

ARE YOU BEING EVICTED?

A guide for Tenants



Superior Court of California, County of Riverside Self-Help Legal Services

Can my landlord evict me?

Maybe. In California, your landlord may be able to evict you, but the landlord must give you written notice first. It is usually a 3-day, 30-day, 60-day, or 90-day notice.

If you do not do what the Notice asks before the time stated in the Notice runs out, the landlord then must file an Unlawful Detainer.

What do I do after I am served with an Unlawful Detainer?

Get help right away! You must file a response to the Unlawful Detainer within 10 days (not including Saturdays, Sundays and other judicial holidays) if you were personally served. If you were served by “substituted service” or “post and mail,” you have 10 additional calendar days (not including Saturdays, Sundays and other judicial holidays) to respond after the date the server mailed the court papers to you, NOT the date you received them.

Commented [JS1]: Should say you have 10 additional calendar days to respond . . .

How do I respond?

There are different ways to respond, but the most common way to respond is to file an [Answer, Form UD-105](#). Because there are different ways to respond you should seek legal advice to see what way is best for you.

Once your Answer is prepared, you must have your landlord served by mail. Someone other than you, who is 18 or older, must mail the Answer to the landlord and fill out a [Proof of Service, Form POS-030](#). Then file the original Answer, a copy of the documents, and the completed Proof of Service at the courthouse.

If your address changes at any time, it is important to notify the court by filing a [Notice of Change of Address or Other Contact Information, Form MC-040](#).

Riverside Superior Court provides free Tenant Assistance. Visit the Civil Self-Help Calendar for dates/times: <http://www.riverside.courts.ca.gov/selfhelpevents>

Is there a filing fee?

Yes. The filing fee is as follows:

- If the lawsuit is \$10,000 or less, then the filing fee is \$255.00.
- If the lawsuit is for more than \$10,000, but less than or equal to \$35,000, then the filing fee is \$395.00.
- If the lawsuit is for more than \$35,000, then the filing fee is \$450.00.

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If you cannot afford to pay this fee, you can ask the court to waive your fees by filing a [Request to Waive Court Fees, Form FW-001](#) and [Order on Court Fee Waiver, Form FW-003](#).

Where do I get the forms, I need?

You can get your forms at the Clerk's Office at any court location, or you can download the forms from: <https://courts.ca.gov/rules-forms/find-your-court-forms>

You can fill out self-populating forms online at: <https://riverside.courts.ca.gov/self-help/evictions>

What happens if I do not respond?

If you do not file a response by the deadline:

- You can lose the case and be evicted,
- A judgment may be entered against you for money.
- Your may have problems trying to rent in the future because of an eviction on your record.

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Will there be a jury trial?

If your case goes to trial, either you or your landlord has the right to ask for a jury trial. This means a jury, not a Judge, will decide your case. To ask for a jury trial you must file [Form UD-150, Request to Set Case for Trial](#).

What happens after I file my Answer?

In about one week, the court clerk will mail you and the landlord the date, time, and place of trial. The trial is typically scheduled within 20 days after the Request is filed.

How Do I get ready for Trial?

Get all the information related to your case. If possible bring your original documents, plus 3 copies of everything you bring to court. This may include papers, like:

- The lease or rental agreement,
- The Notice served on the tenant,
- Letters you wrote or received about the rental unit,
- Photos that show damage or unsafe or unhealthy conditions, if applicable,

You may also bring witnesses who have personal knowledge of the facts. If a witness refuses to come to court, ask the clerk for help to subpoena the witness Building inspection reports, if applicable.

What happens if the landlord wins?

If the landlord wins, the Judge will give the landlord a Judgment. This gives possession of the property back to the landlord. The Judge or jury may also order you to pay back rent, damages and costs, like filing fees and attorney fees.

The landlord will get a Writ of Execution. This authorizes the Sheriff to lock you out of the property.

The Sheriff will first serve you with a Notice to Vacate the property. This gives you five days to move. If you do not move the Sheriff will remove you and lock, you out.

Is there anything I can do if I lose?

You can appeal or you can file a motion to set aside (cancel) the judge's order. There are strict deadlines to do this, and you need a legally valid reason. You should talk to a lawyer. This **will not** stop the eviction. The only way for a tenant to stop or delay the eviction is to ask for a Stay of Execution.

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