



Community Legal Aid SoCal

UD Answer Clinic

Shaista Azad, Staff Attorney

Goals of the Training



- ✓ Overview of the clinic (5 min)
- ✓ Logistics of the clinic (5 min)
- ✓ Introduction to UD law (10 min)
- ✓ Preparing an answer (20 min)
- ✓ Other considerations (10 min)



Overview of the Clinic



Community
Legal Aid SoCal

When



- Tuesdays and Thursdays
- Three appointment slots: 9:15 a.m., 10:00 a.m. and 1:00 p.m.
- Six lawsuits per clinic (two per slot)



Where

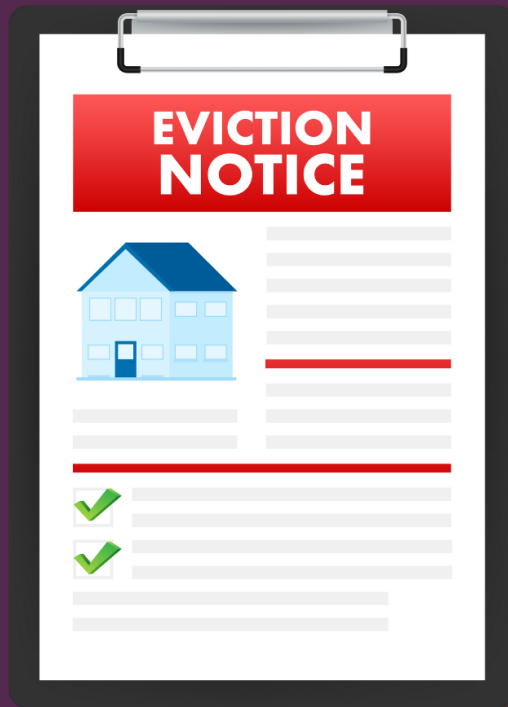


- The entire clinic is remote.
- Zoom conference (staff and pro bono volunteers)
- Conference call (pro bono volunteers and client)



Community
Legal Aid SoCal

Why



- To file a response on behalf of clients facing eviction.
- To help clients assert their defenses, feel heard and engage with the legal process with dignity.



Who



- **Clients** – complete intake, client interview, review and sign documents
- **Pro bono volunteers** – prepare for clinic, conduct client interview, and execute the game plan
- **Paralegals** – obtain court documents, set up clinic, and provide logistical support
- **Clinic supervisor** – issue-spot and prepare a game plan for the response, and review responses that volunteers prepare



Logistics of the Clinic



Community
Legal Aid SoCal

Case Information

You'll receive an email with:

1. Client's name and intake information
2. Court documents
3. UD checklist
4. Instructions for preparing a UD answer



Email

Hi Maryam,

Thank you for joining our answer clinic on Tuesday.

Your client is Dan Defendant. Dan is available at 9:45 a.m. and will be calling into the conference line then. Please join the Zoom call 30 minutes before your client's appointment time.

Also: Zoom link, conference call number and Lawyaw login.



**Community
Legal Aid SoCal**

Day of Clinic

1. Log into Zoom at your appointment time.
2. Discuss the case with the staff attorney to issue spot and form a tentative game plan.
3. Call the conference line at the scheduled appointment time and gather the information and fill out their fee waiver. This call should take no more than one hour.
4. Once the initial client interview is complete (about one hour), tell the client to hold on the line while you review their information with the staff attorney on Zoom.



Day of Clinic

5. Discuss the case with the staff attorney.
6. Enter the conference line again to let clients know the next steps and what to expect. Typically, they should expect to receive an email requesting signatures.
7. At this point you can typically dismiss the client and work on the answer form and fee waiver. Make sure to have the staff attorney review all documents before signing off.

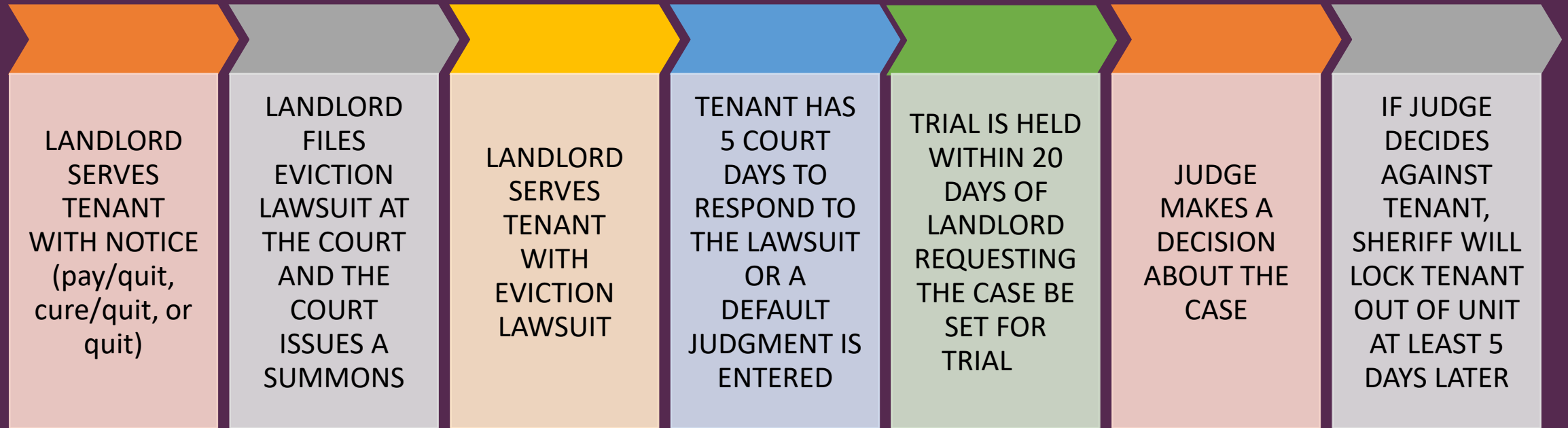


Overview of Unlawful Detainer Law



Community
Legal Aid SoCal

General Process



“Unlawful Detainer” is the legal term for an eviction lawsuit in California.



Community
Legal Aid SoCal

Understanding the Layers of Protection



1. Basic Tenant Protections-Available to all tenants and should be available for all time.
2. Tenant Protection Act (TPA)- Generally available to tenants who have lived in an apartment complex for more than one year.
3. Local protections – Some cities and counties have specific protections, such as Santa Ana and Cudahy.



Tenant Protection Act (TPA)

The Property is subject to the TPA if:

1. A tenant has occupied the premises for 12 months or more
2. Property has been issued a certificate of occupancy 15 years ago
3. AND not otherwise exempted under the law



Community
Legal Aid SoCal

Notices: No Cause Evictions

1. No Cause Evictions

- Notice that does not allege any reason for evicting a tenant.
- Permitted under basic landlord tenant law but not the Tenant Protection Act.



Notices: Just Cause Evictions

2. Just Cause Evictions include 2 types below.

(Required in TPA cases.)

a. No Fault, just cause evictions

- Notice that includes a reason for evicting a tenant is no fault of the tenants (for example, owner move-in, or sale of the property).
- Generally, requires one month of relocation/one month of rent waived.

b. At Fault, just cause Evictions

- Notice alleging tenant did not pay rent, violated the lease, or created a nuisance.



Community
Legal Aid SoCal

Notices and Importance



- Generally, a landlord must start the eviction process by serving the tenant with a written Notice.
- Due to the summary nature of eviction procedures, the law requires **STRICT COMPLIANCE** with all statutory notice requirements.
- Small errors from a landlord can result in a victory for tenant (i.e. LL doesn't include phone number on nonpayment notice, or statutory language about abandoned property in 60 day notice to quit).



Different Types of Notices



- 3-day pay/quit
- 3-day cure/quit
- 3-day quit
- 60-day quit
- 90-day quit



Common Defenses



- Habitability
- Repair and Deduct
- Waiver/Acceptance of Rent
- Notice Defects
- Retaliation: Based on Statutory and Common Law
- Discrimination/demanding info. regarding immigration status
- Standing and Lack of Capacity



Preparing an Answer



Community
Legal Aid SoCal

Answer Basics



When it Can Be Used:

- Almost always an option when responding to a UD.

Advantages of a Answer:

- Quick to prepare.
- Can include any defense.



Documents to Complete



1. UD-105-Answer
2. FW-001-Fee Waiver



Lawyaw(Clio Draft)

Let's log into Lawyaw to see how it works.



Community
Legal Aid SoCal

3-DAY NOTICE TO PAY RENT OR QUIT

Larry Landlord Plaintiff(s)	Owner(s)
VS.	
Dan Defendant Defendant(s)	Tenant(s)
and Does 1 to 10 inclusive	

TO the above named **TENANTS/RESIDENTS AND ALL OTHERS IN POSSESSION. PLEASE TAKE NOTICE**, that you are justly indebted to the owner of the herein described premises; and notice is hereby given that pursuant to the lease and/or rental agreement under which you hold possession there is now due, unpaid and delinquent rent.

The total amount owing represents rent due for the following period(s).

Due from	June 1	, 20	23	thru	June 30	, 20	23	\$ 1,500.00
Due from	July 1	, 20	23	thru	July 31	, 20	23	\$ 1,500.00
Due from	August 1	, 20	23	thru	August 31	, 20	23	\$ 1,575.00
Due from	September 1	, 20	24	thru	September 30	, 20	24	\$ 1,800.00
Total Rent Now Due								\$ 6,375.00

WITHIN THREE (3) DAYS after service on you of this notice, you are hereby required to pay the amount of the above stated rent in full OR quit the subject premises, move out, and deliver up possession to the owner and/or his authorized agent. **No personal checks will be accepted** unless your written rental agreement provides for it.

PLEASE TAKE FURTHER NOTICE that unless you pay the rent in full OR vacate the premises **WITHIN THREE (3) DAYS** as required by this notice, that the undersigned does hereby elect to declare forfeiture of your lease or rental agreement and institute legal proceedings for an unlawful detainer against you to recover possession of the premises plus court costs, attorney fees, and malice is shown, the plaintiff may be awarded statutory damages of up to SIX HUNDRED DOLLARS (\$600), in addition to actual damages, including rent found due as provided for by California law.

The premises herein referred to which you hold and/or occupied by you are:

Address:	123 Main Street	Apartment or Suite No.:	
City:	Santa Ana	State:	CA
County of:	Orange	Zip:	92875

Location to pay rent:	
Name	Larry Landlord
Address	124 Main Street
City, State, Zip	Santa Ana, CA 92875
Usual Days	MON-FRI
Usual Hours	9AM TO 4PM
Phone Number	714-555-5555

PERSON AUTHORIZED TO GIVE NOTICE

PROOF OF SERVICE

I, the undersigned, being at least 18 years of age, declare under penalty of perjury that I served the above notice, of which this is a true copy, on the following tenant(s) in possession in the manner(s) indicated below:

- On 9/2/24, I handed the notice to the tenant(s) personally.
- On _____, after attempting personal service, I handed the notice to a person of suitable age and discretion at the residence/business of the tenant(s), AND I deposited a true copy in the U.S. Mail, in a sealed envelope with postage fully prepaid, addressed to the tenant(s) at his/her/their place of residence (date mailed, if different _____).
- On _____, after attempting service in both manners indicated previously, I posted the notice in a conspicuous place at the residence of the tenant(s), AND I deposited a true copy in the U.S. Mail, in a sealed envelope with postage fully prepaid, addressed to the tenant(s) at his/her/their place of residence (date mailed, if different _____).

Executed on 9/1/24 Served by Alondra Manager

This form courtesy of ExpressEvictions.com (800) 451-1951



**Community
Legal Aid SoCal**

Requirements for a 3-day pay/quit

1. Must be in writing, and exclude judicial holidays and weekends
2. Can *only* ask for rent that came due within 12 months of the Notice being served.
3. Must state:
 - a) In the alternative
 - b) Amount due
 - c) Name, address and telephone number of a person to whom payment shall be made



The Interview

- Let us know if they haven't called in within 5 minutes of the appointment time.
- Don't promise representation.
- Generally, our clients are very appreciative.
- Try to re-direct the conversation back to the topic. We are their legal advocate, not their therapist.



The Interview

Good morning, Dan. My name is Maryam, I'm an attorney with the clinic, and today I'd like to assist you with preparing and filing an answer in your unlawful detainer case. I can't promise representation, but we will help you with filing a response.

I see that your landlord has filed an eviction lawsuit based on a 3-day notice for unpaid rent, and you state that you've paid rent for June, July and August of last year, and that you tried to pay September's rent. Also, I see that your landlord has not fixed the stairs or the windows.

Before we get into the case, can I please confirm the spelling of your name and your contact information? Thank you. Let's also do the fee waiver, and then we'll get into the case itself.



Community
Legal Aid SoCal

Jury v. Bench Trial



Jury Trial Demands:

- Need to speak with each client about jury demands and if they wish to ask for them.



Other Considerations



Community
Legal Aid SoCal

Expectations

1. Issue spotting and identifying the applicable law/defense is very difficult and new volunteers are not expected to do this on their own. The staff attorney will create a game plan which you will help execute.
2. Landlord tenant law is highly technical and has never been more complex. Focus on your individual case and you will gain expertise over time.



Tips for Working with Low-Income Clients

- Use everyday language and avoid legalese.
- Don't assume that the client understands.
- Parroting-Repeat your understanding of the events and ask if that's correct.
- Avoid judgment, especially when you think something should be easy or you disagree with a client's choice.
- A great defense usually means human suffering, so don't show inappropriate happiness.
- Always ask if the client knows anything else that they think you should know (hidden defenses and evidence).



Tips for Working with Low-Income Clients

- Huge power discrepancy between landlord and tenant.
- Understanding the pettiness and fiefdom mindset some landlords and property managers have.
- Understanding that people of color might be rightfully afraid to report incidents to the police.
- Do NOT re-traumatize a client by repeating offensive language.
- Understand that a person on the edge of eviction usually has many problems they are trying to address at the same time.



Subsidized Housing and Mobile Homes

Both mobile homes and subsidized housing have their own notice requirements with special rules.

- Mobile home Residency Law – Civil Code section 798 *et seq.*
- Section 8 – 24 CFR 982.310 *et seq*



Community
Legal Aid SoCal

Demurrer

When the Complaint is defective on its face (including any attachments).

Advantages of a Demurrer:

- Gives client more time because it is a regularly noticed motion.
- Will result in the dismissal of the case if defect is in the Notice.
- Provides leverage in negotiations.



Community
Legal Aid SoCal

Thank you for
your
participation!



Community
Legal Aid SoCal

