

Eviction (Unlawful Detainer) Process Flowchart

Step 1 Receive Notice from Landlord - 3, 30, 60 or 90 days, must be in writing! IF COVID UNPAID RENT (owed between 3/1/2020 and 1/31/2020), then must be 15-day notice with language on COVID eviction protections. See additional information on DRC's website regarding COVID eviction protections for unpaid rent.

Step 2 Summons and Complaint – these are court documents that must be served on you or a household member

WARNING – once you receive the summons and complaint, you have **5 court days** to respond with an “answer,” which is a court form. Your local court's self-help center can assist you in filling this form out. Your local court's website can be found here:

https://www.courts.ca.gov/find-my-court.htm?query=browse_courts

Court days do not include Saturday, Sunday, and judicial holidays.
Day 0 = day you get served, Day 1 = next day.

The next step in the eviction process depends on whether you filed an answer in response to the summons and complaint.

Step 3.A. If you did not file an Answer – Default Judgment and LOCK OUT.

A default judgment is issued when you did not answer to the complaint and summons. This means you automatically get evicted without a trial. 7-9 days after the default judgment, the sheriff will post a notice to vacate, and 5-7 days later, the sheriff will return and conduct a lock out.

Step 3.B. If you filed an Answer – Settlement or Trial

Settlement – a negotiated agreement between you and your landlord

OR

Trial - Within about 10 days of filing the answer, you should receive a letter with court date. The trial will be set within about 21 days.

If you lose at trial – **You Get Locked Out** – same procedure and timeline described under Step 3.A.

If you win at trial – **You Stay and Pay Rent Owed.**

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Notice - 3, 30, 60 or 90 days, must be in writing!
UNLESS COVID unpaid rent (owed between 3/1/2020 and 1/31/2020), then must be 15-day notice with language including COVID eviction protections.

Summons and Complaint – must be served

5 court days*
to respond!

Answer

No Answer

Settlement

Default Judgment

Trial - Within about 10 days of filing answer, should receive letter with court date. Trial will be set within about 21 days.

Lock Out – 7-9 days later, sheriff will post a notice to vacate. 5-7 days later, sheriff will return and conduct a lock out.

Win

Lose

Stay and pay rent owed

Lock Out

*Court days do not include Saturday, Sunday, and judicial holidays.
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