

UNLAWFUL LOCKOUTS & EVICTIONS

WHAT TO DO

PARTS OF THE GUIDE

PART 1

**UNLAWFUL
VS LAWFUL
EVICTION**

PART 2

**HOW TO
STOP AN
UNLAWFUL
LOCKOUT?**

PART 3

**THE RISKS
INVOLVED**

Disclaimer: The information provided during this presentation does not constitute legal advice. All information, content, and materials are provided for general informational purposes only.



ABOUT US

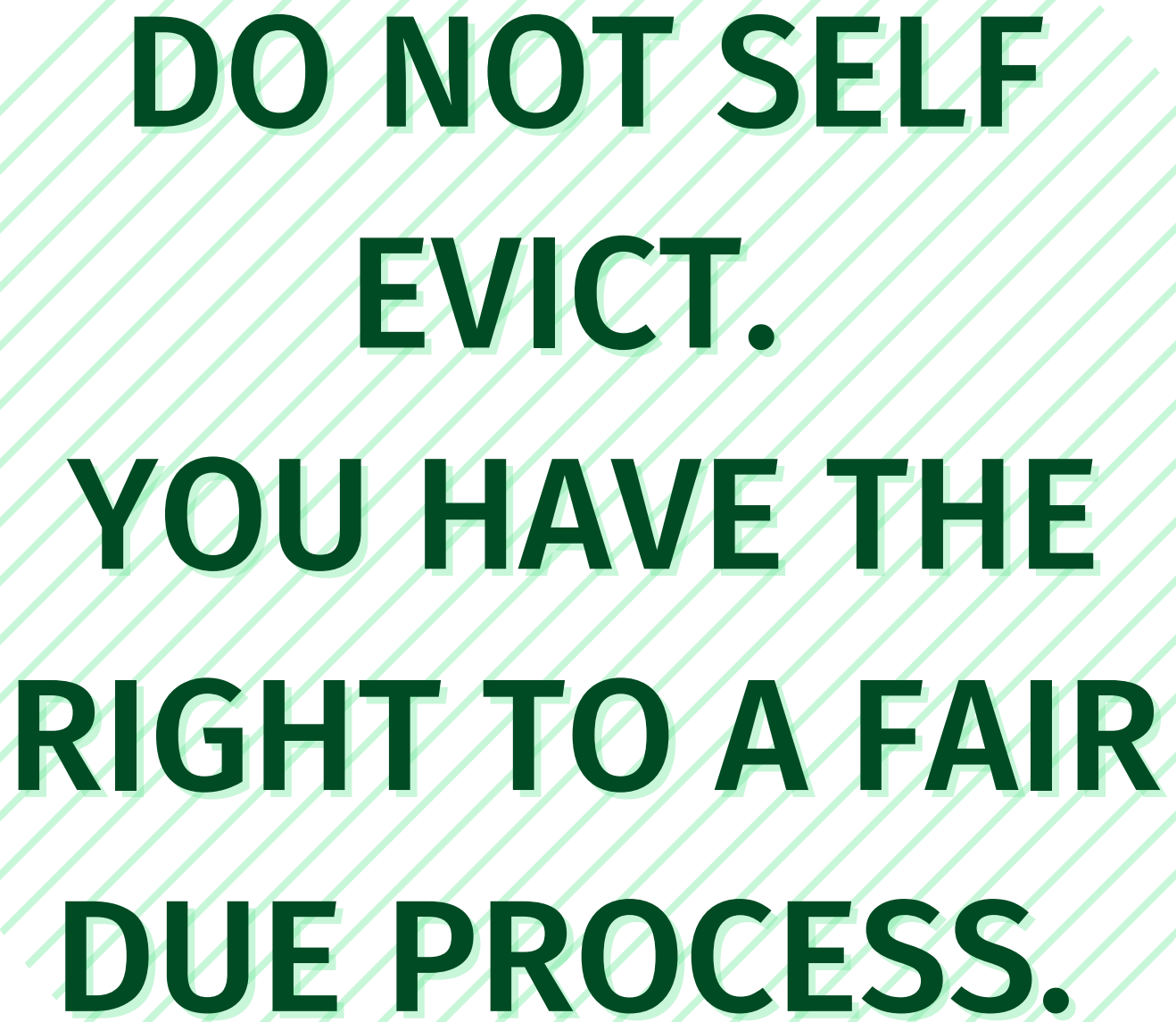
STRATEGIC ACTIONS FOR A JUST ECONOMY

SINCE 1996, SAJE HAS BEEN A FORCE FOR ECONOMIC JUSTICE IN OUR COMMUNITY FOCUSING ON TENANT RIGHTS, HEALTHY HOUSING, AND EQUITABLE DEVELOPMENT.

VISIT OUR WEBSITE AT WWW.SAJE.NET
CALL US - (213)745-9961
EMAIL US - INFO@SAJE.NET



PART 1: UNLAWFUL VS. LAWFUL EVICTIONS



**DO NOT SELF
EVICT.
YOU HAVE THE
RIGHT TO A FAIR
DUE PROCESS.**

THE LAWFUL EVICTION PROCESS

YOU ARE ENTITLED TO A COURT PROCEEDING TO DETERMINE YOUR EVICTION.
YOU DO NOT HAVE TO MOVE UNTIL THE COURT DETERMINES YOUR CASE.

3 DAY NOTICE

ISSUE IS
ADDRESSED AND
TENANT STAYS.

ISSUE IS NOT
ADDRESSED

30/60/90 DAY NOTICE TO VACATE

TENANT DECIDES TO
FIGHT EVICTION.

TENANT DECIDES TO
MOVE.

UNLAWFUL DETAINER IS FILED AT COURT.
NOTICE IS SERVED TO TENANT AND TENANT HAS 5 BUSINESS DAYS TO RESPOND.

NO ANSWER IS FILED

ANSWER IS FILED

IF POSSIBLE, ASK FOR A JURY TRIAL UNDER CCP
SECTION 631.

DEFAULT EVICTION
NOTICE TO VACATE

SHERIFFS CAN SHOW UP TO REMOVE
TENANTS FROM UNIT AT THIS POINT

NOTICE TO HEARING

COURT HEARING

SETTLE

TENANT SETTLES AND DECIDES
TO MOVE.

DISMISSAL

EVICTON CASE IS DISMISSED.
TENANT CAN STAY.

TRIAL

TECHNICAL DEFENSE*

HABITABILITY DEFENSE*

RULE IN FAVOR OF TENANT
TENANT CAN STAY.

RULE IN FAVOR OF TENANT
**TENANT CAN STAY & MAY BE
ENTITLED TO REDUCED RENT.**

RULE AGAINST TENANT

NOTICE TO VACATE

SHERIFFS CAN SHOW UP TO REMOVE
TENANTS FROM UNIT AT THIS POINT

REASONS FOR EVICTION



NOT-AT- FAULT EVICTIONS

- ELLIS ACT - REMOVING FROM MARKET OR DEMOLITION ORDER
- IMMEDIATE FAMILY MOVING IN
- HABITABILITY ISSUES
- CONVERTING TO AFFORDABLE HOUSING

YOU MAY BE ENTITLED TO RELOCATION FOR THESE TYPES OF EVICTIONS

AT-FAULT EVICTIONS*

- BREACH OF LEASE AGREEMENT
- ILLEGAL ACTIVITY IN PROPERTY
- NUISANCE
- NON-PAYMENT OF RENT*
- REFUSING REASONABLE ACCESS TO UNIT
- PLUS MORE..

**DURING COVID19, THERE ARE STATEWIDE AND LOCAL PROTECTIONS AGAINST EVICTION FOR NON-PAYMENT OF RENT AND OTHER AT-FAULT EVICTIONS.
PLEASE CONTACT US FOR MORE INFORMATION.**

VISIT SAJE.NET/NORENT

UNLAWFUL EVICTIONS OR LOCKOUTS

YOUR FORCED EVICTION OR UTILITY CUT OFF MAY BE UNLAWFUL IF:

- You have not received a formal notice to vacate in writing, i.e a 30/60/90/120 day notice
- Only received verbal threats, these are not evictions, you have the right to a legal proceeding
- You never received an Unlawful Detainer with an official stamp by the court
- Your court Unlawful Detainer is hand written or otherwise forged
- The court did not issue the documents regarding your eviction, also known as a writ of possession

YOUR LANDLORD MAY BE BREAKING THE LAW

CALIFORNIA CIVIL CODE SECTION 789.3

TENANTS MAY ONLY BE REMOVED FROM THE PROPERTY BY A SHERIFF ACTING PURSUANT TO A COURT ORDER. A LANDLORD SHALL NOT, WITH THE INTENT OF TERMINATING THE OCCUPANCY, PREVENT THE TENANT FROM GAINING REASONABLE ACCESS TO THE PROPERTY BY CHANGING THE LOCKS OR USING A BOOT LOCK OR SIMILAR METHODS.

DO NOT IGNORE COURT DOCUMENTS LIKE THESE:

SUMMONS
(CITACIÓN JUDICIAL)
UNLAWFUL DETAINER—EVICION
(RETENCIÓN ILÍCITA DE UN INMUEBLE—DESALOJO)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 5 days. You have 5 DAYS, not counting Saturdays and Sundays and other judicial holidays, after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff.

A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center.

¡AVISO! Usted ha sido demandado. Si no responde dentro de 5 días, el tribunal puede emitir un fallo en su contra sin una audiencia. Una vez que le entreguen esta citación y papeles legales, solo tiene 5 DÍAS, sin contar sábado y domingo y otros días feriados del tribunal, para presentar una respuesta por escrito en este tribunal y hacer que se entregue una copia al demandante.

Una carta o una llamada telefónica no lo protege. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda

SUM-130
FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

TO CONFIRM AN EVICTION IS
LAWFUL , DOCUMENTS ARE
VALID OR THERE IS AN OFFICIAL
COURT SETTLEMENT
(AKA A WRIT OF POSSESSION):

CALL THE LA COUNTY
SHERIFFS
CIVIL DIVISION
(213) 972-3930

**NOTICE OF
EVICION**

**TO THE JUDGEMENT DEBTOR(S)
AND ALL CLAIMING UNDER SAME:**
You are hereby notified that pursuant to the Order of Court and Notice to Vacate heretofore delivered to you or your agent, or posted upon these premises, your occupancy of these premises has been terminated. Any property which you may have left upon the premises is now under the legal control of the judgment creditor referred to below.

Information regarding legal procedures to follow to regain possession of your personal property is set forth in the above-mentioned Notice to Vacate. For further information you should consult an attorney.

ATTENTION
"Every person who has been removed from any lands by process of law, or who has been removed from any lands pursuant to the lawful adjudication or direction of any court, tribunal, or officer, and who afterwards unlawfully returns to settle, reside upon, or take possession of such lands, is guilty of a misdemeanor." (PC 419.)

CASE NO. [REDACTED]
[REDACTED] Judgment Creditor
vs.
[REDACTED] Judgment Debtor
Phone [REDACTED] Deputy
Leroy Baca, Sheriff
Los Angeles County
Dated [REDACTED]
TSM020P 01-01-04 REV 400

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
COURT SERVICES DIVISION

RECEIPT FOR POSSESSION OF REAL PROPERTY

CASE # [REDACTED]

On [REDACTED] at [REDACTED] I enforced the court order upon which this endorsement appears by placing the plaintiff in possession of the described premises.

By LERROY D. BACA, SHERIFF
[Signature], Deputy
Penal Code § 419 makes it a misdemeanor for any person who, after removal by court order, returns to settle, reside upon or take possession of such lands.

In the event evicted individuals reenter the property in violation of Penal Code § 419, present this document to the responding local law enforcement agency.

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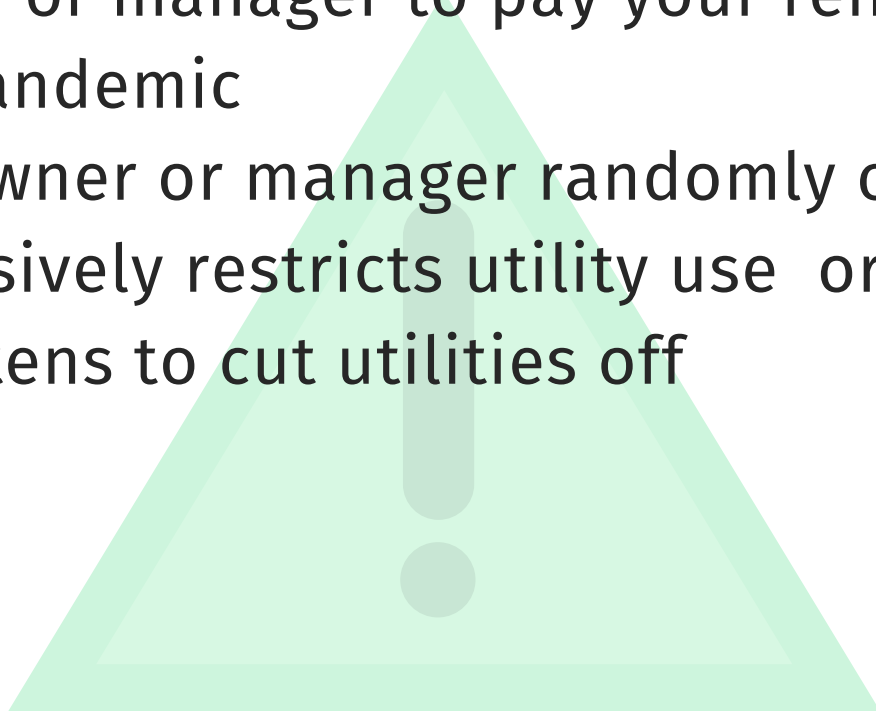


PART 2: HOW TO STOP AN UNLAWFUL LOCKOUT

PREPARE !

KNOW THE WARNING SIGNS

- Being verbally told by the manager or the owner of the property that they plan to lock you out
- Fake court documents like an unlawful detainer not stamped by the court
- Other tenants in the same property from other units have been unlawfully locked out
- You are being constantly harassed by the owner or manager to pay your rent during the pandemic
- The owner or manager randomly or excessively restricts utility use or threatens to cut utilities off



GATHER YOUR DOCUMENTS !

YOU MAY NEED TO PROVE YOU DID NOT ABANDON THE UNIT AND/OR ARE A CURRENT TENANT TO ANY OFFICERS CALLED TO EVICT YOU. SUGGESTED DOCUMENTS THAT MAY PROVE YOUR TENANCY:

- Receipts of paid rent for past month
- Proof of eviction protections during covid19 such as no rent letter or declaration
- Mail with your name and address of property
- ID with address, if feasible
- Copy of lease agreement/contract

Make copies and keep in and out your home -- email to yourself and keep in your phone, in a car, with a neighbor, or with people in your pod.

CREATING YOUR POD

**YOU NEED SUPPORT. WE ARE NOT ALONE AND
CANNOT DO THIS ALONE.**



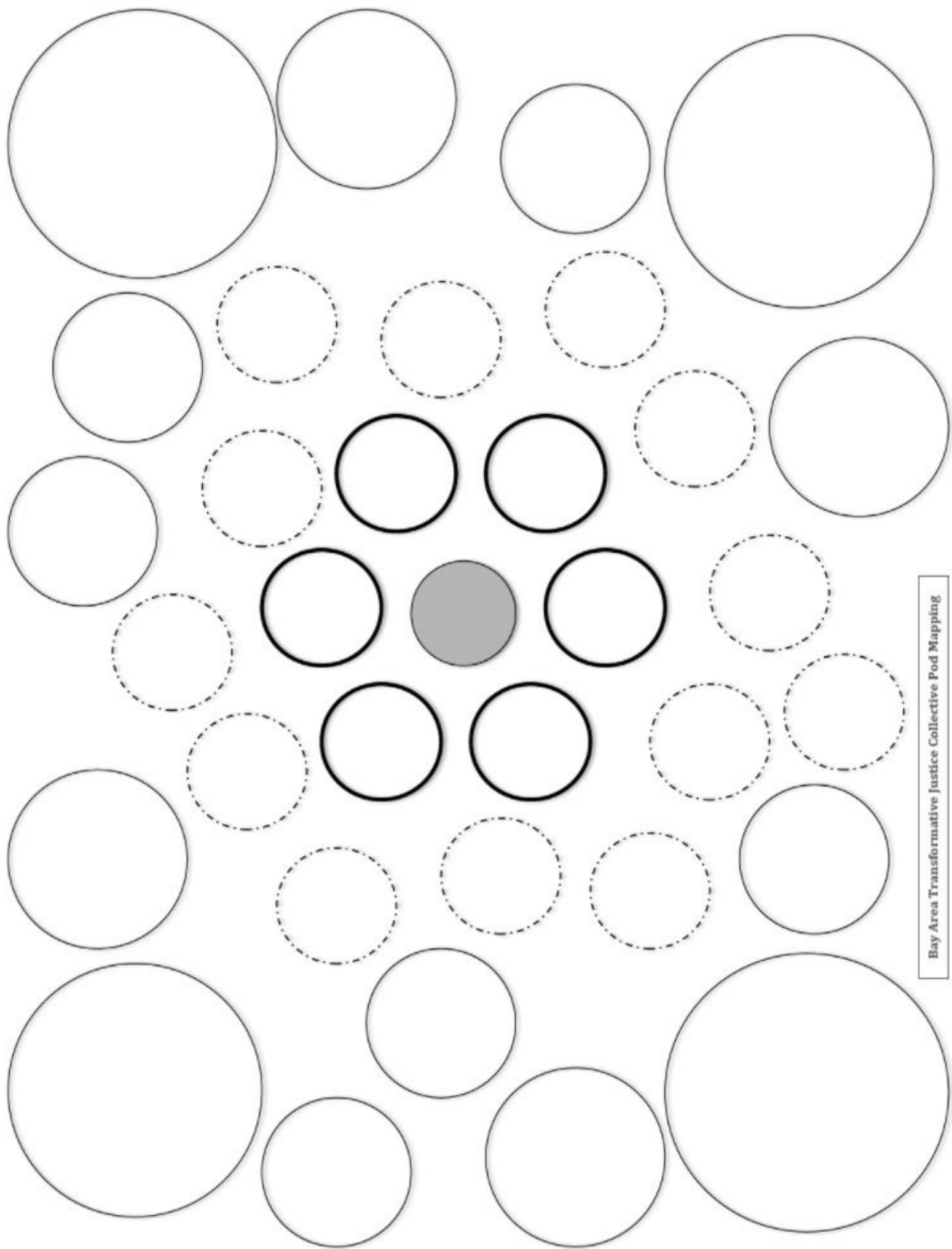
**"YOUR POD IS MADE UP OF THE PEOPLE THAT YOU
WOULD CALL ON IF VIOLENCE, HARM OR ABUSE
HAPPENED TO YOU; OR THE PEOPLE THAT YOU WOULD
CALL ON IF YOU WANTED SUPPORT IN TAKING
ACCOUNTABILITY FOR VIOLENCE, HARM OR ABUSE THAT
YOU'VE DONE; OR IF YOU WITNESSED VIOLENCE OR IF
SOMEONE YOU CARE ABOUT WAS BEING VIOLENT OR
BEING ABUSED."**

**-BAY AREA TRANSFORMATIVE JUSTICE
COLLECTIVE**

HOW TO CREATE YOUR POD

*THE BAY AREA TRANSFORMATIVE JUSTICE COLLECTIVE
CREATED A GUIDE WHICH WE USE HERE*

- 1) WRITE YOUR NAME IN THE MIDDLE GREY CIRCLE.
- 2) THE SURROUNDING BOLD-OUTLINED CIRCLES ARE YOUR POD. WRITE THE NAMES OF THE PEOPLE WHO ARE IN YOUR POD. WE ENCOURAGE PEOPLE TO WRITE THE NAMES OF ACTUAL INDIVIDUALS, INSTEAD OF THINGS SUCH AS “MY CHURCH GROUP” OR “MY NEIGHBORS.”
- 3) THE DOTTED LINES SURROUNDING YOUR POD ARE PEOPLE WHO ARE “MOVABLE.” THEY ARE PEOPLE THAT COULD BE MOVED IN TO YOUR POD, BUT NEED A LITTLE MORE WORK. FOR EXAMPLE, YOU MIGHT NEED TO BUILD MORE RELATIONSHIP OR TRUST WITH THEM. OR MAYBE YOU’VE NEVER HAD A CONVERSATION WITH THEM ABOUT PRISONS OR SEXUAL VIOLENCE.
- 4) THE LARGER CIRCLES AT THE EDGE OF THE PAGE ARE FOR NETWORKS, COMMUNITIES OR GROUPS THAT COULD BE RESOURCES FOR YOU. IT COULD BE YOUR LOCAL DOMESTIC VIOLENCE DIRECT SERVICE ORGANIZATION, OR YOUR COHORT IN NURSING SCHOOL, OR YOUR YOUTH GROUP, OR A TRANSFORMATIVE JUSTICE GROUP.



WHO DO YOU NEED IN YOUR EVICTION DEFENSE POD?



THE TENANT ADVOCATE

- Calls the sheriffs Department of Civil Division confirm writ of possession
- Helps reconnect services/utilities
- Physically Helps tenant get back into the unit
- Help file a police report for unlawful eviction
- Risk: Medium



THE MEDIATOR

- Talks to the person who is carrying out eviction, i.e police, LL, manager, sherriff,
- Deescalates potentially violent or aggressive encounters
- Clearly communicates tenants needs and rights if needed
- Risk: High



THE DOCUMENTER OR LEGAL OBSERVER

- Serves as witness to event
- Takes pictures or consensual video of things occurring
- Takes down important information
 - People and descriptions of people present
 - Officer's names and badge #
- Takes notes of what is happening
- Lists damages to property -- This is important for potential small claims civil court and criminal suit against the owner
- Risk: Medium



BLOCKADE SUPPORTER(S)

- If needed, these people will physically stand in between you and the person evicting you.
- 2+ people may be needed for this
- Risk: High



PART 3: THE RISKS

KNOW THE RISKS: THE LAW OFTEN PROTECTS PROPERTY > PEOPLE.

People participating can be criminally charged, if interactions with police escalate. The may charges include:

- Trespass (PC 602)
- Resisting, obstructing, or delaying a peace officer (PC Sec. 148(a)(1))
- Conspiracy
- Miscellaneous

Which could lead to incarceration for folks with prior convictions, unpaid tickets, etc. & can even lead to ICE hold or deportation.

**TALK TO YOUR POD & GET CLEAR WHAT YOU ALL
ARE WILLING OR NOT WILLING TO DO. CONSIDER:
AT WHAT POINT MIGHT YOU ALL WALK AWAY?
WHO IS AT MOST RISK?**

STAY READY CHECKLIST

- ☐ FILL IN POD SHEET
- ☐ CALL YOUR POD TO CONFIRM THEM
- ☐ CONTINUE BUILDING TRUST WITH THEM - TALK AND KEEP THEM IN THE LOOP.
- ☐ GET YOUR DOCUMENTS TOGETHER - KEEP COPIES IN PHONE, CAR, PURSE, WALLET KEEP COPIES OF NOTICES
- ☐ DOCUMENT WHAT YOUR LANDLORDS HARASSMENT
- ☐ GET LEGAL SUPPORT



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STRATEGIC ACTIONS FOR A JUST ECONOMY