



Judicial Council of California

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INVITATION TO COMMENT

SPR23-10

Title

Unlawful Detainer: Forms to Reflect Existing Law and Implement Senate Bill 1017 and Assembly Bill 1726

Proposed Rules, Forms, Standards, or Statutes

Approve form UD-110P; revise forms SUM-130, UD-101, UD-105, UD-110, and UD-110S

Proposed by

Civil and Small Claims Advisory Committee
Hon. Tamara L. Wood, Chair

Action Requested

Review and submit comments by May 12, 2023

Proposed Effective Date

January 1, 2024

Contact

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Executive Summary and Origin

The Civil and Small Claims Advisory Committee proposes the adoption of one new form and revision of several other forms relating to unlawful detainer actions. These new and revised forms (1) implement a new law creating a new procedure for partial evictions, (2) implement a new law providing additional time for certain defendants to respond to a summons for unlawful detainer, and (3) update the forms to reflect current law regarding COVID-19 rental protections.

Background

Senate Bill 1017

In September 2022 the Governor signed Senate Bill 1017 (Stats. 2022, ch. 558),¹ which, effective January 1, 2023, makes changes to unlawful detainer actions based on an act of abuse or violence against a tenant. Current law provides that a landlord may not terminate a tenancy (or fail to renew a tenancy) based on documented abuse or violence against a tenant or a tenant's

¹ SB 1017 is available at https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB1017.

This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules Committee, or its Legislation Committee. It is circulated for comment purposes only.

household member by a non-tenant unless the tenant allows the perpetrator of abuse or violence to visit the property or the landlord reasonably believes that the presence of the abuse poses a physical threat to other tenants, guests, invitees, or licensees and, in either case, the landlord gave the tenant three days' notice to correct the issue.

SB 1017 expands who is covered by the law to include abuse against a tenant's immediate family member in addition to abuse against a tenant and a tenant's household member. (Code Civ. Proc., § 1161.3(b).)² Another statutory change enacted by SB 1017 concerns what constitutes documentation of abuse or violence. Prior to SB 1017, such documentation was limited to a protective order against the abuser, a copy of a police report, or a report from a qualified third party that the abusee is seeking assistance for physical or mental injuries or abuse resulting from an act of abuse or violence. With SB 1017, section 1161.3 provides that "[a]ny other form of documentation or evidence that reasonably verifies that the abuse or violence occurred" is also sufficient. (§ 1161.3(a)(2)(D).)

In addition to expanding the categories of people covered by the law and the documentation of abuse, SB 1017 also created a new partial eviction procedure. Specifically, when the perpetrator and the victim are both tenants in residence of the same unit, the court is directed to proceed with a new process laid out in section 1174.27.³ The process only applies to unlawful detainer actions: (1) which involve residences; (2) are based on an act of abuse against a tenant or related person; and (3) in which a tenant has invoked the affirmative defense described in section 1161.3(d)(2). If all those conditions are met, the court must then determine if there is documentation evidencing abuse. If there is none, the affirmative defense must be denied. However, if there is documentation and there is no other basis for unlawful detainer, then the tenant raising the affirmative defense cannot be found guilty of an unlawful detainer, cannot be named in a judgment in favor of the landlord, and cannot be held liable to the landlord for any amount related to the unlawful detainer.

If there is a showing that another tenant was the perpetrator and is guilty of an unlawful detainer then the court is required to issue a partial eviction and order the removal of the perpetrator from the dwelling unit and that the locks be changed. The court also has the option to permanently bar the perpetrator from entering the residential premises and order that the remaining occupants not permit or invite the perpetrator to live in the dwelling unit.

² All further statutory references are to the Code of Civil Procedure unless stated otherwise.

³ When enacting SB 1017, the Legislature appears to have inadvertently created an internal inconsistency in statute. Briefly, section 1161.3(d)(2) requires the court to follow the partial eviction procedure if the perpetrator is a tenant in residence in the same dwelling unit as the victim. However, section 1161.3(d)(2) only applies if the landlord *violates* section 1161.3(b) and terminating a tenancy because the perpetrator is a tenant in residence in the same dwelling unit as the victim is expressly permitted under that section. (See § 1161.3(b)(2)(A).) Thus, there is no way that all the requisite circumstances would be present for section 1174.27 to apply. Based on an understanding that the Legislature will further amend the statutes to address this issue, the committee is proposing the attached forms to implement the new procedure, and will modify the proposal is appropriate to reflect further changes in the statute later this year.

Assembly Bill 1726

In September 2022 the Governor also signed Senate Bill 1726 (Stats. 2022, ch. 686),⁴ which, effective January 1, 2023, provides additional time for certain defendants to respond to a summons for unlawful detainer and other summary proceedings for obtaining possession of real property. Specifically, “[i]f service is completed by mail or in person through the Secretary of State’s address confidentiality program . . . the defendant shall have an additional five court days to file a response.” (§ 1167(b).)

COVID-19 tenant protections

In response to the COVID-19 pandemic, the Legislature enacted numerous tenant protections and changed court processes for unlawful detainer actions. For example, section 1179.01.5, which remains in effect until October 1, 2025, requires the use of an unlawful detainer supplemental allegations cover sheet. The Judicial Council adopted form UD-101 as this cover sheet, which enumerates the steps landlords must take in order to bring an unlawful detainer action and comply with the new tenant protections. Similarly, the Judicial Council revised the unlawful detainer answer form so tenants could raise objections and defenses based on the new tenant protections. Those tenant protections, however, are almost exclusively limited to specified time periods when the rent became due, all of which ended before January 1, 2023. Furthermore, section 1161(2) prohibits a landlord from serving notice (and consequently bringing an unlawful detainer action) for unpaid rent more than one year after the rent became due. Accordingly, nearly all the tenant protections enumerated on form UD-101, and many on form UD-105, are inapplicable to any current or future unlawful detainer actions because they only protect tenants from eviction based on rent owed more than one year ago.

The Proposal

The changes proposed in this invitation to comment are needed to address three distinct issues:

- Implementation of recently enacted SB 1017;
- Implementation of recently enacted AB 1726; and
- Updates to reflect current law on COVID-19 protections.

Implementation of SB 1017

The committee proposes several form revisions to implement the statutory changes and new procedure for partial eviction enacted by SB 1017:

- Expanding item 3k on revised *Answer—Unlawful Detainer* (form UD-105) to reflect that the defense also applies if the abuse was directed at tenant’s family member and to reflect the additional catchall category of documentation that can verify the abuse occurred.
- Adding new item 3s to form UD-105 to provide an option for defendant to raise the new affirmative defense in section 1161.3(d) to trigger the partial eviction procedure.

⁴ AB 1726 is available at https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1726.

- Creating a new form, *Judgment—Unlawful Detainer Partial Eviction Attachment* (form UD-110P), for courts to attach to *Judgment—Unlawful Detainer* (form UD-110) to issue the orders described in section 1174.27. The proposed form closely follows section 1174.27, listing the required findings and orders and providing check boxes to also issue optional orders.
- Revising *Judgment—Unlawful Detainer* (form UD-110) so the court can check a box for a judgment for partial eviction (item 8) and attach new form UD-110P.
- Changing the title of form UD-110S from *Judgment—Unlawful Detainer Attachment* to *Judgment—Unlawful Detainer Habitable Premises Attachment* since it will no longer be the only attachment to the unlawful detainer judgment form.

Implementation of AB 1726

In order to reflect the provisions of AB 1726, the committee recommends that the first page of *Summons—Eviction* (form SUM-130) be revised to include the following statement in both English and Spanish: “If this summons was provided to you through the Secretary of State’s address confidentially program, you have 10 days, not counting Saturdays and Sundays and other judicial holidays, to respond.”

Updating forms to reflect current law on COVID-19 rental protections

The committee also recommends removing items 3 through 10 from *Plaintiff’s Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer* (form UD-101) as those items by definition only apply in a situation in which rent was due more than a year before January 1, 2024, when the proposed revised form would go into effect. The committee also recommends deletion of item 11 as it only serves to notify the user that items 3 through 10 do not apply.⁵

In light of the expiration of COVID-19 rental protections and the proposed revisions to form UD-101, the committee also recommends the following revisions to *Answer—Unlawful Detainer* (form UD-105):

- Adding new item 3d allowing defendant to allege that plaintiff’s demand for possession is based on nonpayment of rent due more than a year ago. If a landlord brings an unlawful detainer based on unpaid COVID-19 rental debt, the tenant will have a complete defense to such an action if the rent is from more than one year ago. This proposed new item is included as item 3d because the first several subitems of item 3 all pertain to nonpayment of rent.

⁵ Conversely, the committee recommends retention of item 12 and its renumbering to item 3 in form UD-101. This item is retained because Health and Safety Code section 50897.3(e) is not limited to any particular time period. In addition, the committee has been informed that at least one county in the state is still accepting applications for rental assistance. For the same reasons, no revisions to *Verification by Landlord Regarding Rental Assistance—Unlawful Detainer* (form UD-120) are proposed at this time.

- Deleting item 3l because item 3e in current form UD-105 (and item 3f in proposed form UD-105) is a broader retaliation defense that adequately covers any defenses alleged by item 3l.
- Deleting items 3m, 3n, and 3o as all those items only pertain to unlawful detainer actions brought based on rent due more than a year prior to when the form will be effective.⁶

Alternatives Considered

Because SB 1017 and AB 1726 made significant and substantial changes to the procedures in unlawful detainer actions, the committee determined it must act and that taking no action would be inappropriate. The committee also determined it would be inappropriate to not take action to update the forms to remove reference to COVID-19 rental protections that no longer apply.

Fiscal and Operational Impacts

The committee anticipates that the new legislation, plus the ending of the COVID-19 related protections will require courts to train court staff and judicial officers on the new law. This proposal will add newly adopted and revised forms to that training, and hopefully facilitate it. Courts will also incur costs to incorporate the new and revised forms into the paper or electronic processes.

⁶ The committee recommends retention of item 3p in form UD-105 for the reasons stated in note 5, above.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Forms SUM-130, UD-101, UD-105, UD-110, UD-110P, and UD-110S, at pages 7–19
2. Link A: Senate Bill 1017,
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB1017
3. Link B: Assembly Bill 1726,
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1726

SUMMONS—EVICTION (CITACIÓN JUDICIAL—DESALOJO)

**UNLAWFUL DETAINER / FORCIBLE DETAINER / FORCIBLE ENTRY
(RETENCIÓN ILÍCITA DE UN INMUEBLE / RETENCIÓN FORZOSA / ENTRADA FORZOSA)**

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

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

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

**DRAFT
2.27.2023
NOT APPROVED BY
THE JUDICIAL
COUNCIL**

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. If this summons was provided to you through the Secretary of State's address confidentiality program, you have 10 days, not counting Saturdays and Sundays and other judicial holidays, to respond.

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 (www.courts.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services website (www.lawhelpca.org), the California Courts Online Self-Help Center (www.courts.ca.gov/selfhelp), or by contacting your local court or county bar association.

FEE WAIVER: If you cannot pay the filing fee, ask the clerk for a fee waiver form. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

¡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. Si la presente citación le ha sido proporcionado a través del programa de dirección confidencial del Secretario del Estado, tiene 10 días, sin contar sábado y domingo y otros días feriados del tribunal, para responder.

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 de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no presenta su respuesta a tiempo, puede perder el caso por falta de comparecencia y se le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados local.

EXENCIÓN DE CUOTAS: Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos con un gravamen sobre cualquier cantidad de \$10,000 ó más recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desestimar el caso.

1. The name and address of the court is:
(El nombre y dirección de la corte es):

CASE NUMBER (número de caso):

2. The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

PLAINTIFF (Name):	CASE NUMBER:
DEFENDANT (Name):	

3. (Must be answered in all cases) An **unlawful detainer assistant (Bus. & Prof. Code, §§ 6400–6415)** did not did for compensation give advice or assistance with this form. (If plaintiff has received **any** help or advice for pay from an unlawful detainer assistant, complete item 4 below.)

4. **Unlawful detainer assistant** (complete if plaintiff has received any help or advice for pay from an unlawful detainer assistant):

- a. Assistant's name:
- b. Telephone no.:
- c. Street address, city, and zip:

- d. County of registration:
- e. Registration no.:
- f. Registration expires on (date) :

Date: _____ Clerk, by _____, Deputy
 (Fecha) (Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
 (Para prueba de entrega de esta citación use el formulario Proof of Service of Summons (form POS-010).)

[SEAL]

5. **NOTICE TO THE PERSON SERVED:** You are served
- a. as an individual defendant.
 - b. as the person sued under the fictitious name of (specify):
 - c. as an occupant.
 - d. on behalf of (specify):

under: <input type="checkbox"/> CCP 416.10 (corporation).	<input type="checkbox"/> CCP 416.60 (minor).
<input type="checkbox"/> CCP 416.20 (defunct corporation).	<input type="checkbox"/> CCP 416.70 (conservatee).
<input type="checkbox"/> CCP 416.40 (association or partnership).	<input type="checkbox"/> CCP 416.90 (authorized person).
<input type="checkbox"/> CCP 415.46 (occupant).	<input type="checkbox"/> other (specify):
 - e. by personal delivery on (date):

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT 3/3/2023 NOT APPROVED BY THE JUDICIAL COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF: DEFENDANT:	
PLAINTIFF'S MANDATORY COVER SHEET AND SUPPLEMENTAL ALLEGATIONS—UNLAWFUL DETAINER	CASE NUMBER:
All plaintiffs in unlawful detainer proceedings must file and serve this form. Filing this form complies with the requirement in Code of Civil Procedure section 1179.01.5(c). <ul style="list-style-type: none"> • Serve this form and any attachments to it with the summons. • If a summons has already been served without this form, then serve it by mail or any other means of service authorized by law. • If defendant has answered prior to service of this form, there is no requirement for defendant to respond to the supplemental allegations before trial. <p>To obtain a judgment in an unlawful detainer action for nonpayment of rent on a residential property, a plaintiff must verify that no rental assistance or other financial compensation has been received for the amount demanded in the notice or accruing afterward, and that no application is pending for such assistance. To obtain a default judgment, plaintiff must use Verification by Landlord Regarding Rental Assistance—Unlawful Detainer (form UD-120) to make this verification and provide other information required by statute.</p>	

1. PLAINTIFF (name each):

alleges causes of action in the complaint filed in this action against DEFENDANT (name each):

2. **Statutory cover sheet allegations** (Code Civ. Proc., § 1179.01.5(c))

- a. This action seeks possession of real property that is (check all that apply): Residential Commercial
 (If "residential" is checked, complete all remaining items that apply to this action. If only "commercial" is checked, no further items need to be completed except the signature and verification on page 2.)
- b. This action is based, in whole or in part, on an alleged default in payment of rent or other charges. Yes No

3. **Statements regarding rental assistance** (Required in all actions based on nonpayment of rent or any other financial obligation. Plaintiff must answer all the questions in this item and, if later seeking a default judgment, will also need to file Verification Regarding Rental Assistance—Unlawful Detainer (form UD-120).)

- a. Has plaintiff received rental assistance or other financial compensation from any other source corresponding to the amount demanded in the notice underlying the complaint? Yes No
- b. Has plaintiff received rental assistance or other financial compensation from any other source for rent accruing after the date of the notice underlying the complaint? Yes No
- c. Does plaintiff have any pending application for rental assistance or other financial compensation from any other source corresponding to the amount demanded in the notice underlying the complaint? Yes No
- d. Does plaintiff have any pending application for rental assistance or other financial compensation from any other source for rent accruing after the date on the notice underlying the complaint? Yes No

PLAINTIFF: DEFENDANT:	CASE NUMBER:
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4. **Other allegations** Plaintiff makes the following additional allegations: *(State any additional allegations below, with each allegation lettered in order, starting with (a), (b), (c), etc. If there is not enough space below, check the box below and use form MC-025, title it Attachment 4, and letter each allegation in order.)* Other allegations are on form MC-025.

5. Number of pages attached *(specify):*

Date: _____

 (TYPE OR PRINT NAME)



 (SIGNATURE OF PLAINTIFF OR ATTORNEY)

VERIFICATION

(Use a different verification form if the verification is by an attorney or for a corporation or partnership.)

I am the plaintiff in this proceeding and have read this complaint. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

 (TYPE OR PRINT NAME)



 (SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NUMBER: STATE: ZIP CODE: FAX NO.:	FOR COURT USE ONLY DRAFT 3/3/2023 NOT APPROVED BY THE JUDICIAL COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PLAINTIFF: DEFENDANT:		
ANSWER—UNLAWFUL DETAINER		CASE NUMBER:

1. Defendant (*all defendants for whom this answer is filed must be named and must sign this answer unless their attorney signs*):

answers the complaint as follows:

2. **DENIALS (Check ONLY ONE of the next two boxes.)**

a. **General Denial** (*Do not check this box if the complaint demands more than \$1,000.*)
 Defendant generally denies each statement of the complaint and of the *Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer* (form UD-101).

b. **Specific Denials** (*Check this box and complete (1) and (2) below if complaint demands more than \$1,000.*)
 Defendant admits that all of the statements of the complaint and of the *Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer* (form UD-101) are true EXCEPT:

(1) **Denial of Allegations in Complaint (Form UD-100 or Other Complaint for Unlawful Detainer)**

(a) Defendant claims the following statements of the complaint are false (*state paragraph numbers from the complaint or explain below or, if more room needed, on form MC-025*):

Explanation is on form MC-025, titled as Attachment 2b(1)(a).

(b) Defendant has no information or belief that the following statements of the complaint are true, so defendant denies them (*state paragraph numbers from the complaint or explain below or, if more room needed, on form MC-025*):

Explanation is on form MC-025, titled as Attachment 2b(1)(b).

(2) **Denial of Allegations in Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer (form UD-101)**

(a) Defendant did not receive plaintiff's *Mandatory Cover Sheet and Supplemental Allegations* (form UD-101). (*If not checked, complete (b) and (c), as appropriate.*)

(b) Defendant claims the following statements on the *Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer* (form UD-101) are false (*state paragraph numbers from form UD-101 or explain below or, if more room needed, on form MC-025*): Explanation is on form MC-025, titled as Attachment 2b(2)(b).

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2. b. (2) (c) Defendant has no information or belief that the following statements on the *Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer* (form UD-101) are true, so defendant denies them (*state paragraph numbers from form UD-101 or explain below or, if more room needed, on form MC-025*):
- Explanation is on form MC-025, titled as Attachment 2b(2)(c).
3. **DEFENSES AND OBJECTIONS** (NOTE: For each box checked, you must state brief facts to support it in item 3u (on page 3) or, if more room is needed, on form MC-025. You can learn more about defenses and objections at www.courts.ca.gov/selfhelp-eviction.htm.)
- a. (Nonpayment of rent only) Plaintiff has breached the warranty to provide habitable premises.
- b. (Nonpayment of rent only) Defendant made needed repairs and properly deducted the cost from the rent, and plaintiff did not give proper credit.
- c. (Nonpayment of rent only) On (date): _____ before the notice to pay or quit expired, defendant offered the rent due but plaintiff would not accept it.
- d. (Nonpayment of rent only) Plaintiff's demand for possession is based on nonpayment of rent due more than one year ago.
- e. Plaintiff waived, changed, or canceled the notice to quit.
- f. Plaintiff served defendant with the notice to quit or filed the complaint to retaliate against defendant.
- g. By serving defendant with the notice to quit or filing the complaint, plaintiff is arbitrarily discriminating against the defendant in violation of the Constitution or the laws of the United States or California.
- h. Plaintiff's demand for possession violates the local rent control or eviction control ordinance of (city or county, title of ordinance, and date of passage):
(Also, briefly state in item 3u the facts showing violation of the ordinance.)
- i. Plaintiff's demand for possession is subject to the Tenant Protection Act of 2019, Civil Code section 1946.2 or 1947.12, and is not in compliance with the act. (Check all that apply and briefly state in item 3u the facts that support each.)
- (1) Plaintiff failed to state a just cause for termination of tenancy in the written notice to terminate.
- (2) Plaintiff failed to provide an opportunity to cure any alleged violations of terms and conditions of the lease (other than payment of rent) as required under Civil Code section 1946.2(c).
- (3) Plaintiff failed to comply with the relocation assistance requirements of Civil Code section 1946.2(d).
- (4) Plaintiff has raised the rent more than the amount allowed under Civil Code section 1947.12, and the only unpaid rent is the unauthorized amount.
- (5) Plaintiff violated the Tenant Protection Act in another manner that defeats the complaint.
- j. Plaintiff accepted rent from defendant to cover a period of time after the date the notice to quit expired.
- k. Plaintiff seeks to evict defendant based on an act against defendant, defendant's family member, or a member of defendant's household that constitutes domestic violence, sexual assault, stalking, human trafficking, or abuse of an elder or a dependent adult. (This defense requires one of the following: (1) a temporary restraining order, protective order, or police report that is not more than 180 days old; (2) a signed statement from a qualified third party (e.g., a doctor, domestic violence or sexual assault counselor, human trafficking caseworker, psychologist, or a victim of violent crime advocate concerning the injuries or abuse resulting from these acts); or (3) another form of documentation or evidence that verifies that the abuse or violence occurred.)
- l. Plaintiff seeks to evict defendant based on defendant or another person calling the police or emergency assistance (e.g., ambulance) by or on behalf of a victim of abuse, a victim of crime, or an individual in an emergency when defendant or the other person believed that assistance was necessary.
- m. Plaintiff's demand for possession of a residential property is based on nonpayment of rent or other financial obligations and (check all that apply):
- (1) Plaintiff received or has a pending application for rental assistance from a governmental rental assistance program or some other source relating to the amount claimed in the notice to pay rent or quit. (Health & Saf. Code, §§ 50897.1(d)(2)(B) and 50897.3(e)(2).)
- (2) Plaintiff received or has a pending application for rental assistance from a governmental rental assistance program or some other source for rent accruing since the notice to pay rent or quit. (Health & Saf. Code, §§ 50897.1(d)(2)(B) and 50897.3(e)(2).)

PLAINTIFF: DEFENDANT:	CASE NUMBER:
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3. m. (3) Plaintiff's demand for possession is based only on late fees for defendant's failure to provide landlord payment within 15 days of receiving governmental rental assistance. (Health & Saf. Code, § 50897.1(e)(2)(B).)
- n. Plaintiff violated the COVID-19 Tenant Relief Act (Code Civ. Proc., § 1179.01 et seq.) or a local COVID-19–related ordinance regarding evictions in some other way (*briefly state facts describing this in item 3u*).
- o. The property is covered by the federal CARES Act and the plaintiff did not provide 30 days' notice to vacate. (*Property covered by the CARES Act means property where the landlord:*
- is participating in a covered housing program as defined by the Violence Against Women Act;
 - is participating in the rural housing voucher program under section 542 of the Housing Act of 1949; or
 - has a federally backed mortgage loan or a federally backed multifamily mortgage loan.)
- p. Plaintiff improperly applied payments made by defendant in a tenancy that was in existence between March 1, 2020, and September 30, 2021 (Code Civ. Proc., § 1179.04.5), as follows (*check all that apply*):
- (1) Plaintiff applied a security deposit to rent, or other financial obligations due, without tenant's written agreement.
- (2) Plaintiff applied a monthly rental payment to rent or other financial obligations that were due between March 1, 2020, and September 30, 2021, other than to the prospective month's rent, without tenant's written agreement.
- q. Plaintiff refused to accept payment from a third party for rent due. (Civ. Code, § 1947.3; Gov. Code, § 12955.)
- r. Defendant has a disability and plaintiff refused to provide a reasonable accommodation that was requested. (Cal. Code Regs., tit. 2, § 12176(c).)
- s. Defendant or a member of defendant's household or family is a victim of abuse or violence and defendant claims protection from eviction under Code of Civil Procedure section 1161.3(d).
- t. Other defenses and objections are stated in item 3u.
- u. (*Provide facts for each item checked above, either below or, if more room needed, on form MC-025*):
- Description of facts or defenses are on form MC-025, titled as Attachment 3u.

4. OTHER STATEMENTS

- a. Defendant vacated the premises on (*date*):
- b. The fair rental value of the premises alleged in the complaint is excessive (*explain below or, if more room needed, on form MC-025*):
- Explanation is on form MC-025, titled as Attachment 4b.
- c. Other (*specify below or, if more room needed, on form MC-025*):
- Other statements are on form MC-025, titled as Attachment 4c.

5. DEFENDANT REQUESTS

- a. that plaintiff take nothing requested in the complaint.
- b. costs incurred in this proceeding.
- c. reasonable attorney fees.

PLAINTIFF: DEFENDANT:	CASE NUMBER:
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5. DEFENDANT REQUESTS (continued)

- d. that plaintiff be ordered to (1) make repairs and correct the conditions that constitute a breach of the warranty to provide habitable premises and (2) reduce the monthly rent to a reasonable rental value until the conditions are corrected.
- e. Other (specify below or on form MC-025):
 All other requests are stated on form MC-025, titled as Attachment 5e.

6. Number of pages attached: _____

UNLAWFUL DETAINER ASSISTANT (Bus. & Prof. Code, §§ 6400–6415)

7. (Must be completed in all cases.) An **unlawful detainer assistant** did not did for compensation give advice or assistance with this form. (If defendant has received **any** help or advice for pay from an unlawful detainer assistant, state):
- a. Assistant's name: _____
 - b. Telephone number: _____
 - c. Street address, city, and zip code: _____
 - d. County of registration: _____
 - e. Registration number: _____
 - f. Expiration date: _____

(Each defendant for whom this answer is filed must be named in item 1 and must sign this answer unless defendant's attorney signs.)

(TYPE OR PRINT NAME)	▶	(SIGNATURE OF DEFENDANT OR ATTORNEY)
(TYPE OR PRINT NAME)	▶	(SIGNATURE OF DEFENDANT OR ATTORNEY)
(TYPE OR PRINT NAME)	▶	(SIGNATURE OF DEFENDANT OR ATTORNEY)

VERIFICATION

(Use a different verification form if the verification is by an attorney or for a corporation or partnership.)

I am the defendant in this proceeding and have read this answer. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____ (TYPE OR PRINT NAME)	▶	(SIGNATURE OF DEFENDANT)
Date: _____ (TYPE OR PRINT NAME)	▶	(SIGNATURE OF DEFENDANT)
Date: _____ (TYPE OR PRINT NAME)	▶	(SIGNATURE OF DEFENDANT)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY DRAFT 3/3/2023 NOT APPROVED BY THE JUDICIAL COUNCIL									
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:										
PLAINTIFF: DEFENDANT:										
<table style="width: 100%; border: none;"> <tr> <td colspan="3" style="text-align: center;">JUDGMENT—UNLAWFUL DETAINER</td> </tr> <tr> <td style="width: 33%;"><input type="checkbox"/> By Clerk</td> <td style="width: 33%;"><input type="checkbox"/> By Default</td> <td style="width: 33%;"><input type="checkbox"/> After Court Trial</td> </tr> <tr> <td><input type="checkbox"/> By Court</td> <td><input type="checkbox"/> Possession Only</td> <td><input type="checkbox"/> Defendant Did Not Appear at Trial</td> </tr> </table>	JUDGMENT—UNLAWFUL DETAINER			<input type="checkbox"/> By Clerk	<input type="checkbox"/> By Default	<input type="checkbox"/> After Court Trial	<input type="checkbox"/> By Court	<input type="checkbox"/> Possession Only	<input type="checkbox"/> Defendant Did Not Appear at Trial	CASE NUMBER:
JUDGMENT—UNLAWFUL DETAINER										
<input type="checkbox"/> By Clerk	<input type="checkbox"/> By Default	<input type="checkbox"/> After Court Trial								
<input type="checkbox"/> By Court	<input type="checkbox"/> Possession Only	<input type="checkbox"/> Defendant Did Not Appear at Trial								

JUDGMENT

1. **BY DEFAULT**
 - a. Defendant was properly served with a copy of the summons and complaint.
 - b. Defendant failed to answer the complaint or appear and defend the action within the time allowed by law.
 - c. Defendant's default was entered by the clerk upon plaintiff's application.
 - d. **Clerk's Judgment** (Code Civ. Proc., § 1169). For possession only of the premises described on page 2 (item 4).
 - e. **Court Judgment** (Code Civ. Proc., § 585(b)). The court considered
 - (1) plaintiff's testimony and other evidence.
 - (2) plaintiff's or others' written declaration and evidence (Code Civ. Proc., § 585(d)).

2. **AFTER COURT TRIAL.** The jury was waived. The court considered the evidence.
 - a. The case was tried on *(date and time)*:
before *(name of judicial officer)*:
 - b. Appearances by:

<input type="checkbox"/> Plaintiff <i>(name each)</i> :	<input type="checkbox"/> Plaintiff's attorney <i>(name each)</i> :
	(1)
	(2)

 Continued on *Attachment 2b* (form MC-025).

<input type="checkbox"/> Defendant <i>(name each)</i> :	<input type="checkbox"/> Defendant 's attorney <i>(name each)</i> :
	(1)
	(2)

 Continued on *Attachment 2b* (form MC-025).
 - c. Defendant did not appear at trial. Defendant was properly served with notice of trial.
 - d. A statement of decision (Code Civ. Proc., § 632) was not was requested.

PLAINTIFF: DEFENDANT:	CASE NUMBER:
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JUDGMENT IS ENTERED AS FOLLOWS BY: **THE COURT** **THE CLERK**

3. Parties. Judgment is

a. for plaintiff (*name each*):

and against defendant (*name each*):

Continued on *Attachment 3a* (form MC-025).

b. for defendant (*name each*):

4. Plaintiff Defendant is entitled to possession of the premises located at (*street address, apartment, city, and county*):

5. Judgment applies to all occupants of the premises including tenants, subtenants if any, and named claimants if any (Code Civ. Proc., §§ 715.010, 1169, and 1174.3).

6. Amount and terms of judgment

a. Defendant named in item 3a above must pay plaintiff on the complaint:

b. Plaintiff is to receive nothing from defendant named in item 3b.

(1) <input type="checkbox"/> Past-due rent	\$
(2) <input type="checkbox"/> Holdover damages	\$
(3) <input type="checkbox"/> Attorney fees	\$
(4) <input type="checkbox"/> Costs	\$
(5) <input type="checkbox"/> Other (<i>specify</i>):	\$
(6) TOTAL JUDGMENT	\$

Defendant named in item 3b is to recover costs: \$
 and attorney fees: \$

c. The rental agreement is canceled. The lease is forfeited.

7. **Conditional judgment.** Plaintiff has breached the agreement to provide habitable premises to defendant as stated in *Judgment—Unlawful Detainer Habitable Premises Attachment* (form UD-110S), which is attached.

8. **Judgment for partial eviction.** A partial eviction is issued as stated in *Judgment—Unlawful Detainer Partial Eviction Attachment* (form UD-110P), which is attached.

9. Other (*specify*):

Continued on *Attachment 9* (form MC-025).

Date: _____ _____ JUDICIAL OFFICER

Date: _____ Clerk, by _____, Deputy

(SEAL)

CLERK'S CERTIFICATE (*Optional*)

I certify that this is a true copy of the original judgment on file in the court.

Date: _____

Clerk, by _____, Deputy

PLAINTIFF: DEFENDANT:	CASE NUMBER:
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JUDGMENT—UNLAWFUL DETAINER PARTIAL EVICTION ATTACHMENT

8. **Partial eviction.** A partial eviction is issued.
- a. The court finds the following:
- (1) The proceeding involves a residential premises.
 - (2) The complaint includes a cause of action based on an act of abuse or violence against a tenant, a tenant's immediate family member, or a tenant's household member.
 - (3) Defendant (*name each*):

has invoked Code of Civil Procedure section 1161.3(d) as an affirmative defense.
 - (4) There is documentation evidencing abuse or violence against defendant (*name each*):

or a member of their immediate family or household perpetrated by defendant (*name each*):

Based on the above findings, the court orders as follows:

- b. (1) Defendant (*name each*):

is not guilty of an unlawful detainer and is not liable to landlord for any amount related to the unlawful detainer.
- (2) In order to remain in the tenancy, the defendants shall not give permission to or invite the perpetrator of abuse or violence to live in the dwelling unit.
- c. Defendant (*name each*):

is guilty of an unlawful detainer and is:
- (1) Ordered to be immediately removed and barred from the dwelling unit.
 - (2) Liable for damages, including holdover damages, court costs, lease termination fees, or attorney's fees, as provided in item 6.
 - (3) Permanently barred from entering any portion of the residential premises.
- d. The plaintiff is ordered to change the locks and to provide the remaining occupants with the new key.

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3/3/2023

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PLAINTIFF: DEFENDANT:	CASE NUMBER:
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JUDGMENT—UNLAWFUL DETAINER HABITABLE PREMISES ATTACHMENT

7. **Conditional judgment.** Plaintiff breached the covenant to provide habitable premises to defendant.
- a. Defendant must pay plaintiff a reduced rent because of the breach in the amount and for the period shown below. *(Specify each defect on a separate line, the month or months (or other period) that the defect existed, and the percentage or amount of the reduced rent as a result of the defect to arrive at the reasonable value of the premises for the period that the defect or defects existed.)*

Month defect existed	Defect	Reasonable rental value is reduced by <i>(specify percentage) or (specify amount)</i>	Reduced monthly rent due
(1)		% \$	\$
(2)		% \$	\$
(3)		% \$	\$
<input type="checkbox"/> Continued on <i>Attachment 7a</i> (form MC-025).			
Total rent due in the 3-day notice is now <i>(specify)</i> :			\$

- b. Defendant is entitled to attorney fees *(specify)*: \$ _____ and costs *(specify)*: \$ _____
- c. Defendant is the prevailing party if defendant pays plaintiff *(specify total rent in item 7a, less any attorney fees and costs in item 7b)*: \$ _____ by _____ p.m. on *(date)*: _____ at _____ *(address)*:
- d. Judgment will be entered for defendant when defendant has complied with item 7c shown by defendant's filing of a declaration under penalty of perjury (see form MC-030), with proof of service on the plaintiff, OR at a hearing that has been set in this court as follows:

Date:	Time:	Dept.:	Room:
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- (1) Defendant must continue to pay rent after expiration of the 3-day notice if the defendant continues in possession of the premises in the amount of \$ _____ per month. The total rent at item 7a is the corrected amount under the 3-day notice.
- (2) Plaintiff must repair the defects described in item 7a. The court retains jurisdiction over the case until those repairs are made. Rent remains reduced in the amount of *(specify monthly rent)* \$ _____ until the repairs are made.
- (3) Rent will increase to *(specify monthly rent)* \$ _____ the day after plaintiff files a declaration under penalty of perjury (see form MC-030), with proof of service on the defendant, stating that all the repairs have been made OR it is established that all the repairs have been made at a hearing set in this court as follows:

Date:	Time:	Dept.:	Room:
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- e. Plaintiff is the prevailing party if defendant fails to comply with items 7c and 7d.

PLAINTIFF: DEFENDANT:	CASE NUMBER:
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- f. Judgment will be entered for plaintiff when plaintiff files a declaration under penalty of perjury (see form MC-030), with proof of service on the defendant, that the amount in item 7c has not been paid, OR at a hearing that has been set in the court as follows:

Date:	Time:	Dept.:	Room:
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(1) <input type="checkbox"/> Past-due rent (<i>item 7a</i>)	\$
(2) <input type="checkbox"/> Holdover damages*	\$
(3) <input type="checkbox"/> Attorney fees (<i>item 7b</i>)	\$
(4) <input type="checkbox"/> Costs (<i>item 7b</i>)	\$
(5) <input type="checkbox"/> Other (<i>specify</i>):	\$
(6) TOTAL JUDGMENT	\$

*Use one of the following formulas: From expiration of the 3-day notice to today's date date the premises were vacated (*specify number of days*) times

(*specify reduced monthly rent \$*) times 0.03228 (*12 months divided by 365 days*).

(*specify reduced rent per month divided by 30*): \$

= Total holdover damages

- g. Plaintiff is awarded possession of the premises located at (*street address, apartment, city, and county*):
- h. The rental agreement is canceled. The lease is forfeited.
8. **Other** (*specify*):

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1/23/2023

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