



JUDICIAL COUNCIL OF CALIFORNIA

770 L Street, Suite 1240 • Sacramento, California 95814-3368
Telephone 916-323-3121 • Fax 916-323-4347 • TDD 415-865-4272

TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

August 17, 2016

Hon. Edmund G. Brown, Jr.
Governor of California
State Capitol, First Floor
Sacramento, California 95814

Subject: AB 2819 (Chiu), as amended May 12, 2016 - Neutral

Dear Governor Brown:

The Judicial Council is pleased to inform you that it is neutral on AB 2819, which makes various changes to the law governing masking of records in unlawful detainer proceedings. The council is mindful of, and sympathetic to, the underlying goal of AB 2819, which is to protect innocent tenants from the improper use of court records in unlawful detainer proceedings. However, this laudable goal presents a policy issue that is outside the Judicial Council's purview, which is the reason for our neutral position.

Notwithstanding the council's neutral position on the masking provision, it is important to note that AB 2819 also contains a number of other important changes to the law governing unlawful detainer proceedings that should improve the courts' overall handling of these cases. It is well-recognized that sealing of records is a major incentive for achieving settlements in unlawful detainer cases, but some courts currently believe they lack the clear authority to issue such orders. The provision in the bill that specifically codifies the authority of the court to order masking of unlawful detainer records upon the stipulation of the parties is a useful clarification that should help promote settlements. Also, the new provision in AB 2819 that would allow (but

Hon. Edmund G. Brown, Jr.

August 17, 2016

Page 2

not require) a court to dismiss an unlawful detainer action without prejudice in cases where the plaintiff has failed to file a proof of summons within 60 days from the filing of the complaint will be beneficial for the courts by helping to clear their dockets of cases that are not being pursued. Finally, the re-programming and associated costs for the courts to implement the new masking requirements under AB 2819 are anticipated to be minor and absorbable.

For these reasons, the Judicial Council is neutral on AB 2819.

Sincerely,



Laura E. Speed

Principal Manager, Governmental Affairs

LES/DP/ka

cc: Hon. David Chiu, Member of the Assembly
Ms. Graciela Castillo-Krings, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California