

# UNLAWFUL DETAINER LANDLORD-TENANT

2022 Court Clergy Conference

Presented by:  
**Hon. Yvonne E. Campos**



Hon. Yvonne E. Campos  
Judge  
San Diego Superior Court



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# Unlawful Detainer =

- Lawsuit for Landlord to break up with Tenant
- No Self-Help allowed
- No threats re: immigration status
- No cutting off utilities or changing locks





# Housing in San Diego

May 10, 2022

## HOUSING MARKET

**Price of Median Single-Family  
Home in San Diego County Hits  
\$1 Million**

# Rent in San Diego

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According to a study from Rent.com, the average price for a studio apartment in San Diego is \$2,378, up 21% from last year. A one-bedroom apartment is up 18% to \$2,707. And that's the average.

In Spring Valley, one-bedroom apartments jumped 65%. And that's not even the biggest jump.



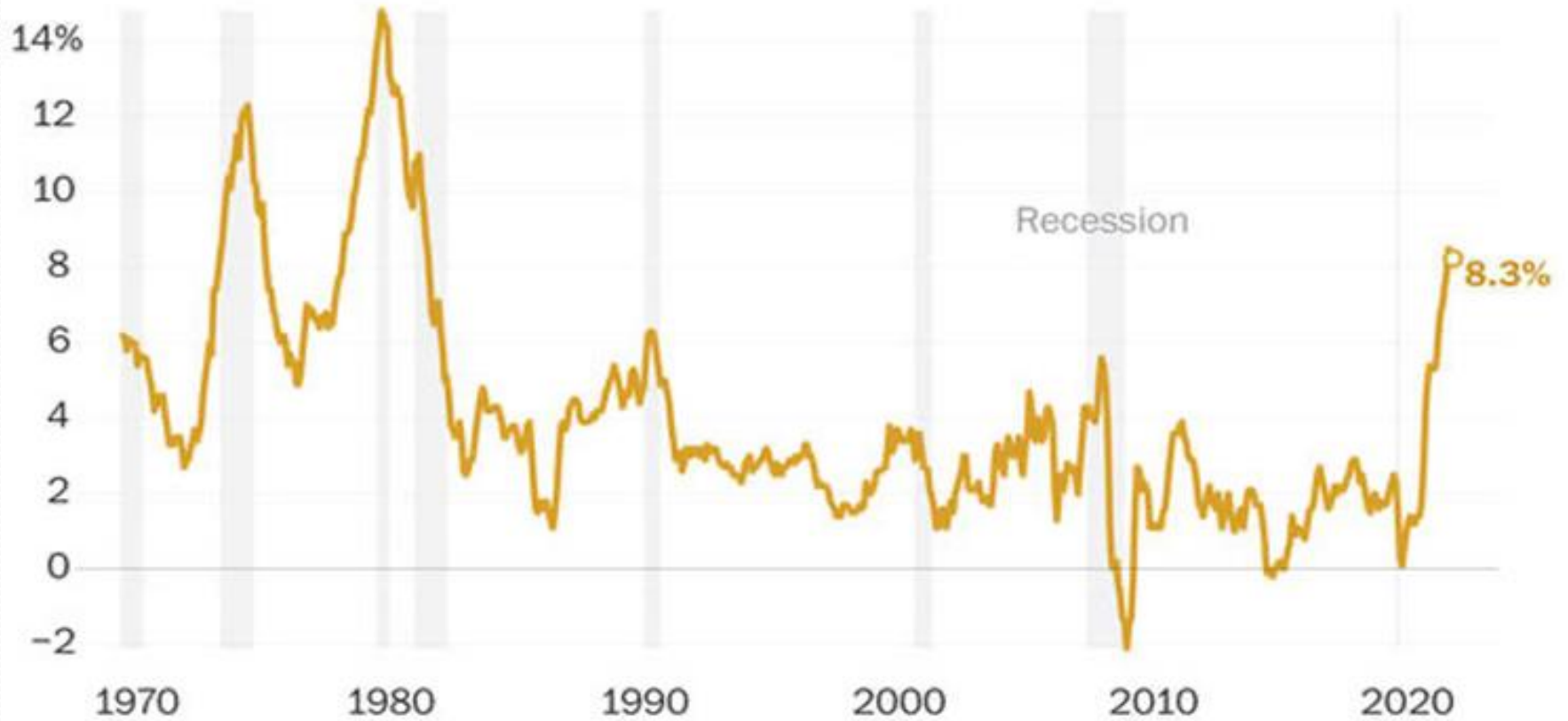
# Rent in San Diego

PARADISE AT A PRICE

**Rent across San Diego County  
increases, up 82% for 3-bedroom  
unit in Encinitas**



## Consumer price index, change from a year earlier



# Most Affordable Neighborhoods

1. National City
2. Balboa Park
3. East San Diego/El Cajon
4. Chula Vista/Imperial Beach
5. North I-15 Corridor West



# San Diego Unlawful Detainer Cases

	2018	2019	2020	2021	2022
Open/Pending Cases	58	51	125	314	1331
Number of Clerk Default Judgments	1467	1501	602	659	188
Number of Court Default Judgments	1683	1454	244	232	78
Number of Dismissals	1326	1078	287	205	27

# San Diego Unlawful Detainer Cases

	2018	2019	2020	2021	2022
After Court Trial - Court Finding	1090	1111	203	164	50
After Court Trial - Default judgment by Court	4	2	0	0	0
After Court Trial - Motion for judgment per CCP 631.8	2	0	0	0	0
After Court Trial - Stipulated settlement per CCP 664.6	4	2	2	2	5
After Hearing - Judgment with opinion	1	2	0	0	0
After Hearing - Judgment without opinion	1	0	1	0	0
After Jury Trial - Default judgment by Court	15	10	1	0	0
After Jury Trial - Jury Verdict	2	3	0	1	0
After Jury Trial - Motion for non-suit	0	0	0	0	0
After Jury Trial - Stipulated settlement per CCP 664.6	0	0	0	0	0
Before Hearing - Denied	0	0	0	0	0
Before Trial - Award of Arbitrator	0	0	0	0	0
Before Trial - Confession of Judgment	1	0	0	0	0
Before Trial - Default Judgment by Clerk	1467	1501	602	659	188
Before Trial - Default Judgment by Court	1664	1442	243	232	78
Before Trial - EDD state judgment	0	0	0	0	0
Before Trial - Judgment by private judge	0	0	0	0	0
Before Trial - Labor Board Judgment	0	0	0	0	0
Before Trial - Other clerk judgment	1	0	1	0	0
Before Trial - Sister state judgment	0	0	0	0	0
Before Trial - Stipulated Judgment	743	780	224	222	103
Before Trial - Stipulated settlement per CCP 664.6	23	5	3	3	2
Before Trial - Summary Judgment	12	7	2	2	1
<b>TOTALS</b>	<b>5030</b>	<b>4865</b>	<b>1282</b>	<b>1285</b>	<b>427</b>



# Expedited Lawsuit

- Very Technical and Statutory
- Many Changes in the Law During COVID (14+)



# Lawsuit Started By Notice to Quit (Terminate Tenancy)



- Nonpayment of Rent (Show Me the Money)
- Breach of Covenants of Lease (Nuisance)
- Tired of Being a Landlord or Moving Relative In
- 3-, 15-, 30-, 60-, 90-Day Notice Required Before Lawsuit Filed
  - 30 days if Tenant for less than one year
  - 60 days if Tenant for one year or more
  - 90 days if Tenant in a foreclosure, unless former owner

# Denial (Not the River in Egypt)

- After time to cure (pay rent, cease nuisance) expires from Notice to Quit, then Landlord files UD lawsuit.
  - If 3-day or 15-day Notice to Pay Rent or Quit, then no money accepted by Landlord thereafter or lawsuit is voided, lawsuit proceeds if no money in 3 or 15 days.
  - If 30-day or 60-day Notice to Quit (No Fault) and no moveout, then lawsuit proceeds.

# Service of Lawsuit

- MYTH – Tenant must be personally served – NO
- Proper Service includes:
  - (1) Personal Service;
  - (2) Substituted Service - copy left with person 18 years or older and Tenant mailed a copy;
  - (3) Posting and mailing – post at location in visible place and Tenant mailed a copy; and
  - (4) Publication.



# CLOCK STARTS with NTQ (Notice to Quit)

- Urge Tenant to Take Action
- Pay Rent or Stop Breach of Lease or Nuisance
- Prepare for Lawsuit





# CLOCK TICKING

- If Tenant fails to take action within as few as **five (5)** days, can blow critical deadlines
- Landlord can process a **DEFAULT JUDGMENT** - no day in Court for either side
- Landlord wins and able to get Writ of Possession from Sheriff



# What Should Tenant do to Survive Lawsuit?



- Find a lawyer or get Legal Aid Clinic
- Free legal information: Self-Help Centers, Centro de Ayuda; Court website, [www.sdcourt.ca.gov](http://www.sdcourt.ca.gov); State branch website, [www.courts.ca.gov](http://www.courts.ca.gov); County Law Library, <https://sandiegolawlibrary.org>
- File pleadings (papers) in Court
  - Motion to Strike/Quash
  - Demurrer
  - Answer
- Landlord will not accept rent or else the lawsuit is VOIDED
- Tenant can contact Landlord lawyer – not onsite management – to negotiate settlement via email

# If Tenant Answers

- Then entitled to their day in Court: TRIAL/JURY TRIAL
- More time to postpone/delay trial



- Legal Aid Clinic, M-F, 8:30 a.m. to 3:30 p.m.,  
330 W. Broadway Check-In

# Notices from Court

- Do not ignore
- Provide good address for mail delivery; MC-040, especially if you move; separate from USPS Change of Address form
- Pick up and read mail from court



# Bench Trial/Jury Trial

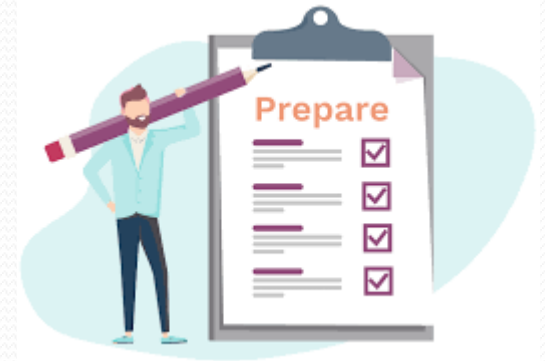


- Court rules re: evidence
  - Trial Brief
  - Witness List
  - Exhibit List
- If appearing remotely, use reliable internet, enclosed quiet room, keep devices charged.
- The Court cannot help either side – must stay neutral.



# Prepare for Trial

## M, T, Th AM



- Need photos/videos on flash drive and printed copies
- Copies of anything you want to show the Court (4 sets of copies for you, Court, opposing side, and witness)
- Dress for trial
- Request foreign language interpreter two weeks in advance
- Watch in advance/observe (Dept. 501, 1100 Union Street or MS Teams)

# If Lose Trial and Lawsuit - EVICTED



- Start looking for alternative place to live within 2 to 4 weeks and store your personal belongings.
- Public record of eviction makes leasing again tougher (want to negotiate neutral reference).
- Request to stay lockout (extension of time).
- Tenant asks for “more time,” but need to be ready to pay for “Daily Rate” (monthly rent divided by 30 days) for any extension. Do not assume an extension can be granted.

# Ways Faith Leaders Can Help

1. Urge Tenant to act/bust myths
2. Refer Tenant to Legal Aid, legal help: Court website
3. Offer Tenant a Chaplain/Coach Legal Advisor
4. Find out if any lawyers in congregation who can help with general information
5. Help Tenant make a plan: contact relatives and friends
6. Help Tenant identify next move/storage
7. Help with moving/storage – Teen Service Youth Project
8. Provide safe space for internet use and computer (public library) so tenants can research law, find options.
9. “Go Fund Me” – financial assistance (discretionary funding)
10. Watch hybrid court to prepare for trial – attend Court in person or via MS Teams

# QUESTIONS?

