

California Eviction Defense: Protecting Low-Income Tenants

March 13, 2013

9:00 a.m. – 5:00 p.m.

Why You Should Attend

In the current economic climate an increasing number of low-income Californians are facing eviction. Unfortunately, many tenants are evicted without the benefit of legal counsel to guide them through the process or the representation necessary to vigorously defend against unlawful actions. As a result, families face the very real possibility of homelessness. This training is designed to help mitigate the crisis by providing attorneys with a basic understanding of eviction defense and housing law and an opportunity to connect with non-profit legal service agencies able to facilitate pro bono representation of low income families facing this predicament.

What You Will Learn:

- Eviction process overview and basics
- Affirmative defenses in Unlawful Detainer actions
- Eviction defense after foreclosure
- Evictions and terminations in subsidized housing
- Evictions in rent controlled jurisdictions and mobile home parks
- Fee Waivers, Requests for Jury Trials and Appellate Division Writs

Who Should Attend

All attorneys interested in or currently assisting pro bono clients with eviction matters through representation or in clinical settings, law firm pro bono coordinators, managers and partners, law clinic students and faculty, and public interest and non-profit organization attorneys and staff would benefit from attending this program.

Program Schedule

9:00

Program Overview and Introductions

S. Lynn Martinez

9:15

Eviction Process: Overview of the Basics and Affirmative Defenses in Unlawful Detainer Actions

The summary nature of the unlawful detainer action makes these cases ideal for pro bono attorneys. The day-long training begins with an overview of state eviction proceedings in both private and subsidized housing, including pre-complaint notices, required allegations, motions,

discovery and trials. Considerable time will be given to exploring the affirmative defenses that can be raised in an unlawful detainer answer.

Stephanie Haffner, Laura Lane

11:00

Networking Break

11:15

Eviction Defense After Foreclosure

As the foreclosure crisis continues, there is an ever increasing need for legal representation for tenants and borrowers faced with eviction after foreclosure. This portion of the training will begin with an overview of the foreclosure process and will cover substantive and procedural defenses that homeowners and tenants have in post-foreclosure evictions. The session will provide an update on new laws that will be effective January 1, 2013.

S. Lynn Martinez, Dean Preston, Kent Qian

12:30

Lunch

1:45

Evictions & Terminations in Subsidized Housing

Particular attention must be given to tenants living in subsidized housing and the additional protections against eviction and termination of subsidy afforded by federal law. This session will explore the different types of subsidized housing and the applicable eviction and termination requirements for each program.

Navneet Grewal, Kent Qian

2:45

Evictions in Rent-Controlled Jurisdictions & Mobilehome Parks

This segment will explain the additional tenant protections offered by the rent control laws in some cities and under California's Mobilehome Residency Law, and how those protections impact evictions.

Navneet Grewal, Stephanie Haffner, Phong S. Wong

3:45

Networking Break

4:00

Fee Waivers, Requests for Jury Trials, and Appellate Division Writs

This section will address how pro bono and legal services attorneys can get court fees waived and recoup certain transcript costs on behalf of their indigent clients. The session also will focus on successful jury trial and writ practice in unlawful detainer actions.

Christian Abasto, Phong S. Wong

5:00

Adjourn

Faculty

Chairperson

S. Lynn Martinez

Managing Attorney/Senior Litigator
Western Center on Law and Poverty
Los Angeles, California

Christian Abasto

Director of Litigation
Public Law Center
Santa Ana, CA

Navneet Grewal

Staff Attorney
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Stephanie Haffner

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Laura Lane

Director/Supervising Attorney, Housing Practice
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Dean Preston

Executive Director
Tenants Together
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Kent Qian

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Phong S. Wong

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Los Angeles, CA

Program Attorney: Christina Thompson