

How to Respond to an Eviction



The legal process for evicting a tenant is referred to as an “Unlawful Detainer.” This form packet has the documents necessary to answer to an unlawful detainer action.

I can't afford the rent, what are my rights?

You DON'T have the right to stay on someone else's property if you can't pay the rent. But, if you don't leave voluntarily, you DO have right to not move until the landlord gets a court judgment of eviction against you.

Do you need to file an Answer?

Each person named in the eviction lawsuit has the right to file an Answer. If no Answer is filed, then the landlord will win the case automatically. There are pros & cons to filing an Answer and only you can decide if you need to do it. Legal assistance programs, like Legal Aid, Inland Counties Legal Services, and Inland Empire Latino Lawyer's Association, or the Court's Resource Centers, can talk to you about your options.

If you are not named in the lawsuit and are served with a Prejudgment Claim of Right of Possession, you have to decide whether to file papers to become officially involved in the case. If you do file an Answer, then you would have the right to dispute the eviction. If you do not file an Answer, then your name doesn't become associated with the eviction but you still would have to move if the Sheriff came with the lockout order.

Also, a tenant always can try to contact the landlord (or the landlord's attorney) to see if a deal can be reached about leaving the property.

When is the Answer due at Court?

You have 5 days to file an Answer, or until the landlord files the papers to obtain a default against the tenant.

When figuring your 5 days, include Saturdays & Sundays, but don't count court holidays, like Christmas, President's Day, Cesar Chavez Day, Memorial Day, etc. If your 5th day is on a weekend or holiday, then the next court day is the last day to file for sure to prevent the landlord from getting a default against you.

I received a notice from the Court. What does that mean?

Under the law, the court clerk is required to mail a notice to the tenant when an eviction lawsuit is filed. This notice lists a status conference hearing date, which is NOT your trial date. It is only a check up to make sure that the landlord has served the lawsuit and has moved the case along. Most cases are finished before that status conference date.

The landlord must serve papers to you personally (or leave with an adult at your house and then mail), in order for the Judge to have any power to hear the case. The landlord will file a Proof of Service of Summons form. However, there is no requirement that the landlord file that paper during your 5 day window to take action.

If you have any questions about whether or not you have been served properly or about the eviction process, **seek legal advice right away!** You could try [Legal Aid of San Bernardino](#), [Inland Empire Latino Lawyers Association](#), or [the Inland Counties Legal Services Housing Hotline](#).

**IF AT ANYTIME YOU FEEL THAT
YOU NEED ADDITIONAL ASSISTANCE PLEASE VISIT
THE RESOURCE CENTER
OR send us an email at landlordtenant@sb-court.org**

F.Y.I

- ☆ The information that you put into the forms CANNOT be saved. It is very important that you print any forms that you need prior to closing the program.
- ☆ The form set has a "Next Steps" page. It contains information needed for you to finish our forms.
- ☆ Look for the yellow question marks for explanations. When you see a yellow question mark (?), simply roll your cursor over it.
- ☆ After you print, please stop by one of our Resource Centers so we can sit down with you, review your papers, and answer all of your questions.

Click here for [Forms to Respond to an Eviction](#)