

JUSTICE FOUNDATION

California Tenant Defense System

Eviction Defense, Habitability, Rent Control, and Security Deposit Recovery

Delivered with your free evaluation response.

Educational use only. Not legal advice.

How to Use This Kit

This kit covers every major tenant rights issue in California. If you received an eviction notice, start with Section 1 (notice defect analysis) immediately — you have a short window to respond. If you have other issues, use the table of contents to go directly to your situation.

Section 1 — 3-Day Notice Defect Analyzer

Check Every Element — Any Defect Voids the Notice Entirely

Element	What to Check
Amount demanded	Must be EXACT rent only — no late fees, utilities, or other charges. Even \$1 over = DEFECTIVE
Payment information	Must include name, address, AND phone number where rent can be paid. Missing any = DEFECTIVE
Date calculation	3 days does not include the day of service, weekends, or court holidays. One day short = DEFECTIVE
Service method	Personal service must be attempted first. Substituted service has specific requirements. Wrong method = DEFECTIVE
Tenant names	All tenants on the lease must be named correctly. Misspelling or omission = DEFECTIVE
Timing	Cannot be served before rent is technically past due under lease terms

What a Defective Notice Means

A defective notice is a COMPLETE defense — not a technicality.

If you file a Form UD-105 answer raising the defect, the unlawful detainer must be dismissed.

The landlord must start over with a new, corrected notice.

Send a written letter to the landlord identifying the defect BEFORE the UD is filed.

If the UD is filed anyway, raise the defect in your Form UD-105 answer immediately.

Section 2 — UD-105 Answer Guide

File Within 5 Business Days of Being Served the Summons

Form UD-105 (Answer to Unlawful Detainer) is free at courts.ca.gov. Filing it within 5 business days is the most important single action you can take. A default judgment means the landlord wins automatically.

Affirmative Defenses to Check

- Defective notice — identify the specific defect
- Breach of warranty of habitability — describe conditions, prior written notice to landlord
- Retaliation — describe protected activity and timeline (180-day presumption)
- AB 1482 — landlord lacks just cause for covered tenancy
- Waiver — landlord accepted rent after the alleged violation
- Improper service of the unlawful detainer summons
- Rent was paid — attach proof

Section 3 — Habitability Demand Letter Template

Written Repair Demand — Civil Code §1941

[Date — send by certified mail]

[LANDLORD NAME AND ADDRESS]

Re: Written Notice of Uninhabitable Conditions — Civil Code §1941

I am writing to provide written notice of the following conditions in my unit at [ADDRESS] that affect habitability as defined by Civil Code §1941.1:

1. [CONDITION — e.g., Mold in bathroom present since approximately DATE]
2. [CONDITION — e.g., No hot water since DATE]
3. [CONDITION — e.g., Rodent infestation — evidence includes DATE]

I request that you repair these conditions within 30 days of this letter (or within [X] days for the emergency condition of [SPECIFY]).

Please be advised that this written notice triggers the 180-day anti-retaliation protection under Civil Code §1942.5. Any adverse action taken against me within 180 days of this notice will be presumed retaliatory.

[YOUR NAME]

[CONTACT INFORMATION]

Section 4 — AB 1482 Coverage Checker

Is Your Unit Covered by Just Cause Eviction Protection?

Your situation	Covered?
Multi-unit building built before 2009 (15+ years old)	LIKELY YES — check local ordinance too
Single-family home, owner is individual (with required notice)	NO — exempt
Condo where owner is individual (with required notice)	NO — exempt
Building without required exemption notice in your lease	POSSIBLY YES — exemption notice required
City with stronger local rent control (LA, SF, Oakland, etc.)	Check local ordinance — may be stronger

Just Cause Reasons — What the Landlord Must Have

- AT-FAULT: Non-payment, lease breach, nuisance, criminal activity, unauthorized subletting
- NO-FAULT: Owner move-in, withdrawal from rental market, substantial renovation, demolition
- NO-FAULT requires one month's rent in relocation assistance paid BEFORE you vacate

Section 5 — Rent Increase Calculator

AB 1482 Maximum Allowable Increase

Maximum = 5% + local CPI (generally 8-10% total in most California metros)

How to Calculate

Step 1: Find your CPI — check California Department of Industrial Relations website

Step 2: Your legal maximum = Current rent × (1 + 0.05 + local CPI rate)

Example: \$1,800 rent × (1 + 0.05 + 0.04) = \$1,800 × 1.09 = \$1,962 maximum

If your landlord charged more than the maximum, send a written demand for:

- (1) Rent correction going forward to the legal amount
- (2) Refund of all overpayments since the illegal increase took effect

Cite Civil Code §1947.12 in your demand letter.

Continue paying at the legal amount while the dispute is pending.

Section 6 — Security Deposit Recovery Kit

Move-In Documentation Checklist

- Photograph every surface — walls, floors, appliances, fixtures, windows, doors, closets
- Date-stamp every photo
- Send landlord a written move-in condition statement within 48 hours identifying pre-existing damage
- Keep copies of everything

Pre-Move-Out Inspection Right — Civil Code §1950.5(f)

You have the right to request a pre-move-out inspection within 2 weeks of your move-out date. The landlord must conduct it and provide a written list of deficiencies. Any item not identified in the pre-move-out inspection CANNOT later be used to justify a deduction.

What Landlords Cannot Deduct

- Normal wear and tear — faded paint, worn carpet in traffic paths, small scuffs
- Conditions that existed before you moved in (documented in your move-in photos)
- Repairs that are the landlord's responsibility under habitability law

Bad Faith Withholding

Landlord must return deposit or itemized statement within 21 days of vacating.

Deductions require receipts for charges over \$125.

Bad faith withholding = up to 2× the wrongfully withheld amount as penalty + the deposit.

File in Small Claims Court (up to \$12,500) — no attorney required.

Section 7 — Relocation Assistance Guide

Situation	Relocation Required
AB 1482 no-fault eviction (owner move-in, renovation, etc.)	1 month's rent — must be paid before you vacate
Ellis Act removal from rental market	Varies by city — can exceed \$20,000 in LA for long-term tenants
Local ordinance cities (LA, SF, Oakland, etc.)	Check local ordinance — often more generous than state law
At-fault eviction (non-payment, etc.)	No relocation assistance required

Section 8 — 12 Claude AI Prompts

Claude AI Prompt — Eviction Defense Strategy

I received the following notice: [DESCRIBE THE NOTICE EXACTLY]

- Notice type: [3-Day / 30-Day / 60-Day / UD summons]
- Date served: [DATE]
- Method of service: [PERSONAL / POSTED / MAILED]
- Amount demanded (if applicable): \$[AMOUNT]
- My actual rent amount: \$[AMOUNT]
- Building age: [YEAR BUILT or approximate]
- City/county: [LOCATION]

Please: (1) Analyze the notice for every potential defect,
 (2) Tell me if AB 1482 just cause protections apply to my unit,
 (3) List every affirmative defense I should raise in a UD-105 answer,
 (4) Tell me what to do in the next 24 hours.

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Claude AI Prompt — Habitability Claim Analysis

My rental unit has the following conditions:

- Conditions: [LIST EACH — mold, pests, no heat, water damage, etc.]
- How long have they existed: [TIMEFRAME]
- Did I notify the landlord in writing? [YES — DATE / NO]
- Has the landlord responded? [DESCRIBE]
- Has any government agency inspected? [YES/NO]

Please: (1) Identify which conditions violate Civil Code §1941.1,
(2) Tell me whether repair-and-deduct or rent withholding applies,
(3) Draft the written repair demand letter with the correct statutory citations,
(4) Calculate what my habitability damages might be – diminished rental value approach.

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