

# **California Eviction Process Explained by leading California Lawyer**

If the tenant doesn't voluntarily move out after the landlord has properly given the required notice to the tenant, the landlord can evict the tenant. In order to evict the tenant, the landlord must file an unlawful detainer lawsuit in superior court. In an eviction lawsuit, the landlord is called the "plaintiff" and the tenant is called the "defendant."

An unlawful detainer lawsuit is a "summary" court procedure. This means that the court action moves forward very quickly, and that the time given the tenant to respond during the lawsuit is very short. For example, in most cases, the tenant has only five or ten days to file a written response to the lawsuit after being served with a copy of the landlord's summons and complaint.

Normally, a judge will hear and decide the case within 20 days after the tenant or the landlord files a request to set the case for trial. The court-administered eviction process assures the tenant of the right to a court hearing if the tenant believes that the landlord has no right to evict the tenant. The landlord must use this court process to evict the tenant; the landlord cannot use self-help measures to force the tenant to move. For example, the landlord cannot physically remove or lock out the tenant, cut off utilities such as water or electricity, remove outside windows or doors, or seize (take) the tenant's belongings in order to carry out the eviction. The landlord must use the court procedures.

You may also use a 30 day or sixty day notice which does not generally require a reason for the eviction. Whether you choose a 30 day or 60 day notice depends on the term of tenancy and how long the tenant has occupied the property.



Landlords should be aware that there are many countywide programs and websites that give tenants legal advice. Evicting a tenant in California can be complicated and it would be prudent to speak with a real estate attorney. Our office only represents Landlords or Property Management companies.

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