

# JUDICIAL COUNCIL OF CALIFORNIA

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## INVITATION TO COMMENT

### ITC SP-20-10

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<b>Title</b>	<b>Action Requested</b>
Small Claims: Forms for COVID-19 Rental Debt Cases	Review and submit comments by December 23, 2020
<b>Proposed Rules, Forms, Standards, or Statutes</b>	<b>Proposed Effective Date</b>
Revise form SC-100 and approve form SC-110	March 1, 2021
<b>Proposed by</b>	<b>Contact</b>
Civil and Small Claims Advisory Committee Hon. Ann I. Jones, Chair	Anne M. Ronan, 415-865-8933 anne.ronan@jud.ca.gov

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### Executive Summary and Origin

Although [Assembly Bill 3088](#) protects residential tenants who meet certain requirement from being evicted for nonpayment of rent due between March 1, 2020, and January 31, 2021, it does not relieve those tenants from liability for that debt. The tenants still owe the rent due, and landlords can sue to recover it. In order to provide expeditious and inexpensive resolution of actions for payment of COVID-19 rental debt, AB 3088 provides the option of litigating such disputes in small claims court, even when the amount claimed is over the jurisdictional limits that otherwise pertain to that court. This new option to go to small claims court may be exercised beginning March 1, 2021 and will remain in effect until February 1, 2025. The Civil and Small Claim Advisory Committee recommends revisions to *Plaintiff's Claim and ORDER to Go to Small Claims Court* (form SC-100) to reflect the exception to the jurisdictional limits for such cases, and approval of a new information sheet related to them, *COVID-19 Rental Debt in Small Claims Court* (form SC-110-INFO).

### Background

Assembly Bill 3088 allows defendants financially impacted by the COVID-19 pandemic to avoid eviction for nonpayment of rent entirely between the months of March 2020 and August 2020, and to avoid eviction for nonpayment of up to 75 percent of rent due between September 2020 and January 2021. Those tenants are, however, still responsible for paying that rent, and can be sued for the amount due. The Legislature anticipates an “unprecedented number of claims” for nonpayment of rent related to the COVID-19 pandemic, which it wants to see resolved

*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.*

“expeditiously, inexpensively, and fairly.” (§ 116.223(a).<sup>1</sup>) For that reason, AB 3088 provides the option for parties to litigate claims for COVID-19 rental debt (as defined in § 1179.02) in small claims court, even if the amount of the claim is higher than the jurisdictional limits set out in section 116.220 (generally \$5,000 for a business) and section 116.221 (\$10,000 for a natural person). (§ 116.223(a).) AB 3088 provides that, commencing March 1, 2021, small claims court has jurisdiction over claims for higher dollar amounts, and over any defenses thereto. (§ 116.223(b).) Plaintiffs bringing such claims are also exempted from the small claims court limit of only two claims a year for more than \$2,500. (§ 116.223(c).)

## **The Proposal**

The Civil and Small Claims Advisory Committee proposes revising the small claims complaint form effective March 1, 2021, when the COVID-19–related rental debt cases over the traditional jurisdiction amounts may commence in small claims court, and approving a new information sheet to aid parties in litigating those cases.

### **Revised form SC-101**

*Plaintiff's Claim and ORDER to Go to Small Claims Court* (form SC-100) has been revised in three places.

First, at the top of the form, a checkbox has been added with the statement: ACTION FOR RECOVERY OF COVID-19 RENTAL DEBT AS DEFINED UNDER SECTION 1179.02. Its purpose is two-fold: it gives notice to the court clerk that the matter is appropriately in small claims court even if the claim is well over the regular jurisdictional limit and provides the parties with notice of—and a link to—more information about what may be needed to make or defend against such a claim.<sup>2</sup>

Second, in items 1 and 2, on page 2, email address lines have been added to the identifying information requested of plaintiff and defendant. This is not directly related to AB 3088 but has been requested by several courts in light of the increased use of remote hearings and remote mediation for small claims cases as a result of the public health issues resulting from the COVID-19 pandemic. This information will also be useful for the increasing number of courts offering remote alternative dispute resolution programs for small claims parties.

Finally, item 10 on page 3, addressing the limit of two cases per year claiming more than \$2,500, has been revised to note that an exception to that limit is made for COVID-19–rental debt cases.

### **New form SC-110**

The second form proposed is a new information sheet, *COVID-19 Rental Debt in Small Claims Court* (form SC-110-INFO). This information sheet provides both plaintiffs and defendants

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<sup>1</sup> All statutory references are to the Code of Civil Procedure unless otherwise noted.

<sup>2</sup> There is also a third potential reason: the statement meets the requirements of § 1161.2.5 that all limited civil cases for collection of COVID-19 rental debt be identified in this way so that a court will know to mask the case. Although that requirement ends February 1, 2021—before the higher value case may be commenced in small claims court—it may be extended and, if so, this form will be in compliance.

information about such cases. It defines COVID-19 rental debt, describes small claims court, and notes that these cases are exempt from the normal jurisdictional limitation of that court, but still subject to all other small claims court rules and procedures. It also provides links to the information sheets that address those rules and procedures.

The information sheet describes the factual issues the parties will need to address (and provide documentation for) at the hearing:

- The amount of rent due;
- The amount, if any, that the defendant has paid; and
- The amount, if any, that the landlord has received from third parties or assistance programs. (Section 116.223(b)(2) expressly calls for offsets of such amounts.)

It also notes other defenses that might provide offsets of the rent due: breach of the warranty of habitability, a repair-and-deduct defense, or existence of a security deposit in cases in which a tenant is no longer in possession. While these defenses are normally litigated in unlawful detainer actions, no such actions will have occurred for most of the parties proceeding in small claims court under section 116.223, because of the protections for tenants provided in AB 3088. Because of that, section 116.223(b)(1) expressly states that the small claims court will have jurisdiction over any defenses to actions for recovery of COVID-19 rental debt.

To assist all parties in understanding the elements of those defenses, the form provides a link to the California Department of Real Estate's publication, *California Tenants—A Guide to Residential Tenants' and Landlords' Rights and Responsibilities*, noting the chapter that addresses such defenses and their requirements.

On its second page, the information sheet provides some of the key information about small claims: where to get advice (including a link to contact information for small claims advisors in each county), how to find out the filing fee or get a fee waiver, how to request an interpreter, and how to request an accommodation for a disability.

### **Alternatives Considered**

The committee considered not making any proposal, either for revisions to form SC-100 or for a new information sheet limited to this particular topic. The committee concluded, however, that revisions to form SC-100 would assist courts as well as parties in recognizing cases that would not normally be within the jurisdiction of small claims courts. In addition, the email addresses may facilitate courts in providing notices electronically, particularly for remote alternative dispute programs. While a plaintiff may not always have a current email address for a defendant, the information will be of great assistance when it is available.

The information sheet will provide all parties with access to information about claims that are not generally litigated in small claims court, and access to sites and forms with additional information. In light of the amounts of money that may be involved in these cases, the committee

determined that an information sheet separate from the general small claims information sheets was appropriate.

## **Fiscal and Operational Impacts**

Although new section 116.223 will have a significant impact on courts, increasing the number of cases going to small claims court and increasing the complexity of those cases, the revised form and new information sheet are intended to help courts deal with that impact. Clerks and self-help centers will need training on the revisions to form SC-100 and on the new information sheet, but this should not impact the case management systems or require extensive training.

### **Request for Specific Comments**

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

- Should there be any changes to the requests added to item 1 and 2 that the plaintiff provide plaintiff's and defendant's email address, if available.

The advisory committee 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?

## **Attachments and Links**

1. Forms SC-100 and SC-110-INFO, at pages 5–11
2. Link A: Code of Civil Procedure section 116.223 at [http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=116.223&lawCode=CCP](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=116.223&lawCode=CCP)

Clerk stamps date here when form is filed.

DRAFT

11/16/20

NOT APPROVED  
JUDICIAL COUNCIL

**Notice to the person being sued:**

- You are the defendant if your name is listed in ② on page 2 of this form. The person suing you is the plaintiff, listed in ① on page 2.
- You and the plaintiff must go to court on the trial date listed below. If you do not go to court, you may lose the case. If you lose, the court can order that your wages, money, or property be taken to pay this claim.
- Bring witnesses, receipts, and any evidence you need to prove your case.
- Read this form and all pages attached to understand the claim against you and to protect your rights.

**Aviso al Demandado:**

- Usted es el Demandado si su nombre figura en ② de la página 2 de este formulario. La persona que lo demanda es el Demandante, la que figura en ① de la página 2.
- Usted y el Demandante tienen que presentarse en la corte en la fecha del juicio indicada a continuación. Si no se presenta, puede perder el caso. Si pierde el caso la corte podría ordenar que le quiten de su sueldo, dinero u otros bienes para pagar este reclamo.
- Lleve testigos, recibos y cualquier otra prueba que necesite para probar su caso.
- Lea este formulario y todas las páginas adjuntas para entender la demanda en su contra y para proteger sus derechos.

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

Case Name:

**ACTION FOR RECOVERY OF COVID-19 RENTAL DEBT AS DEFINED UNDER SECTION 1179.02**

- If this is an action to recover COVID-19 rental debt, check the box above and see form [SC-110-INFO, COVID-19 Rental Debt in Small Claims Court](#) for more information.
- Si este reclamo demanda el pago de una deuda de alquiler del COVID-19, marque la casilla arriba y vea el formulario [SC-110-INFO, Deuda de alquiler de COVID-19 en la Corte de Reclamos Menores](#) (en inglés) para más información.

**Order to Go to Court**

The people in ① and ② must go to court: (Clerk fills out section below.)

Trial Date	Date	Time	Department	Name and address of court, if different from above
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
Date: _____		Clerk, by _____, Deputy		

**Instructions for the person suing:**

- You are the plaintiff. The person you are suing is the defendant.
- Before you fill out this form, read form SC-100-INFO, *Information for the Plaintiff*, to know your rights. Get SC-100-INFO at any courthouse or county law library, or go to [www.courts.ca.gov/smallclaims/forms](http://www.courts.ca.gov/smallclaims/forms).
- Fill out pages 2 and 3 of this form. Then make copies of all pages of this form. (Make one copy for each party named in this case and an extra copy for yourself.) Take or mail the original and these copies to the court clerk's office and pay the filing fee. The clerk will write the date of your trial in the box above.
- You must have someone at least 18—not you or anyone else listed in this case—give each defendant a court-stamped copy of all five pages of this form and any pages this form tells you to attach. There are special rules for “serving,” or delivering, this form to public entities, associations, and some businesses. See forms SC-104, SC-104B, and SC-104C.
- **Go to court on your trial date listed above.** Bring witnesses, receipts, and any evidence you need to prove your case.



Plaintiff (list names):

Case Number:

**1 The plaintiff (the person, business, or public entity that is suing) is:**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Street address: \_\_\_\_\_

Street City State Zip

Mailing address (if different): \_\_\_\_\_

Street City State Zip

Email address (if available): \_\_\_\_\_

**If more than one plaintiff, list next plaintiff here:**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Street address: \_\_\_\_\_

Street City State Zip

Mailing address (if different): \_\_\_\_\_

Street City State Zip

Email address (if available): \_\_\_\_\_

- Check here if more than two plaintiffs and attach form SC-100A.
- Check here if either plaintiff listed above is doing business under a fictitious name. If so, attach form SC-103.
- Check here if any plaintiff is a "licensee" or "deferred deposit originator" (payday lender) under Financial Code sections 23000 et seq.

**2 The defendant (the person, business, or public entity being sued) is:**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Street address: \_\_\_\_\_

Street City State Zip

Mailing address (if different): \_\_\_\_\_

Street City State Zip

Email address (if available): \_\_\_\_\_

**If the defendant is a corporation, limited liability company, or public entity, list the person or agent authorized for service of process here:**

Name: \_\_\_\_\_ Job title, if known: \_\_\_\_\_

Address: \_\_\_\_\_

Street City State Zip

Email address (if available): \_\_\_\_\_

- Check here if your case is against more than one defendant, and attach form SC-100A.
- Check here if any defendant is on active military duty, and write his or her name here: \_\_\_\_\_

**3 The plaintiff claims the defendant owes \$ \_\_\_\_\_ . (Explain below):**

a. Why does the defendant owe the plaintiff money?

\_\_\_\_\_

When did this happen? (Date): \_\_\_\_\_

b. If no specific date, give the time period: Date started: \_\_\_\_\_ Through: \_\_\_\_\_

c. How did you calculate the money owed to you? (Do not include court costs or fees for service.)

\_\_\_\_\_

- Check here if you need more space. Attach one sheet of paper or form MC-031 and write "SC-100, Item 3" at the top.



Plaintiff (list names):

Case Number:

4 You must ask the defendant (in person, in writing, or by phone) to pay you before you sue. If your claim is for possession of property, you must ask the defendant to give you the property. Have you done this?

Yes No If no, explain why not:

5 Why are you filing your claim at this courthouse?

This courthouse covers the area (check the one that applies):

- a. (1) Where the defendant lives or does business. (2) Where the plaintiff's property was damaged. (3) Where the plaintiff was injured. (4) Where a contract (written or spoken) was made, signed, performed, or broken by the defendant or where the defendant lived or did business when the defendant made the contract. b. Where the buyer or lessee signed the contract, lives now, or lived when the contract was made, if this claim, is about an offer or contract for personal, family, or household goods, services, or loans. c. Where the buyer signed the contract, lives now, or lived when the contract was made, if this claim is about a retail installment contract (like a credit card). d. Where the buyer signed the contract, lives now, or lived when the contract was made, or where the vehicle is permanently garaged, if this claim is about a vehicle finance sale. e. Other (specify):

6 List the zip code of the place checked in 5 above (if you know):

7 Is your claim about an attorney-client fee dispute? Yes No If yes, and if you have had arbitration, fill out form SC-101, attach it to this form, and check here:

8 Are you suing a public entity? Yes No If yes, you must file a written claim with the entity first. A claim was filed on (date): If the public entity denies your claim or does not answer within the time allowed by law, you can file this form.

9 Have you filed more than 12 other small claims within the last 12 months in California? Yes No If yes, the filing fee for this case will be higher.

10 Is your claim for more than \$2,500? Yes No If yes, I have not filed, and understand that I cannot file, more than two small claims cases for more than \$2,500 in California during this calendar year, but this limit does not apply if this action is to recover COVID-19 rental debt.

11 I understand that by filing a claim in small claims court, I have no right to appeal this claim.

I declare, under penalty of perjury under California State law, that the information above and on any attachments to this form is true and correct.

Date: Plaintiff types or prints name here

Plaintiff signs here

Date: Second plaintiff types or prints name here

Second plaintiff signs here



Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the trial. Contact the clerk's office for form MC-410, Request for Accommodations by Persons With Disabilities and Response. (Civ. Code, § 54.8.)

**"Small claims court"** is a special court where claims for \$10,000 or less are decided. Individuals, including "natural persons" and sole proprietors, may claim up to \$10,000. Corporations, partnerships, public entities, and other businesses are limited to claims of \$5,000. (See below for exceptions.\*) The process is quick and cheap. The rules are simple and informal. You are the *defendant*—the person being sued. The person who is suing you is the *plaintiff*.

**Do I need a lawyer?** You may talk to a lawyer before or after the case. But you *may not* have a lawyer represent you in court (unless this is an appeal from a small claims case).

**How do I get ready for court?** You don't have to file any papers before your trial, unless you think this is the wrong court for your case. But bring to your trial any witnesses, receipts, and evidence that supports your case. And read "Be Prepared for Your Trial" at [www.courts.ca.gov/smallclaims/prepare](http://www.courts.ca.gov/smallclaims/prepare).

**What if I need an accommodation?** If you have a disability or are hearing impaired, fill out form MC-410, *Request for Accommodations*. Give the form to your court clerk or the ADA/ Access Coordinator.

**What if I don't speak English well?** Ask the court clerk as soon as possible for a court-provided interpreter. You may use form INT-300 or local court form to request an interpreter. If a court interpreter is not available at the time of your trial, it may be necessary to reschedule your trial. You cannot bring your own interpreter for the trial unless the interpreter has been approved by the court as a certified, registered, or provisionally qualified interpreter. (See Cal. Rules of Court, rule 2.893, and form INT-140.)

**Where can I get the court forms I need?** Go to any courthouse or your county law library, or print forms at [www.courts.ca.gov/smallclaims/forms](http://www.courts.ca.gov/smallclaims/forms).

**What happens at the trial?** The judge will listen to both sides. The judge may make a decision at your trial or mail the decision to you later.

**What if I lose the case?** If you lose, you may appeal. You'll have to pay a fee. (Plaintiffs cannot appeal their own claims.)

- If you were at the trial, file form SC-140, *Notice of Appeal*. You must file within 30 days after the clerk hands or mails you the judge's decision (judgment) on form SC-200 or form SC-130, *Notice of Entry of Judgment*.
- If you were *not* at the trial, fill out and file form SC-135, *Notice of Motion to Vacate Judgment and Declaration*, to ask the judge to cancel the judgment (decision). If the judge does not give you a new trial, you have 10 days to appeal the decision. File form SC-140.

For more information on appeals, see [www.courts.ca.gov/smallclaims/appeals](http://www.courts.ca.gov/smallclaims/appeals).

**Do I have options?**

Yes. If you are being sued, you can:

- **Settle your case before the trial.** If you and the plaintiff agree on how to settle the case, the plaintiff must file form CIV-110, *Request for Dismissal*, with the clerk. Ask the Small Claims Advisor for help.

\* Exceptions: Different limits apply in an action against a defendant who is a guarantor. (See Code Civ. Proc., § 116.220(c).)

- **Prove this is the wrong court.** Send a letter to the court *before* your trial explaining why you think this is the wrong court. Ask the court to dismiss the claim. You must serve (give) a copy of your letter (by mail or in person) to all parties. (Your letter to the court must say you have done so.)
- **Go to the trial and try to win your case.** Bring witnesses, receipts, and any evidence you need to prove your case. To have the court order a witness to go to the trial, fill out form SC-107 (*Small Claims Subpoena*) and have it served on the witness.
- **Sue the person who is suing you.** If you have a claim against the plaintiff, and the claim is appropriate for small claims court as described on this form, you may file *Defendant's Claim* (form SC-120) and bring the claim in this action. If your claim is for *more* than allowed in small claims court, you may still file it in small claims court if you give up the amount over the small claims value amount, or you may file a claim for the full value of the claim in the appropriate court. If your claim is for more than allowed in small claims court *and* relates to the same contract, transaction, matter, or event that is the subject of the plaintiff's claim, you may file your claim in the appropriate court and file a motion to transfer the plaintiff's claim to that court to resolve both matters together. You can see a description of the amounts allowed in the paragraph above titled "**Small Claims Court.**"
- **Agree with the plaintiff's claim and pay the money.** Or, if you can't pay the money now, go to your trial and say you want to make payments.
- **Let the case "default."** If you don't settle and do not go to the trial (default), the judge may give the plaintiff what he or she is asking for plus court costs. If this happens, the plaintiff can legally take your money, wages, and property to pay the judgment.

**What if I need more time?**

You can change the trial date if:

- You cannot go to court on the scheduled date (you will have to pay a fee to postpone the trial), *or*
  - You did not get served (receive this order to go to court) at least 15 days before the trial (or 20 days if you live outside the county), *or*
  - You need more time to get an interpreter. One postponement is allowed, and you will not have to pay a fee to delay the trial.
- Ask the Small Claims Clerk about the rules and fees for postponing a trial. Or fill out form SC-150 (or write a letter) and mail it to the court *and* to all other people listed on your court papers before the deadline. Enclose a check for your court fees, unless a fee waiver was granted.



**Need help?**

Your county's Small Claims Advisor can help for free.

Or go to [www.courts.ca.gov/smallclaims/advisor](http://www.courts.ca.gov/smallclaims/advisor).





La “Corte de reclamos menores” es una corte especial donde se deciden casos por \$10,000 o menos. Los individuos, o sea las “personas físicas” y los propietarios por cuenta propia, pueden reclamar hasta \$10,000. Las corporaciones, asociaciones, entidades públicas y otras empresas solo pueden reclamar hasta \$5,000. (Vea abajo para las excepciones.\*) El proceso es rápido y barato. Las reglas son sencillas e informales. Usted es el Demandado—la persona que se está demandando. La persona que lo está demandando es el Demandante.

**¿Necesito un abogado?** Puede hablar con un abogado antes o después del caso. Pero no puede tener a un abogado que lo represente ante la corte (a menos que se trate de una apelación de un caso de reclamos menores).

**¿Cómo me preparo para ir a la corte?** No tiene que presentar ningún documento antes del juicio, a menos que piense que ésta es la corte equivocada para su caso. Pero lleve al juicio cualquier testigos, recibos y pruebas que apoyan su caso. Y lea “Esté preparado para su juicio” en [www.courts.ca.gov/reclamosmenores/preparesse](http://www.courts.ca.gov/reclamosmenores/preparesse).

**¿Qué hago si necesito una adaptación?** Si tiene una discapacidad o tiene impedimentos de audición, llene el formulario MC-410, Request for Accommodations. Entregue el formulario al secretario de la corte o al Coordinador de Acceso/ADA de su corte.

**¿Qué pasa si no hablo bien inglés?** Solicite un intérprete al secretario de la corte lo más pronto posible. Puede usar el formulario INT-300 o un formulario de su corte local. Si no está disponible un intérprete de la corte para su juicio, es posible que se tenga que cambiar la fecha de su juicio. No puede llevar su propio intérprete para el juicio a menos que el intérprete haya sido aprobado por la corte como un intérprete certificado, registrado, o provisionalmente calificado. (Vea la regla 2.893 de las Reglas de la Corte de California, y el formulario INT-140.)

**¿Dónde puedo obtener los formularios de la corte que necesito?** Vaya a cualquier edificio de la corte, la biblioteca legal de su condado, o imprima los formularios en [www.courts.ca.gov/smallclaims/forms](http://www.courts.ca.gov/smallclaims/forms) (página está en inglés).

**¿Qué pasa en el juicio?** El juez escuchará a ambas partes. El juez puede tomar su decisión durante la audiencia o enviársela por correo después.

**¿Qué pasa si pierdo el caso?** Si pierde, puede apelar. Tendrá que pagar una cuota. (El Demandante no puede apelar su propio reclamo.)

- Si estuvo presente en el juicio, llene el formulario SC-140, *Aviso de apelación* (Notice of Appeal). Tiene que presentarlo dentro de 30 días después de que el secretario le entregue o envíe la decisión (fallo) del juez en el formulario SC-200 o SC-130, *Aviso de publicación del fallo* (Notice of Entry of Judgment).
- Si no estuvo en el juicio, llene y presente el formulario SC-135, *Aviso de petición para anular el fallo y Declaración* para pedirle al juez que anule el fallo (decisión). Si la corte no le otorga un nuevo juicio, tiene 10 días para apelar la decisión. Presente el formulario SC-140.

Para obtener más información sobre las apelaciones, vea [www.courts.ca.gov/reclamosmenores/apelaciones](http://www.courts.ca.gov/reclamosmenores/apelaciones).

**¿Tengo otras opciones?** Sí. Si lo están demandando, puede:

- **Resolver su caso antes del juicio.** Si usted y el Demandante se ponen de acuerdo en cómo resolver el caso, el Demandante tiene que presentar el formulario CIV-110, *Solicitud de desestimación* (Request for Dismissal) ante el secretario de la corte. Pídale al Asesor de Reclamos Menores que lo ayude.

- **Probar que es la corte equivocada.** Envíe una carta a la corte antes del juicio explicando por qué cree que es la corte equivocada. Pídale a la corte que despida el reclamo. Tiene que entregar (dar) una copia de su carta (por correo o en persona) a todas las partes. (Su carta a la corte tiene que decir que hizo la entrega.)
- **Ir al juicio y tratar de ganar el caso.** Lleve testigos, recibos y cualquier prueba que necesite para probar su caso. Si desea que la corte emita una orden de comparecencia para que los testigos vayan al juicio, llene el formulario SC-107, *Citatorio de reclamos menores* (Small Claims Subpoena) y entrégueselo legalmente al testigo.
- **Demandar a la persona que lo demandó.** Si tiene un reclamo contra el Demandante, y el reclamo se puede presentar en la corte de reclamos menores, tal como se describe en este formulario, puede presentar el formulario SC-120, *Reclamo del demandado* (Defendant’s Claim) y presentarlo en este mismo caso. Si su reclamo excede el límite permitido en la corte de reclamos menores, puede igualmente presentarlo en la corte de reclamos menores si está dispuesto a limitar su reclamo al máximo permitido, o puede presentar un reclamo por el monto total en la corte apropiada. Si su reclamo excede el límite permitido en la corte de reclamos menores y está relacionado con el mismo contrato, transacción, asunto o acontecimiento que el reclamo del Demandante, puede presentar su reclamo en la corte apropiada y presentar una moción para transferir el reclamo del Demandante a dicha corte, para poder resolver los dos reclamos juntos. Puede ver una descripción de los montos permitidos en el párrafo anterior titulado “Corte de reclamos menores”.
- **Aceptar el reclamo del Demandante y pagar el dinero.** O, si no puede pagar en ese momento, vaya al juicio y diga que quiere hacer los pagos a plazos.
- **No ir al juicio y aceptar el fallo por falta de comparecencia.** Si no llega a un acuerdo con el Demandante y no va al juicio (fallo por falta de comparecencia), el juez le puede otorgar al Demandante lo que está reclamando más los costos de la corte. En ese caso, el Demandante legalmente puede tomar su dinero, su sueldo o sus bienes para cobrar el fallo.

**¿Qué hago si necesito más tiempo?** Puede cambiar la fecha del juicio si:

- No puede ir a la corte en la fecha programada (tendrá que pagar una cuota para aplazar el juicio), o
- No le entregaron los documentos legalmente (no recibió la orden para ir a la corte) por lo menos 15 días antes del juicio (ó 20 días si vive fuera del condado), o
- Necesita más tiempo para conseguir intérprete. (Se permite un solo aplazamiento sin tener que pagar cuota para aplazar el juicio).

Pregúntele al secretario de reclamos menores sobre las reglas y las cuotas para aplazar un juicio. O llene el formulario SC-150 (o escriba una carta) y envíelo antes del plazo a la corte y a todas las otras personas que figuran en sus papeles de la corte. Adjunte un cheque para pagar los costos de la corte, a menos que le hayan dado una exención.

**¿Necesita ayuda?** El Asesor de Reclamos Menores de su condado le puede ayudar sin cargo.

O visite [www.courts.ca.gov/reclamosmenores/asesores](http://www.courts.ca.gov/reclamosmenores/asesores).

\* **Excepciones:** Existen diferentes límites en un reclamo contra un garante. (Vea el Código de Procedimiento Civil, sección 116.220 (c).)

Beginning **March 1, 2021**, a landlord may bring an action in small claims court to recover COVID-19 rental debt that is more than the normal limits for small claims actions.

### What is COVID-19 rental debt?

COVID-19 rental debt means unpaid rent or any other money that is owed under a lease or rental agreement, such as parking fees or utility payments, that came due between **March 1, 2020, and January 31, 2021**.

### What is small claims court?

Small claims court is a special court where disputes are resolved quickly and inexpensively. The rules are simple and informal. The person who sues is the **plaintiff**. The person who is sued is the **defendant**. In small claims court, you may ask a lawyer for advice before you go to court, but you cannot have a lawyer in court.

### COVID-19 rental debt cases in small claims court

Beginning March 1, 2021:

- A plaintiff may bring a claim for more than the normal limits (generally, \$5,000 for businesses and \$10,000 for individuals) if seeking to recover COVID-19 rental debt.
- A plaintiff is not limited to two claims of \$2,500 in a year if seeking to recover COVID-19 rental debt.

Aside from the two exceptions above, **all rules and procedures for small claims court remain the same.**

- **Plaintiffs** can find general information about small claims matters in form [SC-100-INFO, Information for the Plaintiff \(Small Claims\)](#).
- **Defendants** can find general information about small claims matters in the form served on them in the case, [SC-100, Plaintiff's Claim and ORDER to Go to Small Claims Court \(Small Claims\)](#), on page 4 titled "Information for the defendant (the person being sued)."

### What should I take to small claims court for a COVID-19 rental debt case?

Both the plaintiff and the defendant in a small claims action for COVID-19 rental debt can present arguments and evidence about how much money they believe is owed, how much has already been paid, and other factors that can impact the amount of COVID-19 rental debt that must be paid.

The parties should bring documents that show the following:

- The **amounts** of rent and other moneys owed and the **dates** on which each amount came due. Remember that COVID-19 rental debt means rent and other financial obligations that came due between **March 1, 2020, and January 31, 2021**.
- Any amounts that defendant **paid** towards the rent or other financial obligations and the **dates of payment**.
- Any other amounts of rent or other obligations that were paid through rental assistance programs or other third parties on behalf of the defendant.

The plaintiff and defendant may disagree on the amount of rent that is owed for other reasons. Read more about these at the California Department of Real Estate's [California Tenants – A Guide to Residential Tenants' and Landlords' Rights and Responsibilities](#), in the "Dealing with Problems" section. For example, plaintiff and defendant may present arguments and evidence as to:

- Whether the plaintiff kept the premises in livable conditions during the periods of time that rent was charged to the defendant, or whether the defendant can show that they should not have to pay rent for certain periods when the plaintiff breached the warranty of habitability.
- If repairs to the home were required: when the plaintiff was notified, when the repair was made, who paid for the repair, and whether the parties had an agreement about deducting the amount of repair from the rent, or paying a reduced amount of rent in exchange for the defendant paying for the repair.
- If the lease or rental agreement was terminated, whether or not the security deposit was returned. Read more about the rules for security deposits at [www.courts.ca.gov/1012.htm](http://www.courts.ca.gov/1012.htm).

**Can I bring a witness to small claims court?**

Yes. Both the plaintiff and the defendant may bring witnesses to the trial, who can tell the judge what they know about the COVID-19 rental debt, the condition of the home, and agreements between plaintiff and defendant about the need for repairs and payment for repairs.

**Where can I get help with a small claims case?**

**Small Claims Advisors.** Every county has a Small Claims Advisor who is available to help you with your small claims case. These services are free. To find the Small Claims Advisor in your county, go to <http://www.courts.ca.gov/selfhelp-advisors.htm>.

**Lawyers.** Both parties may ask a lawyer about the case, but a lawyer may not represent either party in court at the small claims trial. Generally, after judgment and on appeal, both parties may be represented by lawyers.

**Forms and Online Help.** You can find small claims forms and more information about small claims court at the California Courts Self-Help Center website: [www.courts.ca.gov/smallclaims](http://www.courts.ca.gov/smallclaims). You can also get forms and help at your county law library, or the courthouse nearest you.

**How much does it cost to file a case in small claims?**

The amount the court charges a plaintiff to file a case in small claims court depends on the amount demanded. The filing fees for small claims cases are available on the Statewide Civil Fee Schedule, available at <http://www.courts.ca.gov/7646.htm> (There is no fee for defendant to go to the hearing.)

**What if I cannot afford the filing fee?**

If you want to sue someone in small claims and you cannot afford to pay court fees and costs, you may not have to pay in order to go to court. **If you:**

- Are getting public benefits; **or**
- Are a low-income person; **or**
- Do not have enough income to pay for your household's basic needs and your court fees,

you may ask the court to waive all or part of those fees.

To ask the court to waive your fees in small claims court, complete form [FW-001 Request to Waive Court Fees](#). File your request with the court.

**What help is available when I come to court?**

**Accommodations for Disability.** If you have a disability and need an accommodation while you are at court, you can use form [MC-410, Disability Accommodation Request](#) to tell the court about your needs. For more information about making a disability accommodation request, see form [MC-410-INFO, How to Request a Disability Accommodation for Court](#). Remember to submit your MC-410 to the ADA Coordinator in your court. Visit your court's website to find the ADA Coordinator. For help finding your court: [www.courts.ca.gov/find-my-court.htm](http://www.courts.ca.gov/find-my-court.htm).

**Interpreters.** If you do not speak English well, ask the court clerk as soon as possible for a court-provided interpreter. You may use form [INT-300, Request for Interpreter \(Civil\)](#) or a local court form to request an interpreter. If a court interpreter is not available at the time of your trial, it may be necessary to reschedule your trial. You cannot bring your own interpreter for the trial unless the interpreter has been approved by the court as a certified, registered, or provisionally qualified interpreter. (See Cal. Rules of Court, rule 2.893, and form [INT-140, Temporary Use of a Noncertified or Nonregistered Spoken Language Interpreter](#).)