

**FOR FURTHER
INFORMATION OR
ASSISTANCE, CALL**

Legal Aid Society of San Mateo County
521 East 5th Avenue
San Mateo, CA 94402
(650) 558-0915
1(800) 381-8898

www.legalaidsmc.org
www.dca.ca.gov/legal/landlordbook/index.html
www.sanmateotenants.org
www.lawhelpcalifornia.org

The Legal Aid Society can provide you with advice or an “Answer Packet” so that you can file an Answer with the court

This pamphlet is designed to provide general information on the law, which may change. If you have a specific legal problem, you may wish to see a lawyer.

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The County of San Mateo,
Redwood City

LEGAL AID SOCIETY
OF SAN MATEO COUNTY

THE EVICTION PROCESS

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San Mateo County

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WHEN CAN MY LANDLORD EVICT ME?

Your landlord may start an action in court for eviction, or “unlawful detainer,” in any of the following situations:

1. After your landlord has served you with a 3-day notice for failure to pay rent or for failure to comply with your lease and you have not complied with the provisions of the notice; or
2. When your landlord has served you with a 30, 60, or 90 day notice to vacate and you have not moved within the 30, 60, or 90 days.
3. When you have a fixed-term lease and you have not moved by the end of the period stated in the lease; or
4. If your unit is provided to you as part of your employment compensation and your employment terminates.

Your landlord cannot throw you out or have the Sheriffs evict you just by giving you a notice! Evictions can only happen after the landlord gets a court orders, which is described next.

WHAT IS THE UNLAWFUL DETAINER (EVICTION PROCESS)?

When the landlord has given you a notice and the time in the notice has ended, he/she can file eviction papers.

This is called an “Unlawful Detainer” Complaint. After the case is filed, the landlord will “serve” you with the Complaint and the Summons. You will have 5 calendar days from the date you receive these papers to respond by filing your own papers with the court. Weekends and holidays are included in counting the 5 days.

Your papers are called an “Answer.” If you do not file an Answer within 5 calendar days, the landlord may take a default judgment against you. This means that you will lose the case without the chance to go to court and tell your story.

If a default is entered, the Sheriff will come out and post a “Notice to Vacate.” If you do not move out before the date on the Sheriff’s notice, the Sheriff will physically remove you and lock up the premises. If your possessions are locked inside the premises, you will have to pay a storage costs to recover your property.

If you DO file an Answer within the 5 calendar days, you will get a court hearing. The trial will be set within 10 to 20 days from the date you file your Answer. If you WIN the trial, you will get to stay in the premises. You will also have to pay all back rent ordered by the court within 5 days of the end of the trial.

The landlord will have to repay you of all your costs. If the rental agreement provides attorney’s fees to the winning person, the landlord will also pay attorney’s fees to your lawyer.

If you LOSE the trial, the landlord can have the Sheriff serve you with a “Notice to Vacate” that will set a date to evict you in about 5 days. If you do not move in 5 days, the Sheriff will physically remove you and lock up the premises. If your possessions are locked inside, you may have to pay storage costs (but not back rent) before your property is returned to you.

Depending on how a notice or a complaint is served and written, you may have other legal options not discussed here. You should obtain legal advice as soon as possible after receiving an eviction notice or papers from your landlord.

IF YOU ARE SERVED WITH A 3-DAY OR 30, 60 OR 90 DAY NOTICE, CALL THE LEGAL AID SOCIETY AT (650) 558-0915 or 1-800-381-8898. DO NOT WAIT - EVERY DAY COUNTS. The longer you wait, the less chance you have to respond to your case.