL DETAINER in person, you only have 5 days to file your answer in court. Day 1 is the day after you were served. You then count out 5 days, leaving out any Saturday, Sunday or legal holiday. The answer is due on the 5th day. If the 5th day falls on a weekend or holiday, the answer is due the next day that is not a weekend day or holiday.

If your SUMMONS and COMPLAINT-UNLAWFUL DETAINER were given to someone else in your household or left at the door, they must also be mailed to you. You have 15 days from the postmark on the envelope to file your answer with the court. The mailing date is the postmark date. Day 1 is the day after the SUMMONS and COMPLAINT-UNLAWFUL DETAINER were mailed to you. For the first 10 of the 15 days, count regular calendar days (every day, including weekends and holidays). The 10th day is the day you're considered served. Then you count 5 court days. For these 5 court days, do not count Saturdays, Sundays, or court holidays. The 5th day (after the first 10 calendar days) is the deadline to answer.

**If you were never served with the SUMMONS and COMPLAINT-UNLAWFUL DETAINER, read the following carefully:** You have to be served these documents (in one of the three ways above) before you are required to file an answer. You can wait to be served and then come back to this Tool. If you are worried your landlord will lie and say you were served, you should go to the courthouse and get copies of the SUMMONS and COMPLAINT-UNLAWFUL DETAINER in your case. You need these documents to use the Tool. If have copies of the SUMMONS and COMPLAINT-UNLAWFUL DETAINER even though you were never served, you can choose "In Person" below and you should try to file an answer ASAP.

**How** did you or anyone in your household receive the SUMMONS and COMPLAINT-UNLAWFUL DETAINER? \*

☒ In person

☐ Left at the door

☐ Handed to someone else in my household

**How the tenants was served determines how much time they have to file their answer. The tool will automatically calculate your deadline for you. If the tenant was never served, they can go to the courthouse to get their Summons and Complaint - if this is the case, they can just choose "in person" and pick today's date on the next page.**

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Sign in or sign up to save answers

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## Getting Started

Required fields are labeled with a star: \* \*

Only someone who is named as a Defendant in the case can file an Answer to the COMPLAINT-UNLAWFUL DETAINER. Sometimes names are misspelled, but if you know who the landlord or their lawyer meant, ignore the misspelling. Look closely at the SUMMONS and COMPLAINT-UNLAWFUL DETAINER forms.

Are you using this Tool for someone who is actually named on the SUMMONS and COMPLAINT-UNLAWFUL DETAINER? You can use this Tool for yourself or you can help someone else use this Tool, but only with their permission. If you, or the person you are helping, are NOT listed as a Defendant on the SUMMONS and COMPLAINT-UNLAWFUL DETAINER, select no. \*

☒ Yes

☐ No

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▶ 0:00 / 0:00

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If you need assistance with any issue related to this Tool, please call (323) 207-5854 or email [tenantpower@debtcollective.org](mailto:tenantpower@debtcollective.org)

**The Tool can only be used by people already NAMED as a defendant in the case. If they are not named but live in the unit and want to join the case, they can select No and will get some information about next steps. If the person using the Tool is helping someone else (a named defendant), that is ok.**





Sign in or sign up to save answers

Welcome!

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## Waiver

Eviction cases (called Unlawful Detainer cases) begin when a tenant is served with a Summons and Complaint. These are papers the landlord or the landlord's lawyer gives to the tenant. After receiving the Summons and Complaint, the tenant only has **a very short amount of time to respond** by filing legal papers with the Court. (5 days not including weekends and holidays if you received the summons and complaint from someone in person or on your doorstep; 15 days from the postmark on the envelope if you received your unlawful detainer summons and complaint by mail.) Failure to respond within this amount of time can lead to a speedy eviction. If you can find a lawyer to help you respond to your Summons and Complaint, that is best.

Find free or low cost legal services near you [here](#).

The Tenant Power Toolkit is a free service for tenants who need help to file the necessary paperwork. If you do use this Tool, we strongly encourage you to contact a lawyer or legal services group as soon as possible. The Answer this Tool will prepare can be amended (changed) within 10 days after it is filed with the Court. To do that, you must file an Amended Answer in Court within the 10 day period. This Tool can help you prepare an Amended Answer, but we may not be able file the Amended Answer for you electronically. You may need to serve and file a printed and signed Amended Answer in court yourself.

We have designed this tool to minimize as many risks as possible, but there are still risks you should consider:

- 1. Risk of legal errors.** The Tool takes the information you provide and uses that information to prepare legal papers to be filed with the Court. You will be provided with an exact copy of the documents prepared by the Tool, which you should review and immediately contact us [tenantpower@debtcollective.org](mailto:tenantpower@debtcollective.org) if you find mistakes. We have made every effort to remove legal or programming errors from the Tool but cannot assure you that no errors remain. By using this Tool, you assume the risk that the Tool may generate documents that contain errors that may negatively affect the outcome of your case.
- 2. Risk of processing or filing mistakes or delays.** If you qualify for a waiver of court fees and live in Los Angeles County, we will attempt to electronically file the documents generated by this Tool with the Court within the time permitted by law. If you live outside of Los Angeles County or do not qualify for a fee waiver, you can still use this tool and we will provide you with detailed filing instructions. However, the process of electronically filing legal papers is complicated and errors can occur at different parts of that process. If you do not want to assume this risk, you should print the copy of the documents that the Tool will send to the email address you have provided and file the paper documents yourself within the required 5 business days. Information about how to do this is available in the FAQ section of our website. Otherwise, by using this Tool, you assume the risk that the documents generated by this Tool will not be timely or correctly filed and that this may negatively affect the outcome of your case.

Again, we have worked hard to minimize these potential problems, but if you do not accept these risks, you should not use this Tool.

☐ I have read and accept these risks

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**We do work hard to minimize any errors in the Tool or with e-filing, but it's important that users read and understand the risks.**



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## Information About You

Required fields are labeled with a star: \* \*

What is your name? \*

What is the best phone number to reach you? \*

What is the best email address to reach you? \*

(We need this information to email you your legal documents when we're done. If you don't have a personal email you can ask a family member, friend, or tenant counselor to use theirs for this purpose. If you do not have access to any email write 'tenantpower@debtcollective.org' here and call **(323) 207-5854** and leave a message explaining the situation.)

Is there another email address where you want us to send your legal documents? A tenant counselor or legal service provider you are working with? If so, enter the email address below.

**We will be using this phone number if any issues arise with filing so be sure this field and accurate and represents a line in daily use.**

**Secondary emails are helpful for when we are trying to reach a tenant but are not having success through their phone or first email.**



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What organization referred you to this tool? \*

- ☐ ACCE Action
- ☐ BASTA
- ☐ Bet Tzedek Legal Services
- ☐ Debt Collective
- ☐ East Side Leads
- ☐ Eviction Defense Network (EDN)
- ☐ Inland Counties Legal Services
- ☐ LA CAN
- ☐ Legal Aid Foundation (LAFLA)
- ☐ Los Angeles Tenants Union (LATU)
- ☐ Stay Housed LA
- ☒ Other
- ☐ None

What is the name of the organization \*

**We want to know which orgs are actively using the Toolkit! Be sure to note the name of your organization in the “Other” section if it is not specifically listed.**

**The pages following these will ask about the tenants’ housing situation and some household demographics. This information is not shared with the landlord. We use this information for our own data, but also for research and organizing purposes if the tenant gives us permission. This is what helps us fight evictions, reach people, and change policies on a broader level!**



Sign in or sign up to save answers

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ATTORNEY OR PARTY WITHOUT ATTORNEY		STATE BAR NUMBER:	FOR COURT USE ONLY
NAME:			
FIRM NAME:			
STREET ADDRESS:			
CITY:	STATE:	ZIP CODE:	
TELEPHONE NO.:	FAX NO.:		
EMAIL ADDRESS:			
ATTORNEY FOR (name):			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF			
STREET ADDRESS:			
MAILING ADDRESS:			
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b>			
DEFENDANT:			
<input type="checkbox"/> DOES 1 TO			
<b>COMPLAINT—UNLAWFUL DETAINER*</b>			
<input type="checkbox"/> COMPLAINT <input type="checkbox"/> AMENDED COMPLAINT (Amendment Number):			CASE NUMBER:
Jurisdiction (check all that apply):			
<input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE			
Amount demanded <input type="checkbox"/> does not exceed \$10,000.			
<input type="checkbox"/> exceeds \$10,000 but does not exceed \$25,000.			
<input type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (amount demanded exceeds \$25,000)			
<input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint or cross-complaint (check all that apply):			
<input type="checkbox"/> from unlawful detainer to general unlimited civil (possession not in issue).		<input type="checkbox"/> from limited to unlimited.	
<input type="checkbox"/> from unlawful detainer to general limited civil (possession not in issue).		<input type="checkbox"/> from unlimited to limited.	

1. PLAINTIFF (name each):

The Toolkit makes understanding formal legal docs clear and intuitive. Questions that need direct answers from Summons or Complaint will include pictures like this one here which asks where an eviction is taking place (which determines which defenses a tenant might have).

## Tenant Name

Required fields are labeled with a star: \* \*

SUMMONS (CITACIÓN JUDICIAL) UNLAWFUL DETAINER—EVICTION (RETENCIÓN ILÍCITA DE UN INMUEBLE—DESALOJO)		SUM-130 FOR COURT USE ONLY (SOLO PARA USO DE LA CORTE)
<b>NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):</b>		
<b>YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁN DEMANDANDO EL DEMANDANTE):</b>		
NOTICE! You must answer the court may decide against you without your answer. You have 5 DAYS to answer.	¡AVISO! Usted ha sido demandado. Si no responde dentro de 5 días, el tribunal puede emitir un fallo en su contra sin una audiencia. Una vez que le entreguen esta citación y papeles de demanda, usted debe responder a tiempo.	
<b>NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):</b> Answering Defendant FIRST NAME and LAST NAME		
time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.	no presenta su respuesta a tiempo, puede perder el caso por falta de comparecencia y se le podrá quitar su sueldo, dinero y bienes sin más advertencia.	





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On the SUMMONS, look at the box we highlighted in red above, just below the words, NOTICE TO DEFENDANT. Find the name of the person listed there WHO WILL BE SIGNING THIS PAPERWORK. **Sometimes this name is spelled wrong. Below, you must put the exact spelling you see on the SUMMONS form, even if it is wrong.** Put only one Defendant's name here - multiple people cannot use this Tool at the same time, even if it's for the same case.

Enter the **FIRST NAME** of the person listed on the SUMMONS who will be signing this paperwork, using the exact same spelling as on the SUMMONS. Include your **MIDDLE NAME** or **MIDDLE INITIAL**, if it is on the **SUMMONS**. Do not include your last name in the first box.

Your FIRST NAME and MIDDLE NAME/INITIAL, if included, as they appear on SUMMONS \*

Now enter the **LAST NAME, as it appears on the SUMMONS**, of the person who will be signing this paperwork. Again, even if the last name is misspelled, enter it exactly as it is spelled on the document.

Your LAST NAME as it appears on SUMMONS \*

Is the name above **spelled wrong or wrong in any other way**? If your name is correct on the SUMMONS, select No. \*

☒ Yes

☐ No

Enter the correct spelling of your full name. \*

Are you the first person listed as a Defendant on the SUMMONS? If another tenant is listed first, select No. \*

**Is the tenant's  
name spelled  
incorrectly on the  
Summons?**

**Read these  
questions  
carefully!**

**Only one tenant can use the Tool at a time! Do not  
have users put multiple names here. The documents  
can only be generated for one person**

money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program or from a local nonprofit group at the California Judicial Center (www.lawhelpca.org), the California Judicial Center (www.courts.ca.gov/), or a local court or county bar association.

**FEE WAIVER:** If you cannot afford to pay a fee waiver form. **NOTE:** The court will waive fees and costs on an application if you have a net worth of \$10,000 or more in a civil case before the court will dismiss the case.

de comparecencia y se le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para

CASE NUMBER (número del caso):

1. The name and address of the court is: (El nombre y dirección de la corte es):

2. The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

CASE NUMBER (número del caso):

**Always triple-check the case number - it is impossible to file in a case without the right case number. They typically look like this: 23STUD00001. The first two numbers tell you the year. The next two letters tell you where the case is: ST means Stanley Mosk Courthouse. The next two letters say what type of case it is "UD" for unlawful detainer (eviction) or "CV" for civil (another type of eviction case, typically with a longer timeline and where more money can be demanded). Finally, the numbers say what number case it is from that year in that courthouse.**

Case Number \*

Now, take a minute to double check that the number you entered is an exact match for the number in the box!





## COMPLAINT-UNLAWFUL DETAINER

Required fields are labeled with a star: \* \*

Look at the first page of the COMPLAINT-UNLAWFUL DETAINER. You SHOULD NOT use any other document here - we need to get the information directly from the COMPLAINT-UNLAWFUL DETAINER or your paperwork will be wrong. **Make sure you are looking at a document that says COMPLAINT-UNLAWFUL DETAINER at the top and bottom of the first page - not NOTICE OF UNLAWFUL DETAINER or anything else.**

**You will need to take information from the COMPLAINT and enter it here EXACTLY as it is on the COMPLAINT.** Let's start with the box at the top left labeled Attorney or Party without Attorney."

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ATTORNEY OR PARTY WITHOUT ATTORNEY		STATE BAR NUMBER:	FOR COURT USE ONLY	
NAME:				
FIRM NAME:				
STREET ADDRESS:				
CITY:	STATE:	ZIP CODE:		

ATTORNEY OR PARTY WITHOUT ATTORNEY		STATE BAR NUMBER:		
NAME:				
FIRM NAME:				
STREET ADDRESS:				
CITY:	STATE:	ZIP CODE:		

<b>COMPLAINT—UNLAWFUL DETAINER*</b>		CASE NUMBER:
<input type="checkbox"/> COMPLAINT	<input type="checkbox"/> AMENDED COMPLAINT (Amendment Number):	

**One important part of filing something with the court is serving it on the other side. Other than some confidential documents like fee waivers, you cannot properly "file" in a case without also mailing a copy to the landlord or their lawyer. We know who to serve and where to serve them by looking at the top of the Complaint.**

- (1) ☐ within the city limits of *(name of city)*;  
(2) ☐ within the unincorporated area of *(name of county)*;  
c. The premises in 3a were constructed in *(approximate year)*;  
4. Plaintiff's interest in the premises is ☐ as owner ☐ other *(specify)*;  
5. The true names and capacities of defendants sued as Does are unknown to plaintiff.

\* NOTE: Do not use this form for evictions after sale (Code Civ. Proc., § 1161a).

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Judicial Council of California  
UD-100 [Rev. September 1, 2020]

### COMPLAINT—UNLAWFUL DETAINER

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Civil Code, § 1940 et seq.  
Code of Civil Procedure, §§ 425.12, 1168  
www.courts.ca.gov

**One of the most important things in this entire Tool is the address you enter here. Check it multiple times. This is the address that the documents will be mailed to. If you don't copy the address exactly, your "service" of these documents will be wrong and that may jeopardize your case.**

Enter the name of EVERY person or persons listed on the first line of the COMPLAINT-UNLAWFUL DETAINER. **This is either a landlord's lawyer or the landlord representing themselves.** DO NOT put your own name here. You MUST look at the top left box of the COMPLAINT-UNLAWFUL DETAINER and put the name of the person(s) listed there.

Name \*

Is the person on the first line a lawyer? (if they are, there will be a State Bar Number to the right of their name) \*

☐ Yes

☐ No

Enter the **complete Street Address (including suite or unit number)** of the attorney or person. This is the address in the same box as the Attorney or Party Without Attorney. Make sure you copy this **exactly** as it is at the top of the COMPLAINT-UNLAWFUL DETAINER.

Address \*

Enter the **City, State and Zip Code** of the attorney or person. This is the address in the same box as the Attorney Name.

City, State, and Zip Code \*

**If there is an email address provided, make sure to copy it exactly on the next page. If the Tool is filing/serving documents for the user, it will email those documents to the landlord's lawyer using the email address entered.**



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ATTORNEY OR PARTY WITHOUT ATTORNEY NAME FIRM NAME STREET ADDRESS CITY 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 STREET ADDRESS MAILING ADDRESS CITY AND ZIP CODE BRANCH NAME:		
PLAINTIFF: DEFENDANT: <input type="checkbox"/> DOES 1 TO		
COMPLAINT—UNLAWFUL DETAINER*		CASE NUMBER:

The “jurisdiction” of the case determines what defenses apply. Look closely here. Landlords do sometimes mess this up, but it is also common for tenants to be confused about what “city” they live in.

3. a. The venue is the court named above because defendant named above is in possession of the premises located at (street address, apt. no., city, zip code, and county):
- b. The premises in 3a are (check one)
- (1) ☐ within the city limits of (name of city):
- (2) ☐ within the unincorporated area of (name of county):

alleges causes of

2. a. Plaintiff is (check one) (1) ☐ an individual under the age of 18 years. (4) ☐ a partnership.  
(2) ☐ a partnership. (5) ☐ a corporation.  
(3) ☐ a partnership. (6) ☐ a corporation.  
b. Plaintiff is a partnership, other (specify):
3. a. The venue is the court named above because defendant named above is in possession of the premises located at (street address, apt. no., city, zip code, and county):



3. a. The venue is the court named above because defendant named above is in possession of the premises located at (street address, apt. no., city, zip code, and county):
- b. The premises in 3a are (check one)
- (1) ☐ within the city limits of (name of city):
- (2) ☐ within the unincorporated area of (name of county):
- c. The premises in 3a were constructed in (approximate year):
4. Plaintiff's interest in the premises is ☐ as owner ☐ other (specify):
5. The true names and capacities of defendants sued as Does are unknown to plaintiff.

\* NOTE: Do not use this form for evictions after sale (Code Civ. Proc., § 1161a).

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COMPLAINT—UNLAWFUL DETAINER

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Civ. Code, § 1942 et seq.  
Code of Civil Procedure, §§ 425.12, 1166  
www.courts.ca.gov

Look at Section 3b(1) on the Complaint. Is box (1) checked? \*

☒ Yes

☐ No

Is the City listed Los Angeles? \*

☐ Yes

☒ No

What City is listed? Choose one \*

Select...

Don't see the city in this list? READ THE FOLLOWING CAREFULLY:

If the "city" in Section 3b(1) is not listed here, run a web search for that "city". It may actually be a neighborhood of another city (for example, Watts, Venice, and Hollywood are all actually just neighborhoods in the city of Los Angeles). Here, you must choose the actual city that your area is a part of. For example, if your web search says that the "city" on the Complaint is actually a "neighborhood of Los Angeles, you should go up and select "Yes" to the question "Is the City listed Los Angeles?"

Everyone who doesn't live in a city lives in an unincorporated part of their county. This means your area didn't become its own city, but instead is directly governed by the county's government and laws. For example, East Los Angeles and Florence-Graham are both unincorporated areas of Los Angeles County. If you run a web search on the "city" in your address and you find results that say it is a "census-designated place" or "unincorporated area," hit continue and then be sure to choose "Yes" for the questions on the next page (asking about Section 3b(2) of the Complaint).

**Take LA County for example. Certain parts of LA County chose to become independent cities. All the leftover land is "unincorporated" LA County, also called a "census-designated" place - for example, East LA is not a city but rather just directly governed by the county.**

**The cities within LA County sometimes have neighborhoods that are mistaken for separate cities. While Burbank is a separate city, Watts and North Hollywood (and many others) are just neighborhoods in the City of LA. If your area is just a neighborhood of a city, you need to pick the actual city (for example, pick Los Angeles, by selecting yes to question #2, if you live in Venice). Neighborhoods do not have their own tenant protections.**



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## Complaint Section 3b

Required fields are labeled with a star: \* \*

Look at Section 3b(2). Is box (2) checked? \*

☒ Yes

☐ No

On the same line — 3b(2) — is Los Angeles the county named? If so, then even if your mailing address is “Los Angeles,” your unit is in an area of Los Angeles County that has some laws different from those in the City of Los Angeles. \*

☐ Yes

☒ No

**3b(2) on the complaint should only be checked if you live in an unincorporated area of your county. Some protections, like the Los Angeles County Rent Stabilization Ordinance, only apply in unincorporated areas. Some county laws, like the LA County COVID-19 protections, apply everywhere in the county, including in the cities. The Tool will only ask you about defenses that might apply in your particular case!**

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## Your mailing address / the mailing address of the tenant

Required fields are labeled with a star: \* \*

Paperwork about this case sent by the Court or the Landlord/Lawyer will go to the mailing address entered here. Some paperwork that may come in the mail only gives tenants 5 days to respond! So it is **very important** that mail sent to this address will be received and given to the tenant signing these forms. Remember to include your apartment or unit number if you have one.

Please enter the complete mailing address where the tenant will receive legal paperwork about this case, including apartment or unit number.

Street Address or PO Box \*

Apartment #

City \*

State \*

Zip Code \*

**The mailing address does not necessarily have to be the residence of the tenant. Have the tenant put down a place where they would trust to securely receive important legal documents. (And reminder, they should check their mail daily!)**



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# The Eviction Notice(s)

Required fields are labeled with a star: \* \*

The eviction notice (or multiple notices) that this case is based on are all supposed to be attached to the COMPLAINT-UNLAWFUL DETAINER. Take a moment and turn to page 2 of the COMPLAINT-UNLAWFUL DETAINER. At the bottom of page 2, at Section 9a, there are 7 boxes describing the kind of eviction notices the landlord says were given to you.

The selected boxes should describe the same notices that are attached to the COMPLAINT.

Flip through all the pages of the COMPLAINT (including any attached documents). Are there any copies of eviction notices attached to the COMPLAINT-UNLAWFUL DETAINER? If there are no eviction notices attached to the COMPLAINT, select No. \*

☒ Yes

☐ No

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**Deficient notices can often be the key defense in an eviction case. Be sure to have a copy of the notice on hand. It will need to be carefully reviewed later.**





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## A Clean, Safe Home

Tenants are entitled to live in housing that does not cause significant health or safety problems. If a house or apartment has significant problems, a court may sometimes reduce the amount of rent owed by a tenant or the reduce the daily fair market value of the unit. If the court does decrease your owed rent, you may still have to pay that reduced rent in order to avoid eviction.

If your house or apartment has any of the problems described, check all the boxes that apply. If you're not sure the condition applies, but you think it might, you should check it.

☐ You've had any problems with dampness or leaking moisture from the ceiling or walls in any room.

☐ There are holes in walls, floor or carpet that you did not cause.

☐ There is peeling paint or falling plaster on an inside wall or ceiling.

☐ You have had problems with not having enough hot water.

☐ There are torn or missing window screens allowing insects to get in.

☐ There are broken or missing windows or windows that do not open and close properly.

☐ There have been plumbing problems, either with the water or the sink drains or with the toilet flushing properly.

☐ There are broken or missing smoke detectors.

☐ There are problems with the cleanliness or safety of the other areas used by other tenants (hallways, staircases, lobby, parking lot).

**Defenses related to the right to a safe and habitable unit are crucial if applicable. Read each item carefully and have tenant consider whether or not it applies to them. Tenants sometimes downplay the severity of their habitability issues.**

**If any of these apply, it is important to begin collecting evidence of it ASAP.**



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## A Clean, Safe Home

Required fields are labeled with a star: \* \*

Did you have to make any necessary repairs yourself? \*

☒ Yes

☐ No

Did the landlord fail to give you a rent credit even though you properly deducted the cost of those repairs from your rent? \*

☒ Yes

☐ No

**Tenants in California have a legal right to repair and deduct if their landlord is refusing their requests for maintenance.**

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# Retaliation

Do you believe that your landlord may be trying to evict you to retaliate against you? Below are some common reasons landlords retaliate against tenants. Check all of the following that may be the real reason the landlord is trying to evict you.

☐ I was unable to pay all the rent that came due between March 1, 2020 and September 1, 2021

☐ I complained to a government agency (like the local housing or health department) about the conditions of the apartment.

☐ I complained to the landlord about the conditions of the apartment

☒ I organized with other tenants

☐ I refused to tell my landlord my immigration status

☐ I asserted any other right or for a completely arbitrary reason or no reason at all.

**Defenses against eviction are not just issues with habitability or technical issues with the way the landlord pursued eviction. Evictions motivated in any way by landlord retaliation are not valid.**

**Like in other defenses, consider what kind of evidence the tenant will need to gather.**

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## California Tenant Protection Act

Required fields are labeled with a star: \* \*

Tenant Protection Act applies across California. This law requires “just cause” for eviction and limits rent increases for some housing that is not covered by local (city or county) protections. Even though this law won’t matter if you are protected by a local law instead, you should still raise defenses under the Tenant Protection Act to be safe.

Was your rental unit constructed within the last 15 years? If you are not sure, select “no.” \*

☐ Yes

☒ No

Have ALL of the adults in your rental unit been there for 12 months or more? \*

☐ Yes

☒ No

Has any adult in your unit been there for 24 months or more? \*

☒ Yes

☐ No

**Tenants not covered by local rent stabilization protections may still be covered by the California wide Tenant Protection Act. Whether these protections apply depends on the date of construction of the unit, the type of unit, and how long the tenant has lived in the unit.**



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## LA City Rent Control

Required fields are labeled with a star: \* \*

Your rental unit is probably covered by the LA rent control law, called the Los Angeles Rent Stabilization Ordinance (LARSO). When a unit is covered by LARSO, the landlord can only evict for certain reasons and must pay relocation assistance if evicting for a reason that is not the tenant's fault. The following questions will ask you about defenses under LARSO.

Did the landlord post at your building or give you a copy of a Certificate of Registration that mentioned the Los Angeles Rent Stabilization Ordinance? If you don't know, select No. \*

☐ Yes

☐ No

Did the landlord post a Notification about the Los Angeles Rent Stabilization Ordinance that included contact information for the Los Angeles Housing Department? If you don't know, select No. \*

☐ Yes

☐ No

Did your landlord file your eviction notice or other related papers with the city? If you don't know, select No. \*

☐ Yes

☐ No

**63% of all rentals in LA City are covered by RSO. Rent stabilization has some of the most powerful eviction protections in the city. Recent changes in city law have also made landlord requirements stricter. For example, landlords now have to file eviction notices with LAHD.**



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## LA City Rent Control

Required fields are labeled with a star: \* \*

In the City of Los Angeles and in unincorporated areas of Los Angeles County, no tenant can be evicted for nonpayment if they owe less than one month of “fair market” rent. You can look up the fair market rent by going [here](#), selecting the right year, selecting “Click Here...”, and then selecting the following Metropolitan Fair Market Rent Area: Los Angeles-Long Beach-Glendale. Then, press “Select HUD FMR Area.” Now, look at the chart and find the row for the year your rent debt came due. Find the column for the number of bedrooms in your unit. Compare the dollar amount you see there, which is the HUD fair market value of one month’s rent for your unit, with the amount of rent the landlord says you owe. If you are being evicted for less than the amount on the chart, you should be protected from eviction and should select “Yes” below.

Is your landlord evicting you for less than one month’s ‘fair market’ rent for your unit? If you are not sure, select Yes. \*

☐ Yes

☐ No

Look at the eviction notice or notices that you received. At any point, does the eviction notice say the number of bedrooms in your unit? If the eviction notice never says how many bedrooms are in your unit, or you are not sure, select No. \*

☐ Yes

☐ No

**The same recent changes in city eviction protections have also prohibited landlords from evicting for non-payment of a debt that amounts to less than one month’s fair market rent for the unit’s size. This means many tenants will be protected from eviction for non-payment of a small amount of rent. Unincorporated LA County also has this protection.**





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## Landlord's acceptance or misuse of rent payments.

Required fields are labeled with a star: \* \*

Before the landlord can evict you, they have to give you a Notice that meets certain legal requirements. Also, even if you get a Notice, the landlord may lose the right to evict you if they do certain things. The following questions help determine if you are protected by these laws.

After the end of the time period stated in any Notice the landlord gave you, did the landlord accept any rent money from you? \*

☐ Yes

☐ No

**Most landlords will refuse to accept rent after they decide to pursue an eviction. This is because acceptance of any portion of the rent can void their eviction attempt.**

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## Jury Trial in eviction cases

Required fields are labeled with a star: \* \*

**We recommend that tenants request a jury trial in their case.**

California tenants have a constitutional right to a jury trial in an eviction case. A jury includes ordinary people, including other tenants. **We believe tenants have a better chance of winning with a jury.** If you do NOT ask for a jury, your case may be set for trial within 20 days. **If you DO ask for a jury, you will have more time to defend yourself against eviction.** Asking for a jury trial now does not commit you to having a jury trial. You can change your mind at any time. But to preserve your right to a jury trial, **we advise you to request a jury trial now.** If you do, we will prepare a request for jury trial and also a request for the court to waive any jury fees (which are otherwise \$150).

Do you want to request a jury trial? **We recommend that you select Yes.** \*

☐ Yes

☐ No

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## Automatic Fee Waiver-Public Benefits

Please read the following carefully:

California courts charge tenants at least \$225 to file the paperwork we're working on here. Yes, you read that right: the state charges you money to challenge your own eviction. Changing that ridiculous rule is one thing that tenants can do if we join together. If your household income is below a certain level, you have a right to file your papers without the \$225 court filing fee. This is called a Fee Waiver.

You might qualify for a fee waiver automatically - for instance if you receive public benefits or if your income is below a certain threshold. Or, if you provide more information about your finances, a judge will decide if you qualify or not. This is called a discretionary fee waiver. If the court denies your fee waiver (meaning you have to pay the fees to file your answer), you will be mailed an order from the court letting you know. You have ten days from the date on that order to go to the courthouse to pay your fee or request a hearing. If you don't do this, you risk losing your case automatically.

This Tool can fill out a fee waiver application for everyone. Depending on the type of fee waiver you apply for, there may be questions about your personal finances, but please don't worry. Your landlord will never see these answers. The Tenant Power Toolkit Team will not keep this information. It will only go to a judge to determine if you qualify for the fee waiver.

If you do not have information about your income and expenses on hand, or do not want to provide it here, you must download and fill out a "FW001 Request to Waive Court Fees" on your own.

**Although any tenant can apply for a fee waiver, this Tool will only be able to electronically file for you if you live in LA County and automatically qualify for a fee waiver. We cannot electronically file for people who apply for a discretionary fee waiver through this Tool. We cannot electronically file for people who don't apply for a fee waiver through this Tool.**

You MUST answer all of the following fee waiver questions accurately, "under penalty of perjury." Any information you give about your finances must be truthful and complete.

People who get certain types of government help automatically qualify for a fee waiver.

Do you get any of the following forms of government assistance? (check all that apply)

Do you get any of the following forms of government assistance? (check all that apply)

☐ Food Stamps (CalFresh, California Food Assistance Program, or SNAP)

☐ SSI (Supplemental Security Income)

☐ Medi-Cal

☐ County Relief/General Assistance

☐ In-Home Supportive Services (IHSS)

☐ CalWORKS or Tribal TANF

☐ CAPI (Cash Assistance Program for Immigrants)

☐ None of the above

### Automatic Fee Waiver 1:

**Qualifying for ANY of the public benefits to the right.**

Listen to audio narration of this page here

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[Continue](#)

# Automatic Fee Waiver-Income Limits

If you do not receive government benefits, you can qualify for an automatic fee waiver if your household income is low enough. Look at the chart below to find out.

**First, find the row that matches the number of people who live in your home, including children. Next, add up the total gross monthly income of everyone who earns money in your household. If the total monthly income of everybody who lives in your house is less than the “total income” listed on the chart, you should qualify for a fee waiver.**

Please note, even if your total household income is more than this amount, you will have the option of applying for a “discretionary” fee waiver - meaning it will be up to the court whether or not to waive your fees. You will have the option to do that on the next few screens.

For people in LA County: If you choose “No” below because your income is more than what’s in the chart, you will not “automatically” qualify for a fee waiver. The Tool will not be able to electronically file your paperwork if you choose “No”. You can still apply for a discretionary fee waiver, but you will need to file your documents yourself.

**Is your gross (before tax) household income less than the amount in the table? Remember, the information you give must be accurate and truthful. If your income has changed a lot from month to month, you must look at your average income from the last 12 months.**

Number of People in the home	Total Income
1	\$2,265.00
2	\$3,051.67
3	\$3,838.34
4	\$4,625.00
5	\$5,411.67
6	\$6,198.34
7+	Add \$786.67 for each extra person

**Automatic Fee Waiver 2:**

**Household income below these thresholds.**

Is your household income below these amounts?

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**Remember - your “household” is everyone who lives with you and shares finances with you. A roommate with totally separate finances is not part of your household. Do not count them in the “number of people in your home”. Do count children.**



Sign in or sign up to save answers

## Income Sources

Required fields are labeled with a star: \* \*

Answer the rest of the questions about your income based on your average **monthly** income for the past 12 months.

List all of your income sources, including: wages or other income from work before deductions, spousal/child support, retirement, social security, disability, unemployment, military basic allowance for quarters (BAQ), veterans payments, dividends, interest, trust income, annuities, net business or rental income, reimbursement for job-related expenses, gambling or lottery winnings, etc.

Income Source 1 \*

Income Amount 1 (Monthly) \*

Income Source 2

Income Amount 2 (Monthly)

Income Source 3

Income Amount 3 (Monthly)

Income Source 4

Income Amount 4 (Monthly)

**For automatic fee waiver 2, tenant will have to enter sources of monthly income. The toolkit will check if they add up to an amount over the income threshold and notify the user!**

Listen to audio narration of this page here

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**A note for tenants who do not qualify for the previous two “automatic” fee waivers...**

**Those who don't qualify automatically can apply for a discretionary waiver through the Tool - this means you tell the court about all your income and assets, plus all your expenses. The court will decide whether to grant a full or partial waiver.**

**Remind tenants to be fully truthful - you may have to go to court and prove all this. People who apply for discretionary waivers will not get the option to have us e-file.**





Sign in or sign up to save answers

## Choose How You Would Like To File

Required fields are labeled with a star: \* \*

You now have two options for filing these documents with the court:

1. We can file these legal documents for you electronically. This option requires that you print and sign your own copies of the documents as soon as you finish using the tool and keeping these for your records. (Don't worry if you can't print right now. If you don't have a printer you can bring them to a friend or workplace to print, bring them to a library, FedEx, UPS, or local mailbox business. All of these places can print these documents for you for free or at low cost.) We will also email these documents to you, so you will have access to them via email after you are finished here.
2. You can file these legal documents yourself. This option requires printing multiple copies, taking them to the court yourself (in person), having someone else send forms to your landlord's lawyer, and more. If you choose this option, please see detailed instructions on our website, [here](#).

If you want us to file these documents for you electronically, you must agree to print and sign the documents after you finish using the Tool so that you can keep them for your records. If you want us to file your documents AND you agree to print, sign, and keep the signed documents in a safe place, select 'Yes.' \*

☐ Yes

☐ No

If you choose "Yes", we will file and serve the documents for you. We will file your documents (or give you a call if there is any problem) likely within 1-2 business days - we do prioritize based on deadlines. Once your paperwork is accepted, you will get an email from us with the accepted copies of the documents. **If you plan on filing your documents yourself, make sure to choose "No" so that the Tool creates the correct documents for you and gives you the proper instructions.**

Listen to audio narration of this page here

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**DO NOT choose yes if the tenant intends to file the documents themselves. If they do so, the Tool will create the wrong proof of service and won't give them instructions for how to self-file. If tenants are concerned about the filing status of their documents, they can always reach out to us at (323) 207-5854 or email [tenantpower@debtcollective.org](mailto:tenantpower@debtcollective.org).**



Sign in or sign up to save answers

Congratulations, you are ready to for us to send the documents to the court!

1. Either from the files you download now or from the files we email you, please review your documents carefully. Does everything look right? If you see changes that must be made, please log back into this tool, make the changes necessary and resubmit those changes for a new set of documents. If you do this, please email [tenantpower@DebtCollective.org](mailto:tenantpower@DebtCollective.org) to tell us you have done so. Please include your full name and the case number (which is on the summons and on the complaint).
2. Print these documents and sign them with a black or blue pen. If we are filing your documents for you, you must still print and sign the documents to keep for your records. You should sign on every line that looks like this: /s/ **Your Name**\_. Please sign on top of your name, where you see it printed. (As you see in the image here.)

▶ /s/ Toni Tenant   
(SIGNATURE OF DEFENDANT)

**Tenants MUST get to this page in order to actually have the Tool create their documents. Once they get here, have them download their documents. They will also be emailed to the user.**

 **Download Your Documents**

**You're all done here for now! Remember, we will file your documents (or give you a call if we need to) likely within 1-2 business days - we prioritize based on your deadline to file your answer.** Once your paperwork is accepted by the court, we will email you the accepted copies. If you don't get an email from us within 3 business days, you can contact us at (323) 207-5854 or [tenantpower@debtcollective.org](mailto:tenantpower@debtcollective.org) to check on the status of your filing.

**We will also handle sending the documents to your landlord or landlord's lawyer. There's nothing more that you need to do now to file your answer, except keeping an eye on your phone in case we need to contact you.**

The final screens will walk you through your next steps.

**Review the documents - do you see any mistakes, especially with the case number, tenant information, the case information, and so on? If so, go back and fix the mistake or let us know at (323) 207-5854 or email [tenantpower@debtcollective.org](mailto:tenantpower@debtcollective.org).**





We are sending you an email for self-filing.



Sign up to save answers

Welcome!

Basic Information

Information from  
your Documents

Your Defenses to  
Eviction

Jury Trial & Fee  
Waivers

Next Steps

Please download your documents for **self-filing now**. You can save them on the computer you're working on or on an external device like a USB drive. Remember that we will also email you copies.

**You must print, sign, and file the documents yourself.**

1. Either from the files you download now or from the files we email you, please review your documents carefully. Does everything look right? If you see changes that must be made, please log back into this tool, make the changes necessary and resubmit those changes for a new set of documents. If you do this, please email [tenantpower@DebtCollective.org](mailto:tenantpower@DebtCollective.org) to tell us you have done so. Please include your full name and the case number (which is on the summons and on the complaint).
2. Print these documents and sign them with a black or blue pen. Sign on the blank lines next to your name on all of the documents. You must sign on two lines on page 5 of the Answer (UD-105). Depending on the documents you had generated, you should also do the following: sign at the bottom of the first page of each Request to Waive Court Fees (FW-001 and FW-002) and sign on the first page of the Demand for Jury Trial. You must also have someone else sign the Proof of Service.
3. You must file your documents yourself. This means you must print, sign, and file the documents with the court. You will also need to get someone else to serve the documents on your landlord or landlord's lawyer. Follow all of the steps listed [here](#) before your filing deadline.



/s/ Toni Tenant

(SIGNATURE OF DEFENDANT)

**Tenants who do not qualify for automatic filing will have to download their documents and file them in person at the court.**

**These tenants will also have to have a third party serve docs to landlord or their landlord's lawyer.**

**Download Your Documents**

## FAQS

1. [How can I find free or low-cost legal help in my area?](#)
2. [Is this toolkit free?](#)
3. [I am undocumented. Can I use this tool?](#)
4. [I really want a lawyer but I don't have one. What can I do? Will the Tenant Power Toolkit get me a lawyer?](#)
5. [How does the Eviction Answer Tool help me fight my eviction?](#)
6. [Who can use The Eviction Answer Tool?](#)
7. [How does the Rent Debt Tool help me fight my debt? Who can use it?](#)
8. [What if I have not sent a declaration to the landlord about my financial problems caused by COVID-19?](#)
9. [I'm facing eviction, but I don't have a Summons and Complaint yet. What are my options?](#)
10. [I've been keeping evidence to fight my eviction case, but this Tool won't let me upload it. What should I do?](#)
11. [I just submitted my documents through this tool. What happens next?](#)
12. [I need to file my papers in person. How do I do that?](#)
13. [How do I know how many days I have to file my UD Answer?](#)
14. [I'm being pursued for rental debt. What do I do now?](#)
15. [What is a Tenants' Union? What is a Debtors' Union?](#)
16. [What will you do with my information? What is your data privacy policy?](#)
17. [How can I help this effort?](#)

## FIND LEGAL & ORGANIZING SUPPORT

If you are facing an eviction alone, your landlord has power over you. But if you are facing eviction with everyone in your building—and with other tenants in your community—then you have the power to make demands. **Tenants unions build collective power over landlords.**

Organizing with your neighbors and a tenants union can help you:

- Get educated about your rights
- Form a tenants' association in your building or on your block
- Negotiate with your landlord to make repairs, cancel rent debt, or rollback rents
- Put public pressure on your landlord to meet your demands
- Block illegal lockouts and protect against harassment
- Connect with other people experiencing the same crisis

**Legal and community  
orgs can be found  
here**

## FIND LEGAL SUPPORT

### LOS ANGELES COUNTY

[Stay Housed L.A.](#) is a partnership between Los Angeles County, the City of Los Angeles and local community and legal service providers. To get a referral for legal assistance in L.A. County: <https://www.stayhousedla.org/referral>



# INTRODUCTION

**This page is a a general guide to the eviction process for tenants who cannot get assistance with their cases.**

When an unlawful detainer (eviction) case is filed against you, the first step is to create, file, and serve an Answer. [Our Tool](#) will help you create an Answer that raises the defenses you may have to your eviction. It also helps you create other initial paperwork if you choose to, including a request to waive court fees and a request for a jury trial. After you complete the Tool, you will file and serve these documents yourself or, if you meet certain criteria, the Tool will offer to file and serve them on your behalf.

Filing an Answer is just the first step of the eviction case for a tenant. We recommend tenants try to [get legal help and connect with their local tenants' union](#) as soon as possible so that they are best able to fight their case. However, in part because there are just not enough lawyers for all the tenants who need one, many tenants cannot find a lawyer. Tenant unions and community groups can provide help, but their resources are also limited. This guide is a short overview of what an eviction case looks like, what the different outcomes are, and how tenants can avoid certain pitfalls. It is meant to help tenants navigate a complex system on their own, but it is just a brief and general overview. We include additional links at the end to guides put together by other organizations, many of which are longer and more detailed.

## I. OVERVIEW OF THE EVICTION PROCESS

## ARE YOU IN CALIFORNIA AND WANT TO LEARN MORE ABOUT THE TOOLKIT AND YOUR RIGHTS?

Attend one of our upcoming meetings, listed below! We have frequent Tenants Rights Workshops where we give a broad overview of tenants rights in California, discuss how the eviction process works, and discuss how we can work together to keep people in their homes. We also host monthly Trainings where we comprehensively walk lawyers and organizers through the Tenant Power Toolkit.

### TOOLKIT TRAINING CALL 3:00 PM - 4:30 PM

**First Monday of Every Month, 3 PM:**

Our monthly, online Tenant Power Toolkit Training Calls are aimed at California tenant organizers, counselors and lawyers who want an in-depth overview of how to use the Tenant Power Toolkit to prepare Answers to Unlawful Detainers.

**REGISTER**

### TENANTS RIGHTS WORKSHOP 6:00 PM - 7:30 PM

**Every 2nd, 3rd, 4th and 5th Monday of the Month, 6 PM**

Attend an online Tenants Rights Workshop for California tenants to learn about tenants rights, how the eviction process works, and how we can work together to keep people in their homes.

**REGISTER**