

RULES COMMITTEE ACTION REQUEST FORM

Rules Committee action requested [Choose from drop down menu below]:
Recommend JC approval (has circulated for comment)

Rules Committee Meeting Date: 09/22-09/24/21 email circulation

Title of proposal: Rules and Forms: Unlawful Detainer, Small Claims, and Pleading Forms to Implement New Laws

Proposed rules, forms, or standards (*include amend/revise/adopt/approve*):

Adopt forms PLD-C-500, PLD-C-505, PLD-C-520, SC-500, SC-500A, UD-125; approve form SC-500-INFO; revise forms SC-100, SC-103, SC-104B, UD-101, UD-105, and UD-120

Committee or other entity submitting the proposal:

Civil and Small Claims Advisory Committee

Staff contact (name, phone and e-mail): Anne Ronan, 415-865-8933 anne.ronan@jud.ca.gov
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Identify project(s) on the committee's annual agenda that is the basis for this item:

Approved by Rules Committee date: November 2, 2020

Project description from annual agenda: The enactment of the Tenant, Homeowner, and Small Landlord Relief and Stabilization Act of 2020 (Assem. Bill 3088) changes the practice and procedures relating to all residential unlawful detainer actions from now until January 31, 2021, and for a longer period for actions based on unpaid rent due at any time between March 1, 2020, and January 31, 2021. The new law raises the jurisdictional limit of small claims cases for recovery of unpaid rents due during that period. New forms or rules will be developed as appropriate to implement this bill. Additional forms or further revisions may be required if additional legislation is enacted before January 1, 2021 year relating to unlawful detainers as legislators have indicated is likely.

If requesting July 1 or out of cycle, explain:

These new and revised forms are needed to assist parties and courts in complying with statutory provisions relating to cases for nonpayment of rent that were enacted or revised at the end of June 2021 and go into effect October 1, 2021 (for unlawful detainer actions) and November 1, 2021 (for small claims and general civil actions to collect rental debt).

Additional Information: (To facilitate Rules Committee's review of your proposal, please include any relevant information not contained in the attached summary.)

The committee notes that the forms were circulated for public comment for two weeks, and 32 commenters provided input all of which was considered and much of which was incorporated into the proposal, as explained in the report.

Information for JC Staff regarding form translations:

- *List any amended forms in this proposal that have already been translated:*
- *List any new forms that require translation by statute or that you will request to be translated:* Translations requested of SC-500 INFO and PLD-C-500 and 505.



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 21-163

For business meeting on October 1, 2021

Title

Rules and Forms: Unlawful Detainer, Small Claims, and Pleading Forms to Implement New Laws

Rules, Forms, Standards, or Statutes Affected

Adopt forms PLD-C-500, PLD-C-505, PLD-C-520, SC-500, SC-500A, UD-125; approve form SC-500-INFO; revise forms SC-100, SC-103, SC-104B, UD-101, UD-105, and UD-120

Recommended by

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

Agenda Item Type

Action Required

Effective Date

October 1, 2021; October 15, 2021; and
November 1, 2021

Date of Report

September 22, 2021

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Executive Summary

The Civil and Small Claims Advisory Committee proposes the adoption, approval, and revision of 13 forms to implement statutory changes in Senate Bill 91 (Stats. 2021, ch. 2), enacted January 29, 2021, and Assembly Bill 832 (Stats. 2021, ch. 27), enacted June 28, 2021. Assembly Bill 832 establishes new procedures for bringing unlawful detainer actions based on nonpayment of rent, and for judgments in such cases, effective October 1, 2021. Provisions in SB 91, as amended by AB 832, allow parties, effective November 1, 2021, to litigate claims for nonpayment of COVID-19 rental debt in small claims court regardless of the amount demanded, and mandates new pleading requirements for such actions whether filed in small claims court or in general civil court. In addition, AB 832 requires the council to develop forms for parties to use in actions to recover COVID-19 rental debt. The proposed forms address these statutory changes.

Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council:

1. Adopt *Application to Prevent Forfeiture Due to COVID-19 Rental Debt* (form UD-125), effective October 1, 2021;
2. Adopt the following forms, effective November 1, 2021:
 - *Complaint—Recovery of COVID-19 Rental Debt* (form PLD-C-500);
 - *Answer—Recovery of COVID-19 Rental Debt* (form PLD-C-505);
 - *Verification by Plaintiff Regarding Rental Assistance—Recovery of COVID-19 Rental Debt* (form PLD-C-520);
 - *Plaintiff’s Claim and ORDER to Go to Small Claims Court (COVID-19 Rental Debt)* (form SC-500); and
 - *Other Plaintiffs or Defendants (COVID-19 Rental Debt)* (form SC-500A);
3. Approve *COVID-19 Rental Debt in Small Claims Court* (form SC-500-INFO), effective October 15, 2021;
4. Revise the following forms, effective October 1, 2021:
 - *Plaintiff’s Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer* (form UD-101);
 - *Answer—Unlawful Detainer* (form UD-105); and
 - *Verification by Landlord Regarding Rental Assistance—Unlawful Detainer* (form UD-120); and
5. Revise the following forms, effective November 1, 2021:
 - *Plaintiff’s Claim and ORDER to Go to Small Claims Court* (form SC-100);
 - *Fictitious Business Name* (form SC-103); and
 - *What is “Proof of Service”?* (form-104B).

The proposed new and revised forms are attached at pages 19–61.

Relevant Previous Council Action

Unlawful detainer forms

Assembly Bill 3088 (Stats. 2020, ch. 37), which includes the COVID-19 Tenant Relief Act of 2020, was enacted as urgency legislation on August 31, 2020, and put in place new provisions, which went into effect immediately, addressing unlawful detainer actions during the COVID-19 pandemic. (See Link A.) The bill provided, among other things, certain protections against the termination of residential tenancies for failure to pay rent due from March 1, 2020, through January 31, 2021.

For courts to determine whether judgments may issue on unlawful detainer cases in light of the new state protections and protections provided by federal law, plaintiffs need to provide

information beyond the allegations contained in the form *Complaint—Unlawful Detainer* (form UD-100) or previously included in individually drafted complaints. For that reason, the council adopted *Plaintiff’s Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer* (form UD-101), effective October 5, 2020, which includes allegations as to the various facts that a court needs to know to properly apply the provisions in AB 3088. The council also revised *Answer—Unlawful Detainer* (form UD-105) to aid defendants in responding to the allegations in new form UD-101 and raising new defenses available under AB 3088. The answer form was further revised in December 2020, following a postapproval circulation for public comment.

Senate Bill 91 (Stat. 2021, ch. 2) was enacted on January 29, 2021, as urgency legislation, going into effect immediately, amending the tenant protections that had been provided under AB 3088. (See Link B.) Senate Bill 91 extended the time period of the protections to June 30, 2021, added some further protections, and established a rental assistance program.¹ In light of those statutory changes, the council promptly revised two unlawful detainer forms (forms UD-101 and UD-105), effective February 16, 2021, to change the end dates of the covered periods and incorporate the new protections already in effect. The council also adopted a new form (form UD-120) to facilitate compliance with a new statutory requirement for certain verifications by a landlord. Based on comments received after the forms were circulated for public comment, the council further revised all three forms at its May 2021 meeting.

Assembly Bill 832 (Stats. 2021, ch. 27) was enacted on June 28, 2021, as urgency legislation, going into effect immediately, and further extended the time period for the tenant protections under AB 3088 and SB 91 to September 30, 2021. (See Link D.) Given the immediate extension of tenant protections, at its July 9 meeting, the council approved technical revisions to forms UD-101 and UD-105 to change the end dates of the covered periods.

Small claims forms

In addition to establishing tenant protections in the unlawful detainer context, AB 3088 also permitted parties to bring collection actions for COVID-19 rental debt as small claims actions—regardless of the amount demanded—as of March 1, 2021. To address the impending jurisdictional change to small claims court, the council’s Rules Committee approved circulation of a revised claim form and information sheet proposed by the Civil and Small Claims Advisory Committee in November 2020. Following receipt of comments, further action on that proposal was deferred in light of the enactment of SB 91, which moved the date for the commencement of the small claims actions in such cases to August 1, 2021. The advisory committee intended to recommend new and revised forms to the council in July 2021 (and the recommendation was approved by the Rules Committee in June), but because Assembly Bill 832 moved the date for commencing such actions to November 1, 2021, that recommendation was again deferred.

¹ The Legislature made minor cleanup revisions to these provisions of SB 91 in Assembly Bill 81, enacted a month later. (See Link C.)

Civil pleading forms

The council has not previously acted on the general civil pleading forms in this proposal.

Analysis/Rationale

Taken together, AB 3088 and SB 91 established and subsequently extended certain protections against the termination of residential tenancies for failure to pay rent due from March 1, 2020, through June 30, 2021. The two laws also provided landlords with the ability to recover COVID-19 rental debt in small claims court, but only after the unlawful detainer protections ended. SB 91 also added a requirement that plaintiffs in all cases to recover COVID-19 rental debt attach to their complaints documentation of their efforts to assist tenants in obtaining rental assistance. (Code Civ. Proc., § 1179.10(a)²) and provide certain verifications regarding rental assistance before a judgment may be entered in their favor (Health & Saf. Code, § 50897.3(e)).

AB 832 extended many of the protections in the AB 3088 and SB 91 and also enacted the COVID-19 Rental Housing Recovery Act (§ 1179.08 et seq.), which, for certain unlawful detainer actions based on nonpayment of rent and brought on or after October 1, 2021, imposes new requirements on plaintiffs, expands certain rights of defendants, and will require courts to handle some procedures in such cases differently from other unlawful detainer cases. Specific AB 832 provisions that are addressed in the proposed forms include the following:

- An additional general notice under section 1179.04 is now required to be provided to any tenant who, as of July 1, 2021, missed a rental payment due between March 1, 2020, and September 30, 2021. (§ 1179.04(c).)
- A new specific notice to pay or quit that demands payment of rental debt that came due between October 1, 2021, and March 31, 2022 must include certain statutory language and other information. (§§ 1179.09(b), 1179.10(a).)
- A summons cannot be issued for an unlawful detainer action based on nonpayment of rent or other financial obligations due anytime between March 1, 2020, and March 31, 2022, unless the plaintiff verifies certain statements to be true—either that:
 - The plaintiff applied for rental assistance and was denied; or
 - The plaintiff applied for rental assistance, at least 20 days passed since the later of when the application was completed or the notice to quit provided, and the plaintiff has heard from neither the tenant nor a governmental rental assistance agency that the tenant has completed the tenant’s portion of the application; or
 - The tenancy began after October 1, 2021. (§ 1179.11(a).)

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

- Before a judgment or default judgment may issue in an unlawful detainer case, a court must make findings related to the plaintiff's application for rental assistance. (§ 1179.11(c).)
- Under a newly established procedure, a tenant can ask the court to prevent forfeiture of a lease if an application for rental assistance corresponding to part or all of the rental debt has been approved. (§ 1179.13.)
- The date on which actions to recover COVID-19 rental debt could commence changed from August 1 to November 1, 2021. (§§ 116.223(b)(3), 871.10(c) & (e).)
- The statutory mandate that the Judicial Council develop forms for the recovery of COVID-19 rental debt in small claims and general civil court actions, including the requirement that such forms include, on the first page, notice that access to the record in the case is limited. (§ 1161.2.5(a)(3).)
- Access to case files for unlawful detainer actions based on nonpayment of rent during the covered period and for actions to recover COVID-19 rental debt is permanently limited. (§§ 1161.2, 1161.2.5.)

The recommended revised and new forms are intended to implement the changes made by AB 832 and, in the case of the small claims forms, AB 3088 and SB 91.

Unlawful detainer forms

New requirements for a summons to issue

As described above, AB 832 set out requirements that must be met for a summons to issue in certain unlawful detainer actions. Accordingly, item 3 has been added to *Plaintiff's Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer* (form UD-101) to include the statements set out in section 1179.11(a), one of which a plaintiff must make under penalty of perjury in order for a summons to be issued. If the appropriate boxes are checked (and a final determination notice is attached, if required), a clerk may issue the summons. Information about this requirement has also been added to the information box at the beginning of the form.

In addition, in light of these new requirements, a specific denial regarding those verifications has been added to the *Answer—Unlawful Detainer* (form UD-105, at item 2(b)(2)) for defendant to assert with a single checkbox that the required statements are not true.

New notice requirements

Given that, under the new law, landlords may have been required to provide tenants who missed rental payments with as many as three different general notices regarding tenants' rights (§ 1179.04), the committee recommends revising items 6(a) and 7(a) on form UD-101 to refer to "all the required versions" of the notice. Similarly, item 3(m)(1) on form UD-105 would allow defendants to allege that plaintiffs did not serve the required "general notice or notices."

Additionally, item 8 on form UD-101 has been reworked in order for plaintiffs to clearly identify how each of the required general notices has been provided.

Item 10 in form UD-101 has been added to allow plaintiffs in actions based on a demand for rental debt due between October 1, 2021, and March 31, 2022, to allege that the new specific notice to pay or quit required in such cases has been provided. (§ 1179.10.) Likewise, item 3(n) has been added on the answer, form UD-105, to allow defendants to allege that plaintiffs did not properly serve such notice.

Findings before judgment

AB 832 requires additional findings a court must make before an unlawful detainer judgment or default judgment can issue in actions based on nonpayment of rent filed between October 1, 2021, and March 31, 2022: that the plaintiff must have completed an application for rental assistance before filing the complaint and that the application was denied for certain specified reason. (§ 1179.11(c).) Statements supporting such findings have therefore been added to *Verification by Landlord Regarding Rental Assistance—Unlawful Detainer* (form UD-120, at item 3), a form required with any request for default judgment in actions based on nonpayment of rent. Item 3(o) on form UD-105 also would allow defendants to allege that the required findings cannot be made.

New form to apply for prevention of forfeiture

New section 1179.13 establishes a process whereby defendants in an unlawful detainer action can ask the court to “prevent the forfeiture of a lease or rental agreement,” either pre- or postjudgment, based on defendants having received approval of government rental assistance. This recommendation includes new mandatory *Application to Prevent Forfeiture Due to Covid-19 Rental Debt* (form UD-125) to implement this procedure.³ The proposed form asks defendants to verify certain statements that must be true to establish a basis for forfeiture prevention—that they have been approved for governmental rental assistance—and then requires defendant to attach or provide the statutorily required information to support such an application.

Small claims forms

New claims form for COVID-19 cases rental debt recovery cases

The committee initially recommended revisions to the claim form for small claims court (form SC-100) so that the form could also be used in actions to recover COVID-19 rental debt. (See Judicial Council of Cal., Advisory Com. Inv. to Comment SP20-10, *Small Claims: Forms for COVID-19 Rental Debt Cases* (Mar. 1, 2021).) However, in response to comments received when the revised form was circulated last November, and because AB 832 now requires the council to develop forms for COVID-19 rental debt recovery in small claims court (§ 1161.2.5), the committee now recommends adoption of a separate mandatory claim form, *Plaintiff’s Claim and ORDER to Go to Small Claims Court (COVID-19 Rental Debt)* (form SC-500).

³ Section 1179.13(c)(3)(B) authorizes the council to mandate a form for the application to prevent forfeiture.

Proposed form SC-500 closely parallels existing form SC-100, with a few significant differences:

- The top of form SC-500 includes the mandated language from section 1161.2.5 alerting courts and parties that the action is to recover COVID-19 rental debt and that access to records in the case is limited. There is also a bolded note to the defendant that “[t]his small claims case cannot result in your eviction.”
- Item 3 in form SC-100 asks plaintiffs to identify the amount owed by defendants, describe why money is owed, and explain how the amount was calculated. The item in form SC-500 is tailored to request information directly relevant to COVID-19 rental debt recovery actions.
- New item 9 has been added to require plaintiffs to explain how they have made a good-faith effort to assist defendants in obtaining rental assistance and attach documentation of those efforts, as required in all actions to recover COVID-19 rental debt. (§ 871.10(a).)
- New item 10 requires plaintiffs to verify that they have not received rental assistance and that they do not have a pending application for rental assistance corresponding to the amount claimed. Such verifications are required before the court issues a judgment, under Health & Safety Code section 50897.3(e)(1).
- To adapt the form for use in COVID-19 rental debt recovery cases, form SC-100 items that are not applicable in these cases have been eliminated.⁴
- There are also minor differences on page 5 of form SC-500, *Information for the defendant (the person being sued)*, including a note that the jurisdictional limit on small claims cases has been lifted for COVID-19 rental debt recovery cases and a reminder that the action is not a basis for eviction.

New information sheet for COVID-19 rental debt recovery cases⁵

New information sheet *COVID-19 Rental Debt in Small Claims Court* (form SC-500-INFO; originally circulated in November 2020 as proposed form SC-110-INFO) is intended to provide both plaintiffs and defendants information about such cases. The form defines COVID-19 rental debt and notes that cases seeking recovery of such debt are exempt from the usual jurisdictional limitation of small claims court. The form includes one item summarizing the procedures to

⁴ For example, item 1 does not include a check box for “deferred deposit originators” and item 2 does not include information for a defendant that is a corporation, limited liability company, or public entity, because by statutory definition only natural persons have COVID-19 rental debt. (§ 1179.02(h).)

⁵ While all the other forms in the proposal are recommended to be effective when actions relevant to the forms may commence (October 1, 2021, for unlawful detainer forms and November 1, 2021, for small claims and civil pleading forms), the information sheet for recovery of COVID-19 rental debt in small claims court is recommended to take effect October 15, 2021. This early effective date will provide an opportunity for potential litigants to familiarize themselves with the procedures of small claims court and specific issues that may come up in their cases.

initiate a COVID-19 rental debt case in small claims court and another telling the parties what to take to court to address the relevant issues.

Because 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, the form also lists several potential defenses that could affect the amount of the rent due, including breach of the warranty of habitability, the right to make needed repairs and deduct the cost from rent, improper late fees, improper increases in rental amounts due, and various other defenses. This list is particularly important because defendants do not file an answer in small claim cases, so both parties will need to consider in advance what defenses may be applicable and be prepared to argue and present evidence at trial. Although the committee has attempted to list all major applicable defenses, the form also notes that the list is not exhaustive and that other laws, including local ordinances, could affect parties' rights.

Links to sources of assistance—including a state publication on residential tenants' and landlords' rights and responsibilities, a website providing information on legal services organizations, and forms to request interpreters or accommodations for disabilities—are included on the form.⁶ The form also makes it clear to landlords that using small claims for a case to recover COVID-19 rental debt is just one option and that they also have the right to go to general civil court, with the right to appeal the court's decision and the right to be represented by counsel. The form also notes the new form for such claims, *Complaint—Recovery of COVID-19 Rental Debt* (form PLD-C-500). Litigants are also advised of the limited access to the case file under section 1161.2.5.

New form SC-500A

In addition to the new claim form and information sheet, the committee recommends adoption of *Other Plaintiffs or Defendants (COVID-19 Rental Debt)* (form SC-500A), an attachment to form SC-500 that allows a party to name additional plaintiffs or defendants. This proposed form parallels form SC-100A, used in all other small claims cases, but excludes those items that do not apply to actions to recover COVID-19 rental debt, specifically those that relate to corporate defendants and to limits on the amount of small claims cases over \$2,500 that can be filed in a calendar year. (*Cf.* §§ 1179.02(h) & 116.223(c).)

Revised form SC-100

Adoption of recommended form SC-500 requires also revising the *Plaintiff's Claim and ORDER to Go to Small Claims Court* (form SC-100) to include a warning not to use it in COVID-19 rental debt cases. Revised form SC-100 would include (1) an instruction on the first page (in a box to draw attention to it) not to use form SC-100 for an action to recover COVID-19 rental

⁶ Because the attached documents are being provided in PDF or “portable document format”, some links in the forms may not work or may redirect to a home page instead of to the intended resource. However, when the forms are posted on the website, the links will work as intended.

debt and to instead use form SC-500, and (2) a parenthetical note in item 3 (amount claimed) alerting plaintiffs that form SC-100 cannot be used to claim COVID-19 rental debt.

The recommended revision to this form would also add a request for the plaintiff's email address in item 1. This is not directly related to AB 832 but was requested previously by several courts in light of the increased use of remote hearings and remote alternative dispute resolution for small claims cases as a result of the public health issues resulting from the COVID-19 pandemic.⁷

The only other substantive revision to form SC-100 concerns the instructions relating to settlements. At the bottom of the first column of page 5 of existing form SC-100 (in the "Do I have options?" item), defendants are instructed that if they settle the case before trial, the plaintiff must file form CIV-110, *Request for Dismissal*, with the clerk. The committee understands that, in practice, many parties to small claims actions who settle their cases file a copy of the written and signed settlement agreement with the clerk in lieu of filing form CIV-110, which allows court to enter judgment under section 664.6. Accordingly, to reflect current practice and eliminate the need to file potentially unnecessary forms, the advisory committee recommends the addition of language to both forms SC-100 and SC-500, so the instruction will be that, upon a settlement, "the plaintiff must file form CIV-110, *Request for Dismissal* or a written and signed settlement agreement."

Other revised small claims forms

Form SC-500 tells plaintiffs to attach form SC-103 (*Fictitious Business Name*) if a plaintiff is doing business under a fictitious name; however, current form SC-103 requires the filer to choose whether form SC-103 is attached to "Form SC-100" or "Form SC-120." Given that litigants may attach form SC-103 to form SC-500, the recommended revision adds a third check box with "Form SC-500" to the top of the form.

Similarly, form SC-500 points filers to *What is Proof of Service?* (form SC-104B) to learn about service. However, form SC-104B states that it includes information about serving forms SC-100 and SC-120. Because SC-500 is a claim form subject to the service requirements of section 116.340, this recommended revision adds "SC-500" to form SC-104B in the three places where form SC-100 is mentioned.

Civil pleading forms

AB 832 mandates that the council develop forms for parties to use for actions to recover COVID-19 rental debt in general civil court as well as in small claims court. (§ 1161.2.5(a)(3).) Accordingly, the committee recommends the adoption of new mandatory complaint and answer forms (forms PLD-C-500 and PLD-C-505) for use in general civil actions.⁸ The committee also

⁷ The forms circulated last November also included a request for plaintiff to provide the defendant's email address, but that has been omitted in the final recommendation, for the reasons described in the Comments section below.

⁸ The committee notes that there is no equivalent COVID-19 answer form for small claims because there is no procedure or requirement for defendants to file an answer in small claims actions.

recommends a new form for the verifications regarding rental assistance required before judgment may be issued for plaintiff in such actions (form PLD-C-520).

New civil complaint form for COVID-19 rental debt recovery cases

The new *Complaint—Recovery of COVID-19 Rental Debt* (form PLD-C-500) begins with the statutorily required notice that the matter is an action for recovery of COVID-19 rental debt, with limited access to the files. There is also an information box noting, among other things, what form the defendant must use to respond to the complaint.

The allegations in the complaint are divided into sections by subject matter, with a title for each section. This structure is intended to make the form easier for self-represented landlords to use and for self-represented tenants to respond to.

- Introductory Allegations parallel the relevant introductory items in the form contract complaint (form PLD-C-010). Item 4, regarding assignment, has been included because of the possibility that landlords may assign the debt rather than sue on it themselves, especially if the defendant is no longer a tenant. An assignee is asked to identify who assigned the debt and when.⁹
- Allegations About COVID-19 Rental Debt (items 5 and 6) include allegations as to the basis for the debt (identifying the tenancy and the amount of rent and any other financial obligations agreed to) and allegations about the total amount claimed and specific details as to what that total is based on.¹⁰
- Allegations About Rental Assistance (items 7 and 8) include the information required under section 871.10 (requiring that any claim for recovery must include documentation of plaintiff's efforts to help defendant obtain rental assistance) and the verifications under Health & Safety Code section 50897.3(e) (that the landlord has not received, nor has an application pending for, rental assistance for the amounts claimed). The latter item also includes instructions similar to those on form UD-101, that the court cannot enter judgment without these statements being verified and that a form verification will be required with a request for a default judgment.¹¹
- Other Allegations (item 9) is included so that plaintiffs can state any other claims or relevant allegation they wish to include in the complaint.

⁹ The date of assignment is relevant because Civil Code section 1788.65 prohibits assignment of COVID-19 rental debt before October 1, 2021.

¹⁰ The latter item is similar to item 3 of form SC-500, claiming damages.

¹¹ Because the verifications must be made by the plaintiff—not necessarily the landlord—an item has been included to allow plaintiff to assert the basis for the allegation.

An optional verification is included at the end of the form. The complaint does not have to be verified, but a note points the plaintiff to item 8, which contains a note that the assertions in that item will need to be verified before judgment can be issued.

New civil answer form for COVID-19 rental debt recovery cases

The new mandatory *Answer—Recovery of COVID-19 Rental Debt* (form PLD-C-505) was developed with the knowledge that many of the defendants in these cases will be self-represented. The instruction box at the beginning of the answer form includes instructions on the time frame in which the answer generally must be filed and notes that there are alternative responses that may be made (demurrer, motion to strike, or motion to quash), and the potential for cross-complaints. It also advises the defendant to seek legal assistance.

The Denials section includes two separate items. Item 2 is a general denial and includes instructions as to when it may be used. Item 3 is for specific denials, with instructions as to when this item (rather than the general denial) should be used and for what purpose. The instructions are followed by optional subparts that align with each titled section of allegations in the complaint, allowing the defendant to deny, as appropriate, the specific items in the complaint stated in that titled section.

Item 4 lays out potential defenses and objections, similar to the list in the unlawful detainer answer form (form UD-105) (and with similar instructions at the top), but only includes those items that could affect the amount of rent owed.

A verification is included at the end of the form, with a note as to when verification is required.

New civil verification form for COVID-19 rental recovery cases

The recommended new *Verification by Plaintiff Regarding Rental Assistance—Recovery of COVID-19 Rental Debt* (form PLD-C-520) is intended to implement the verification requirement of Health & Safety Code section 50897.3(e)). That section mandates that the court shall not issue a judgment in favor of the plaintiff in any action to recover COVID-19 rental debt without the plaintiff's express verification that the landlord has not received rental assistance or other financial assistance, nor has any applications pending for such assistance, corresponding to the amount demanded in the complaint. Because the law requires that the verification be made by plaintiff (rather than landlord), and because the plaintiff and landlord may not be one and the same, form PLD-C-520 starts with plaintiff choosing whether plaintiff is the landlord or an assignee or representative of the landlord (and if the latter, identifying the landlord and describing the relationship). In addition, in the item with the statements to be verified, a plaintiff who is not the landlord must describe the basis for verifying the statements about the landlord.

As discussed above, information is included in the new complaint form to ensure that plaintiffs know that this verification is required for judgments in recovery action. However, because the plaintiff must verify that no funds have been received and no application is pending before a judgment may be entered, such verification may be required at the time of the judgment, as well, which may be entered weeks or months after the complaint is filed. In cases that go to trial, a

court considering entering a judgment for plaintiff may obtain an oral verification from the plaintiff on the record. However, if the plaintiff is not at trial, and for all default judgments, a written verification will be required. So that all plaintiffs can properly provide such a declaration, the committee is proposing that this form be mandatory for use with any request for a default judgment, to ensure both that a plaintiff can easily provide the required verification and that a verification filed with the court meets the statutory requirements. (The form would be optional for other uses, and available for use as desired by a party or if requested by a judicial officer.)

Policy implications

The revised and new forms in this proposal would implement new and amended statutes that provide protections for tenants and alter the procedures for bringing unlawful detainer actions and actions to recover COVID-19 rental debt. Accordingly, the key policy implications are ensuring that council forms reflect the law correctly and are not misleading to parties—especially self-represented litigants—or courts. The proposed forms should assist courts in providing consistent experiences for all parties as they attempt to navigate the new provisions related to unlawful detainer and the recovery of COVID-19 rental debt.

Comments

The new and revised forms in this proposal were circulated for comments from August 9 to August 20, 2021. (Invitation to comment SP21-05.) Thirty-two commenters responded, including over a dozen legal service and tenant advocacy organizations, the California Apartment Association (CAA), three individual attorneys, one law firm, three public housing authorities, a superior court commissioner, a superior court administrator, the Superior Court of Riverside County, and the Superior Court of San Diego County.

Some of the comments were general, but most focused on specific forms in the proposal. A chart providing all the comments, organized by form, and the committee’s responses to the comments is attached at pages 62–138. Only two commenters did not agree with the proposal; one commenter indicated they agreed with the proposal; five comments agreed with the proposal if modified; and the other twenty-four commenters did not indicate a position. The overall thrust of the comments is that the proposed revisions and new forms are important and helpful, but that further modifications would be beneficial. The most significant comments are discussed below.

In addition to the August 2021 circulation, two of the small claims forms in this proposal, forms SC-100 and SC-500-INFO (circulated as form SC-110-INFO) were also circulated for comments from November 23 to December 23, 2020. (Invitation to comment SP20-10.) Twenty-three commenters responded during that comment period, including multiple legal services organizations, several professional associations, three courts or their personnel, and two judicial officers. Taken altogether, the comments agreed with the proposed revisions and new information sheet, but suggested further modifications. A chart with all those comments, organized by issue, and the committee’s responses to the comments is attached at pages 139–201. The most significant comments from that circulation (“November 2020 comment period”) are also discussed below.

Unlawful detainer forms

The comments on *Plaintiff's Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer* (form UD-101) suggested minor modifications to specific items to increase clarity and readability. The committee agreed with many of those modifications. For example, item 8 now includes the year when referencing the different notices required under section 1179.04 (e.g., “September 2020 notice” instead of “September notice”).

Many of the comments on form UD-105, *Answer—Unlawful Detainer*, concerned the wording or inclusion of specific defenses in item 3 of the form. The committee accepted many of the suggestions, such as including a defense based on the federal CARES Act because Congress made certain provisions of the act permanent. (See item 3(r).)

Commenters also made two broad suggestions about form UD-105 not directly related to SB 832 or COVID-19 issues. The first of these was to recommend a simpler answer form that a self-represented litigant can fill out in less time. One commenter attached a suggested example, which contained only a general denial. Such a proposal is outside the scope of this proposal and would need to be circulated for comment before it could be recommended. Moreover, the committee does not believe that such an answer form should be developed because general denials are not always an acceptable answer for an unlawful detainer action and, without the option to provide specific denials, the defendant may be subject to a default judgment. Additionally, failure to provide affirmative defenses at the outset in an action that by statute must proceed to trial quickly may result in defendants waiving those defenses.

The other suggestion—made by several of the tenant advocates—was that the form contain an item with the option to request a jury trial. The committee determined that no such request currently exists on any Judicial Council pleading form and that adding it to form UD-105 would represent a significant departure from current practice. Additionally, any party may request a jury trial using *Request/Counter Request to Set for Trial* (form UD-150), as explained on the California Court Online Self-Help Center. Accordingly, the committee did not take this suggestion.

Small claims forms

As mentioned above, because of the passage of AB 832 shortly before the council was to consider new and revised small claims forms, two of the small claims forms in this proposal were circulated for comment both in November 2020 and in August 2021. The forms that were circulated for comment in August 2021 included modifications made in response to the earlier comments. Nonetheless, significant comments from both comment periods are discussed below.

Form SC-100

The November 2020 invitation to comment on *Plaintiff's Claims and ORDER to Go to Small Claims Court* (form SC-100) asked for specific comments on the requests that the plaintiff provide both the plaintiff's and the defendant's email addresses, added to items 1 and 2. Numerous commenters weighed in. Most legal services organizations suggested eliminating the line for defendant's email address because of concerns that the address may not be correct or

monitored regularly by the defendant; it may be improperly used, such as for other debt collection; and inclusion may erroneously suggest that electronic service to the defendant is adequate. Other comments opined that including email addresses on the form is helpful in sending out information about hearings or alternative dispute resolution to all parties. Taking the comments into consideration, the committee concluded that although including a request for plaintiffs to provide their own email addresses on the claim forms (if they have one) was appropriate, it was not appropriate to ask them to provide the defendant's.

The comments received on this form in the August 2021 comment period were generally limited to including additional information on the first page. Accordingly, the first page of the form now includes a definition of COVID-19 rental debt and information about the possibility of filing the form electronically.

Form SC-500

Item 3 on proposed new *Plaintiff's Claim and ORDER to Go to Small Claims Court (COVID-19 Rental Debt)*, regarding the amount of damages claimed by defendant, came up during both comment periods. The comments in the November 2020 comment period requested that item 3 (which requires plaintiffs to identify the amount owed by defendants, describe why money is owed, and explain how the amount was calculated) include information specific to COVID-19 rental debt cases. To address these comments, the proposed new form SC-500 requires plaintiffs, in item 3, to break out the elements of the total amount claimed. Plaintiffs must list the amount they claim the defendant owes as rent and the date it came due and separately list any other amounts of COVID-19 rental debt being claimed and when those amounts became due and what they are for. Also, in response to those comments, item 4 was added to proposed form SC-500 requiring plaintiffs to list any payments made by or on behalf of defendants, and any offsets credited to them. Because no discovery is allowed in small claims actions, this requirement is the only way defendants can know what payments plaintiffs acknowledge receiving or how much of an offset they have credited to defendants.

The comments in the August 2021 comment period suggested language tweaks to make items 3 and 4 on form SC-500 clearer. In addition, a few commenters suggested replacing items 3 and 4 with a fillable table for plaintiffs to complete. The committee considered doing so but concluded that using a table instead of freeform text presented significant concerns and would be more complex than desired. For example, it would be difficult to capture multiple payments in a given month from different sources on a table without providing multiple lines for each month over a 19-month period. Similarly, it would be challenging for plaintiffs alleging that multiple "other financial obligations" were due in any given month to explain what each was for without a very lengthy table. On the other hand, a plaintiff alleging only that rent is due for a certain number of months, with no payments received, would need only a small amount of space to describe the claims. Given that each COVID-19 rental debt situation will be different, the committee concluded that providing a space for freeform text, with the option to attach another sheet if more space is needed, is preferable to requiring all parties to fill out a lengthy fixed table. The

committee did, however, modify the language in items 3 and 4 in light of the comments to clarify what information plaintiffs are required to provide.

In addition to those comments, several comments suggested minor language and formatting modifications, some of which the committee included in the proposed forms. For example, the notice about a small claims court not being able to evict defendants is now in a bold font on the first page, and items 9 and 10 contain check boxes to ensure that plaintiffs affirmatively verify the required statements about assisting tenant in obtaining rental assistance and not having rental assistance corresponding to the amount demanded.

Form SC-500-INFO

Proposed *COVID-19 Rental Debt in Small Claims Court* (form SC-500-INFO) includes many of the suggestions from both comment periods. For example, in the November 2020 comment period, multiple commenters suggested that the defenses to claims on the circulated information sheet (then form SC-110-INFO) were insufficient, particularly in light of the additional defenses raised by AB 3088. Several commenters also suggested that the defenses should be organized in their own item because, given that no answer is required in small claims court, defendants need to be prepared to raise defenses and objections at trial. The committee agreed and created the “What arguments can you make?” item on page 2 of the form, putting all the described defenses into this item and, as suggested, adding language that the issues listed could affect the amount of rent owed and that local ordinances could also affect parties’ rights. The committee also modified the form’s discussion of the defenses within the list to use simpler language.

In the November 2020 comment period, some commenters also suggested inclusion of a list that identifies legal services organizations for each county on the information sheet. To address this concern, the committee added a “Legal services organizations” heading to the item “Where can you get help with a small claims case?” on page 3 and added a linked URL to <http://lawhelpca.org>, where defendants may find listings of local legal services organizations. The website, run by the Legal Aid Association of California and partially funded by the State Bar of California, offers the ability to find legal services organizations by county.

As a result of comments received in August 2021, the proposed form now includes an express suggestion that parties bring the rental agreement to trial. Additionally, to be more accessible, the proposed form now refers to “landlord” and “tenant” throughout, instead of “plaintiff” and “defendant.”¹²

Civil pleading forms

As with the unlawful detainer forms, most of the comments to the pleading forms concern minor language modifications to improve clarity and readability. For example, the new *Complaint—Recovery of COVID-19 Rental Debt* (form PLD-C-500) now includes a notice in the information box at the top that the form cannot be used in actions to recover commercial rental debt.

¹² Unlike in general civil court, an assignee of a claim may not bring a claim in small claims court. (§ 116.420(a).) Therefore, in small claims court the plaintiff and the landlord will be the same person.

Additionally, the changes made to item 3 on form SC-500 to more clearly identify the information that plaintiff must provide about the amount claimed have also been made to item 6 of form PLD-C-500, the corresponding item on that form.

The committee also agreed with many of the commenters' suggestions on how to improve form PLD-C-505, the COVID-19 rental debt recovery answer form. Specifically, a defense was added to address the provisions of Civil Code section 1788.66, which prohibits the assignment of COVID-19 rental debt of any person if the person would have qualified for rental assistance funding or if the person's household income is below a certain level. In response to comments, the committee also modified the language in item 3 advising defendants about when they should make specific denials instead of a general denial. For example, in the proposed form, defendants are warned that not checking any specific denial boxes "will be an admission that all the statements in that section of the complaint are true."

Two significant suggestions were offered that the committee declined to make. First, an option to request a jury trial was not added to the end of form PLD-C-505 for the same reasons that it was not added to form UD-105. Second, the committee did not take the suggestion of several commenters that form PLD-C-505 be an optional form. The commenters expressed concern that if form PLD-C-505 was adopted as a mandatory form then certain defendants might receive a default judgment if they answer the complaint with something other than form PLD-C-505 and the form is rejected. The committee ultimately decided to recommend that both the proposed complaint form and the proposed answer form be mandatory, for several reasons:

- The new statute mandates that the council develop pleading forms for these actions and include prominently on such forms a statement that access to the records in the case is limited. (§ 1161.5.2(a)(3).) If the intent of the provision—placed in the statutory section regarding "masking" of such actions—is to ensure that this statement is on all pleadings in actions to recover COVID-19 rental debt, the intent can be achieved only if the forms containing such notation are mandatory.
- A mandatory complaint ensures that plaintiffs are aware of and comply with the new pleading requirement that any claim have documentation attached supporting that plaintiff took action to assist the tenant regarding rental assistance. (§871.10(a).)
- Given the complexity of the issues involved, and the likelihood that many defendants will be self-represented, a mandatory complaint enabled the committee to create an answer form that should be easier for defendants to use because the denial section can identify specific allegations for the defendant to respond to and because the defenses section essentially includes a checklist for the defendant as to what defenses are available. These helpful sections are especially important given that there is no information sheet currently available for these cases.

To address the concerns of commenters, a notice has been added to the information box at the beginning of the complaint (form PLD-C-500) to alert defendants that they must use form PLD-C-505 to answer the complaint.

Public housing authority comments

Public housing authorities (PHAs) for three different jurisdictions within the state commented that federal laws regulating the housing authorities prohibit them from providing certain required information on forms PLD-C-500, UD-101, UD-120, and UD-125. They raised three primary concerns.

First, the PHAs asserted that federal privacy laws prohibit them from applying for rental assistance without a resident’s consent. Accordingly, they state that they will be unable to complete the landlord’s portion of the rental assistance application (which requires the provision of certain information about the tenant even in landlord’s application) and so cannot complete certain items on the identified forms in the proposal. To remedy their concerns, the PHAs recommended including a place for PHAs to plead preemption or, at the very least, an “other” box to make such a pleading on “all proposed forms.”

The committee notes that the council has no authority to provide PHAs or any other landlords blanket relief from California statutory requirements, including the requirement that plaintiffs in unlawful detainer actions must verify that they have applied for rental assistance before a court may issue a summons in such an action. To the extent plaintiffs in an unlawful detainer action assert preemption, or specific exemptions, they may raise such arguments to the court in a specific action, most likely by ex parte application. To address the PHAs’ concerns about the forms, item 13, Other Allegations, has been added to form UD-101. This item provides space for plaintiffs to make any additional assertions they want to make on that form. The committee declined to alter the other forms identified in the comment. The civil complaint form (form PLD-C-500) already contains an item for “other allegations” (item 9). To the extent that PHAs are unable to verify the statements on form UD-120, they can explain their inability to make the verifications on that form or in their request for default.¹³

Second, the PHAs stated that federal law prohibits them from waiving rental debt, rendering them unable to participate in the state’s *previous* rental assistance program (which provided 80 percent of an eligible household’s rental debt to the landlord in exchange for the landlord’s accepting that amount as full payment of the rental debt) and so unable to complete certain items about rental assistance. Because the previous rental assistance program provisions are no longer in effect, and rental assistance is now to be provided for the full amount of rental debt, not 80 percent, this comment no longer applies and the committee did not modify the proposal in response to it.

¹³Because form UD-125—an application to request relief from forfeiture—will be filled out by defendants only, there is no basis for considering the PHA comments in relation to that form.

Finally, the PHAs asserted that Code of Civil Procedure section 446 exempts public agencies from verifying complaints and, accordingly, the PHAs cannot properly complete form UD-101 or form UD-120. It is not clear to the committee that section 446(a) is broad enough to relieve public agencies from having to comply with other statutory provisions that require verifications outside a pleading, such as the provision in the Health and Safety Code requiring the plaintiff to verify that no rental assistance has been received before the court may issue a judgment. However, the items in forms UD-101 and PLD-C-500 allowing for “other allegations” should be sufficient to permits PHAs to raise the facts they believe support their claims.

Alternatives considered

The alternative of not taking action was not considered. As discussed above, four of the proposed new forms (forms UD-125, SC-500, PLD-C-500, and PLD-C-505) are specifically authorized by statute; the other proposed new forms are related to those first four. The primary revisions to the existing forms are required to conform the content of the forms with the law now in effect. Failure to take action on those forms would result in incorrect and misleading statements of law on the forms. In addition, specifically with respect to the new requirements for issuance of summons in unlawful detainer cases, courts would be faced with having to determine whether individually crafted declarations and pleading complied with the new law.

Fiscal and Operational Impacts

AB 3088, SB 91, and AB 832 will continue to have significant impacts on court operations, including potentially requiring adjustment of case management systems to accept filings beyond the jurisdictional limit of small claims and training staff about the new requirements that must be met for a summons to issue in unlawful detainer actions. The new and revised forms are intended to assist courts in dealing with the impact of the legislation by making it easier for clerks and judicial officers to process and adjudicate unlawful detainer and actions for recovery of COVID-19 rental debt. Court staff, judicial officers, and self-help center staff will need to be trained on the new forms, including when the forms are required and what they contain. Case management systems may need to be adjusted to appropriately handle the new forms.

Attachments and Links

1. Proposed forms PLD-C-500, PLD-C-505, PLD-C-520, SC-100, SC-103, SC-104B, SC-500, SC-500A, SC-500-INFO, UD-101, UD-105, UD-120, and UD-125, at pages 19–61
2. Chart of comments, Invitation to Comment SP21-05, at pages 62–138
3. Chart of comments, Invitation to Comment SP20-10, at pages 139–201
4. Link A: Assem. Bill 3088
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB3088
5. Link B: Sen. Bill 91
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB91
6. Link C: Assem. Bill 81
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB81
7. Link D: Assem. Bill 832
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB832

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 09/21/21 NOT APPROVED BY THE JUDICIAL COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF: DEFENDANT:	
COMPLAINT—RECOVERY OF COVID-19 RENTAL DEBT <input type="checkbox"/> COMPLAINT <input type="checkbox"/> AMENDED COMPLAINT (Number):	
Jurisdiction (check all that apply): <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000 but does not exceed \$25,000 <input type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000)	CASE NUMBER:

**ACTION FOR RECOVERY OF COVID-19 RENTAL DEBT
AS DEFINED UNDER CODE OF CIVIL PROCEDURE SECTION 1179.02**
Access to the records in this case is limited under Code of Civil Procedure section 1161.2.5.

If plaintiff cannot afford to pay filing fees, plaintiff may ask the court to waive the fees by completing form FW-001, Request to Waive Court Fees, and filing it with the court.

This form may not be used for actions to recover commercial rental debt.

Notice to defendant: Defendant must use form PLD-C-505, Answer—Recovery of COVID-19 Rental Debt, to answer this complaint.

1. **Plaintiff** (name or names):

brings this complaint for recovery of COVID-19 rental debt against **defendant** (name or names):

INTRODUCTORY ALLEGATIONS

2. a. Each plaintiff named above is a competent adult

- except** plaintiff (name):
- (1) a corporation qualified to do business in California
 - (2) an unincorporated entity (describe):
 - (3) other (specify):

b. Plaintiff (name):
has complied with the fictitious business name laws and is doing business under the fictitious name (specify):

c. Information about additional plaintiffs who are not competent adults is shown in Attachment 2.

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3. This court is the proper court because
- a. a defendant lives here now.
 - b. a defendant entered into the rental agreement or lease here.
 - c. the property that is the subject matter of the rental agreement or lease is here.
 - d. Other (*specify*):
4. Plaintiff has been assigned the rights to the COVID-19 rental debt that is set out in item 6 of this complaint, by (*name of assignor*): _____ on (*date of assignment*): _____

ALLEGATIONS ABOUT COVID-19 RENTAL DEBT

5. a. Defendant (*name each*): _____
 agreed to pay rent for the premises at (*address*): _____
 during part or all of the period between March 1, 2020, and September 30, 2021.
- b. The rent was in the amount of: \$ _____ payable monthly Other(*specify*): _____
- c. Defendant (*name each*): _____
 agreed to pay other amounts as part of the rental agreement or lease, for (*describe service paid for*): _____
 in the amount of: \$ _____ payable monthly Other(*specify*): _____
- d. Copies of all relevant rental agreements or leases for the tenancy described in item 5a are attached, numbered as Attachment 5.
6. The plaintiff claims defendant or defendants owe: \$ _____ for unpaid rent or other financial obligations of the tenancy that came due between March 1, 2020, and September 30, 2021. (*Complete items a and b.*)
- a. Rent due. (*List all rent plaintiff claims defendant or defendants owe that came due during the period from March 1, 2020, to September 30, 2021. For each month you claim rent is due, include each amount due and the date it came due. If there is not enough space below, check the box below, use form MC-025, and title it Attachment 6(a).*)
 Other allegations are on form MC-025.
- b. Other amounts of COVID-19 rental debt due. (*List all unpaid financial obligations under the lease or rental agreement (other than rent) that plaintiff claims defendant owes and that came due during the period from March 1, 2020, to September 30, 2021. For each month you claim other financial obligations are due, include each amount, the date it came due, and what it was for (for example, parking fees or utilities included as part of the rental agreement). If there is not enough space below, check the box below, use form MC-025, and title it Attachment 6(b).*)
 Other allegations are on form MC-025.

PLAINTIFF: DEFENDANT:	CASE NUMBER:
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ALLEGATIONS ABOUT RENTAL ASSISTANCE

7. a. Plaintiff made a good-faith effort to help defendant obtain rental assistance before filing this case, as required under Code of Civil Procedure section 871.10(a), by *(check all that apply)*
- (1) investigating whether governmental rental assistance is available to the defendant.
 - (2) seeking governmental rental assistance for the defendant.
 - (3) cooperating with the defendant's efforts to obtain rental assistance from any governmental entity or other third party.
- b. Documentation of the efforts described in item 7a is attached as required by statute and marked as Attachment 7.
- c. Plaintiff does not have documentation of the efforts described in item 7a, but made the following efforts *(describe)*:

8. Plaintiff states that the following are true:
- (Note: The statements in items 8a and b must be verified under penalty of perjury before a judgment for plaintiff can be entered by the court. [See Health & Saf. Code, § 50897.3(e).] If plaintiff later requests a default judgment, plaintiff must file Verification by Plaintiff Regarding Rental Assistance—Recovery of COVID-19 Rental Debt (form PLD-C-520) with that request.)*
- a. The landlord has not received rental assistance or other financial compensation from any other source corresponding to any of the amount claimed in item 6.
 - b. The landlord does not have any application pending for rental assistance or other financial compensation from any other source corresponding to any of the amount claimed in item 6.
 - c. *(Complete if plaintiff is not the landlord.)*
 The landlord is *(name)*: _____ and plaintiff can make the statements above on the following basis *(describe the basis for plaintiff making the statements in items 8a and b)*: _____

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OTHER ALLEGATIONS

9. 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 9, and letter each allegation in order.)* Other allegations are on form MC-025.

10. The following items in this complaint are alleged on information and belief *(list item numbers)*:

11. This pleading, including attachments and exhibits, consists of the following number of pages: _____.

DEMAND FOR JUDGMENT

12. **Plaintiff** requests judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. damages of: \$
- b. interest on damages
 - (1) according to proof.
 - (2) at the date of *(specify)*: _____ per year from *(date)*:
- c. attorneys' fees, to the extent permitted under Code of Civil Procedure section 871.11,
 - (1) of: \$
 - (2) according to proof.
- d. Other *(specify)*:

Date:

(TYPE OR PRINT NAME)	▶	(SIGNATURE OF PLAINTIFF OR ATTORNEY)
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VERIFICATION
(Optional, but see item 8)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, except as to those matters listed in item 10 as alleged on information and belief, and as to those matters, I believe them to be true.

Date: _____

(TYPE OR PRINT NAME)	▶	(SIGNATURE)
(TITLE--provide if signing on behalf of corporation or other business entity)		

For your protection and privacy, please press the Clear This Form button after you have printed the form.

Print this form

Save this form

Clear this form

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT 09/21/21 NOT APPROVED BY JUDICIAL COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF: DEFENDANT:	
ANSWER—RECOVERY OF COVID-19 RENTAL DEBT <input type="checkbox"/> TO COMPLAINT OF (name):	CASE NUMBER:

**ACTION FOR RECOVERY OF COVID-19 RENTAL DEBT
AS DEFINED UNDER CODE OF CIVIL PROCEDURE SECTION 1179.02**
 Access to the records in this case is limited under Code of Civil Procedure section 1161.2.5.

This form must be used to answer Complaint—Recovery of COVID-19 Rental Debt (form PLD-C-500) within 30 calendar days after defendant is served with the complaint. Alternatively, defendant may file a demurrer, motion to strike, or motion to quash within that same time period if any of those responses are appropriate. A cross-complaint may be made on a separate pleading form (Judicial Council forms that have form numbers preceded by PLD) or individually prepared on pleading paper. Defendant may want to consult with an attorney.

If defendant cannot afford to pay filing fees to answer, defendant may ask the court to waive the fees by completing Request to Waive Court Fees (form FW-001), and filing it with the court.

1. **Defendant (name or names):**
 answers the complaint as follows:

DENIALS (Complete item 2 or item 3, not both.)

2. **General Denial (Read the instructions below before checking this item.)**

Defendant generally denies each statement in the complaint.

(This item can be checked only if either of the following applies:

- *The complaint is **not** verified. (The complaint is verified if the Verification at the bottom of page 4 of form PLD-C-500 is signed or if a Verification is attached to the form.); or*
- *The amount demanded in the complaint is \$25,000 or less (a limited civil case) AND the debt has not been assigned to someone other than the landlord. (If item 4 on form PLD-C-500 has been checked, this General Denial **cannot** be checked.)*

If this General Denial is checked, go on to item 4.

If this General Denial is not checked, defendant may make the Specific Denials in item 3.)

3. **Specific Denials of Allegations in Complaint**

Defendant may complete this item if Defendant did not check the general denial box, above. Defendant should complete each section in item 3 below if defendant either

- *disagrees that one or more statements in the corresponding section of the complaint is true or correct (list those statements by item number or letter in subpart (1) for each section); or*
- *does not have enough information or belief to state whether one or more of the statements in the corresponding section of the complaint are true or false (list those statements by item number or letter in subpart (2) for each section).*

If defendant agrees with all of the statements in a section of the complaint, do not check any boxes for that section in item 3 below. This will be an admission that all the statements in that section of the complaint are true.

PLAINTIFF: DEFENDANT:	CASE NUMBER:
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3. a. **Introductory Allegations** (items 2-4 on form PLD-C-500)

- (1) Defendant denies the following statements in the section of the complaint titled **Introductory Allegations** (write the item number of any items in that section of form PLD-C-500 that defendant disagrees with, or explain why defendant disagrees):
- (2) Defendant has no information or belief as to whether the following items in the section titled **Introductory Allegations** are true, so denies them (write the item number of any items in that section of form PLD-C-500 that defendant denies on this basis):

b. **Allegations About COVID-19 Rental Debt** (items 5 and 6 on form PLD-C-500)

- (1) Defendant denies the following statements in the section of the complaint titled **Allegations About COVID-19 Rental Debt** (write the item number of any items in that section of form PLD-C-500 that defendant disagrees with, or explain why defendant disagrees):
- (2) Defendant has no information or belief as to whether the following items in the section titled **Allegations About COVID-19 Rental Debt** are true, so denies them (write the item number of any items in that section of form PLD-C-500 that defendant denies on this basis):

PLAINTIFF: DEFENDANT:	CASE NUMBER:
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3. c. **Allegations About Rental Assistance** (items 7 and 8 on form PLD-C-500)

(1) Defendant denies the following statements in the section of the complaint titled **Allegations About Rental Assistance** (*write the item number of any items in that section of form PLD-C-500 that defendant disagrees with, or explain why defendant disagrees*):

(2) Defendant has no information or belief as to whether the following items in the section titled **Allegations About Rental Assistance** are true, so denies them (*write the item number of any items in that section of form PLD-C-500 that defendant denies on this basis*):

d. **Other Allegations** (item 9 on form PLD-C-500 and any statements in Attachment 9 to the form)

(1) Defendant denies the following statements in the section of the complaint titled **Other Allegations** or in **Attachment 9** to the complaint (*write the item number or letter of any items in that section of form PLD-C-500 or in Attachment 9 that defendant disagrees with, or explain why defendant disagrees. If more room is needed, use form MC-025.*)

Response is provided on form MC-025, titled as Attachment 3d.

(2) Defendant has no information or belief as to whether the following items in the section titled **Other Allegations** or in **Attachment 9** are true, so denies them (*write the item number or letter of any items in that section of form PLD-C-500 that defendant denies on this basis*):

e. **Demand for Judgment** (item 12 on form PLD-C-500)

(1) Defendant denies the following statements in the section of the complaint titled **Demand for Judgment** (*write the item number or letter of any items in that section of form PLD-C-500 that defendant disagrees with, or explain why defendant disagrees*):

(2) Defendant has no information or belief as to whether the following items in the section titled **Demand for Judgment** are true, so denies them (*write the item number or letter of any items that defendant denies on this basis*):

PLAINTIFF: DEFENDANT:	CASE NUMBER:
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4. Defenses and Objections

(Check all that apply. NOTE: For each box checked, defendant must state any additional facts needed to support it in item 4m or, if more room is needed, on form MC-025. The parties may disagree about the amount of rent that is owed for various reasons. Read more about these reasons in the California Department of Real Estate's guide at <https://landlordtenant.dre.ca.gov/resources/guidebook/index.html> in the "Living in the Rental Unit" and "Dealing with Problems" sections.)

- a. Defendant delivered to the landlord one or more declarations of COVID-19–related financial distress and *(check any that apply)*
 - (1) the amount demanded includes late fees on rent or other financial obligations due between March 1, 2020, and September 30, 2021 (Civ. Code, § 1942.9);
 - (2) the amount demanded includes fees for services and the fees that were increased between March 1, 2020, and September 30, 2021, or had not been charged before (Civ. Code, § 1942.9).

- b. Defendant has completed an application for government rental assistance for part or all of the amount demanded, which is still pending, and *(check one)*
 - (1) a copy of the notification from the government rental assistance program that a completed application was submitted is attached, marked as Attachment 4h.
 - (2) defendant does not have a copy of a notification, but the application was completed with the following government rental assistance program:
(name of program):
(date completed):
(application number):

- c. The landlord refused to obtain rental assistance from the governmental rental assistance program that applied to the housing for which rent or other financial obligations is demanded, even though tenant met all eligibility requirements. (Code Civ. Proc., § 871.10(b).)

- d. Plaintiff was assigned debt in violation of Civil Code section 1788.66 because defendant's household income is at or below 80 percent of the area median income for the 2020 or 2021 calendar year.

- e. The amount of attorneys' fees requested by plaintiff is more than permitted by law for cases for recovery of COVID-19 rental debt. (Code Civ. Proc., § 871.11.)

- f. The amount demanded includes amounts that a third party offered to pay, but which the landlord did not accept. (Civ. Code, § 1947.3; Gov. Code, § 12955.)

- g. Defendant vacated the premises and does not owe rent after *(date)*:

- h. The amount demanded should be reduced because the landlord breached the warranty to provide habitable premises.

- i. The amount demanded includes amounts that the defendant spent to make needed repairs and properly deducted from the rent, but for which the landlord did not give proper credit.

- j. The amount demanded includes the security deposit that the landlord improperly withheld after the lease or rental agreement was terminated.

- k. The amount demanded is in violation of law because the landlord improperly raised the rent in violation of state law or a local rent control ordinance. *(If a local ordinance, provide name of locality and ordinance number):*

- l. Other defenses or objections. *(Describe briefly, and state facts to support them either here or in item m. Include any additional reasons why any claims raised in item 9 or Attachment 9 to form PLD-C-500 should be denied. If more space is needed, check box below and use form MC-025.)*
 - Other defenses and objections are provided on form MC-025, titled as Attachment 4l.

PLAINTIFF: DEFENDANT:	CASE NUMBER:
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4. m. Additional Facts. *(Provide facts supporting each item checked as needed, either below or, if more space is needed, check box below and use form MC-025.)*
 Facts are provided on form MC-025, titled as Attachment 4m.

5. **Other statements** *(specify below or, if more room is needed, check box below and use form MC-025):*
 Other statements are on form MC-025, titled as Attachment 5.

PLAINTIFF: DEFENDANT:	CASE NUMBER:
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6. This pleading, including attachments and exhibits, consists of the following number of pages: _____

Demand for Judgment

7. Defendant requests

- a. that plaintiff take nothing.
- b. for costs of suit.
- c. attorneys' fees, to the extent permitted under Code of Civil Procedure section 871.11,
 - (1) of: \$
 - (2) according to proof.
- d. Other (*specify*):

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

Date:

(TYPE OR PRINT NAME)

▶ _____
(SIGNATURE OF DEFENDANT OR ATTORNEY)

Date:

(TYPE OR PRINT NAME)

▶ _____
(SIGNATURE OF DEFENDANT OR ATTORNEY)

Date:

(TYPE OR PRINT NAME)

▶ _____
(SIGNATURE OF DEFENDANT OR ATTORNEY)

VERIFICATION

*Required only if complaint is verified.
An attorney should use a different verification form if verifying the pleading.*

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)

For your protection and privacy, please press the Clear This Form button after you have printed the form.

Print this form

Save this form

Clear this form

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT 09/21/2021 NOT APPROVED BY JUDICIAL COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF: DEFENDANT:	
VERIFICATION BY PLAINTIFF REGARDING RENTAL ASSISTANCE—RECOVERY OF COVID-19 RENTAL DEBT	CASE NUMBER:

This form must be filed by the plaintiff with any request for default judgment in any legal action to recover rent or other financial obligations under a lease or rental agreement that accrued between April 1, 2020, and September 30, 2021. (See Health & Saf. Code, § 50897.3(e).) It may also be used at other times as appropriate or when requested by a judicial officer.

1. Plaintiff (name):
 is (check one)
 - a. landlord for the tenancy for which the rent or other financial obligations are owed.
 - b. assignee or representative of the landlord for the tenancy for which the rent or other financial obligations are owed. (If checked, complete the items below.)
 - (1) Name of landlord:
 - (2) Plaintiff's relationship to landlord (describe):

2. Plaintiff states that the following are true:
 - a. The landlord has not received rental assistance or other financial compensation from any other source corresponding to the amount claimed.
 - b. The landlord does not have any pending application for rental assistance or other financial compensation from any other source corresponding to the amount claimed.
 - c. (Complete if plaintiff is not the landlord.)
 Plaintiff can make the statements above on the following basis (describe the basis for plaintiff making the statements in a and b under penalty of perjury):

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)

 (TITLE—Provide if signing on behalf of corporation or other business entity)

Clerk stamps date here when form is filed.

DRAFT

09/21/2021

NOT APPROVED BY THE 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 or on form SC-100A. 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, o en el formulario SC-100A. 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:

Order to Go to Court

The people in ① and ② must attend 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:

Do not use this form to recover COVID-19 rental debt, which is unpaid rent or other financial obligations under a tenancy due between March 1, 2020, and September 30, 2021. (See Code of Civil Procedure, §1179.02.) To recover COVID-19 rental debt, use form [SC-500, Plaintiff's Claim and ORDER to Go to Small Claims Court](#).

- 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. You can get form SC-100-INFO at any courthouse or county law library, or go to www.courts.ca.gov/forms.
- **Fill out pages 2, 3, and 4 of this form.** Make copies of all the pages of this form and any attachments—one for each party named in this case and an extra copy for yourself. Take or mail the original and the 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. **Your court may allow electronic filing.** Check your local court website for information: www.courts.ca.gov/find-my-court.htm.
- 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 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 and 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

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

- 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 defendant's name here:

3 The plaintiff claims the defendant owes \$. (Explain below and on next page.)

Note: A claim for COVID-19 rental debt cannot be made on this form. Use form SC-500, Plaintiff's Claim and ORDER to Go to Small Claims Court (COVID-19 Rental Debt).

a. Why does the defendant owe the plaintiff money?

Blank lines for explaining why the defendant owes the plaintiff money.



Plaintiff (list names):

Case Number:

- 3 b. When did this happen? (Date): _____
 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.

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. (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.
- (2) Where the plaintiff's property was damaged.
- (3) Where the plaintiff was injured.
- 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. (Code Civ. Proc., § 395(b).)
- 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). (Civ. Code, § 1812.10.)
- 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. (Civ. Code, § 2984.4.)
- 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.



Plaintiff (list names):

Case Number:

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 you answer yes, you also confirm that you have not filed, and you understand that you may not file, more than two small claims cases for more than \$2,500 in California during this calendar year.

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 the laws of the State of California 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. For these and other accommodations, contact the clerk's office for form MC-410, Disability Accommodation Request. (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 support your case. And read "Be Prepared for Your Trial" at 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, Disability Accommodation Request](#). 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, Request for Interpreter \(Civil\)](#) or a local court form to request an interpreter. If a court interpreter is unavailable for 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/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.

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 *before the trial*, the plaintiff must file form [CIV-110, Request for Dismissal](#) or a **written and signed settlement agreement** with the clerk. Ask the Small Claims Advisor for help.

- **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 Declaration](#), 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).

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.

* **Exceptions:** Different limits apply in an action against a defendant who is a guarantor. (See Code Civ. Proc., § 116.220(c).) **Limits do not apply in an action to recover COVID-19 rental debt.** (See Code Civ. Proc., §§ 116.223 & 1179.02; form SC-500.)



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 económico. 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/prepares.

¿Qué hago si necesito una modificación? Si tiene una discapacidad o tiene impedimentos de audición, llene el formulario MC-410, *Solicitud de modificaciones para discapacidad*. 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 (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.

¿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 **antes del juicio**, el Demandante tiene que presentar el formulario CIV-110 *Solicitud de desestimación* (Request for Dismissal) **o un acuerdo de resolución escrito y firmado** al 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).

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.

* **Excepciones:** Existen diferentes límites en un reclamo contra un garante. (Vea el Código de Procedimiento Civil, sección 116.220 (c).) Los límites no se aplican a las acciones para reclamar una deuda de alquiler del COVID-19. (Vea el Código de Procedimiento Civil, secciones 116.223 y 1179.02; y el formulario SC-500.)

This form is attached to: Form SC-100 Form SC-120 **Form SC-500**

1 If you want to file a small claim and you are doing business under a fictitious name (“doing business as,” or “dba”) give the following information. (Nonprofits and exempt real estate investment trusts do not have to file this form.)

Business name of the person suing: _____

Business address (not a U.S. Postal Service P.O. Box): _____

Mailing address (if different): _____

2 The business listed in 1 does business as (check ONLY one):

- an individual
- an association
- a partnership
- a corporation
- a limited liability company
- other (specify): _____

You must follow the laws for fictitious business names. If you have not followed these laws, including filing a fictitious business name statement in your county and publishing this information in a local newspaper, the court can dismiss your case.

3 Name of county where you filed your Fictitious Business Name Statement (dba):

4 Your Fictitious Business Name Statement number:

5 Date your Fictitious Business Name Statement expires:

6 I declare under penalty of perjury under the laws of the State of California that the information above is true and correct. Only the owner, president, chief executive officer (CEO), or other qualified officer can sign this form.

Date: _____

Type or print your name and title



Sign your name



Need help?

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

Or go to “County-Specific Court Information” at www.courts.ca.gov/selfhelp-smallclaims

What is “service”?

“Service” or “serving” is when someone—*not you or anyone else listed in this case*—gives a copy of your court papers to the person, business, or public entity you are suing. Service lets the other party know:

- What you are asking for;
- When and where the trial will be; *and*
- What the party can choose to do.

There are strict rules for serving court papers. This form explains how to serve these forms:

- Form SC-100, *Plaintiff’s Claim*
- Form SC-120, *Defendant’s Claim*
- Form SC-500, *Plaintiff’s Claim (COVID-19 Rental Debt)*

How is service done?

This form tells you how to serve by *personal* service or *substituted* service.

Personal service means someone gives the papers directly to the person being sued or to the agent authorized to accept service (business or public entity).

Substituted service means someone gives the papers to an adult where the person lives, works, or receives mail (including a private post office box, but not a U.S. Postal Service P.O. Box).

What if the court papers do not get served?

The judge cannot hear your case unless the court papers were served correctly.

Can the court serve the papers for me?

Yes. You can pay the court to mail your claim to the person you are suing. But if the person you are suing or the person’s agent for service doesn’t sign the U.S. Postal Service mail receipt with his or her complete name, or if someone else signs the receipt, you will have to serve again using personal or substituted service.

Who can serve?

You can ask a friend, a process server, or the sheriff. The server must be at least 18 and not listed in the case. A “process server” is someone you pay to deliver court forms. Look in the *Yellow Pages* under “Process Serving.” The sheriff (or marshal if your county has one) can also deliver court forms. Ask the court clerk how to contact the sheriff. Or look in the county section of your phone book under “Sheriff.” You must pay the server, unless you qualify for a fee waiver.

How is *personal* service done?

Ask someone who is at least 18 and not listed in this case to personally “serve” (give) a copy of your court papers to the person or the agent authorized to accept court papers for the person, business, or public entity listed on form SC-104.

Give the server a separate *Proof of Service* form for each person, business, or public entity you are suing. And tell the server to:

- Walk up to the person to be served.
- Say, “These are court papers.”
- Give the person copies of all papers checked on form SC-104, *Proof of Service*. If the person won’t take the papers, just leave them near the person. It doesn’t matter if the person tears them up.
- Fill out and sign page 2 of form SC-104, *Proof of Service*.

How is *substituted* service done?

If you don’t want to use personal service or can’t find the person to be served, ask someone who is at least 18 and not listed in this case to serve the court papers.

Give the server a separate *Proof of Service* form for each person, business, or public entity you are suing. Tell the server to give the papers to:

- A competent adult (at least 18) at the home of and living with the person to be served *or*
- An adult who seems to be in charge where the person to be served usually works *or*
- An adult who seems to be in charge where the person receives mail (including a private mailbox, but **not** a U.S. Postal Service P.O. Box). *Note:* This is only for cases where the physical address of the person to be served is not known.

Then do the following:

- Write down that person’s name and say, “Please give these court papers to [name of person to be served].” If the person does not want to give his or her name, describe the person you served.
- Give that person copies of all papers checked on form SC-104, *Proof of Service*. If the person won’t take the papers, just leave them near the person.
- Mail another copy of the papers (by first-class mail) to the person being sued at the same address where you left the papers.
- Fill out and sign page 2 of form SC-104, *Proof of Service*.

What does the server do with the original Proof of Service form?

If a process server or sheriff served the papers, he or she can file form SC-104, *Proof of Service*, with the clerk. If the server used a different *Proof of Service* form, ask him or her to list each paper served on the form. Also make sure that the registered server will file the original directly with the court and will mail you a copy of the filed form. Take it with you when you go to court.

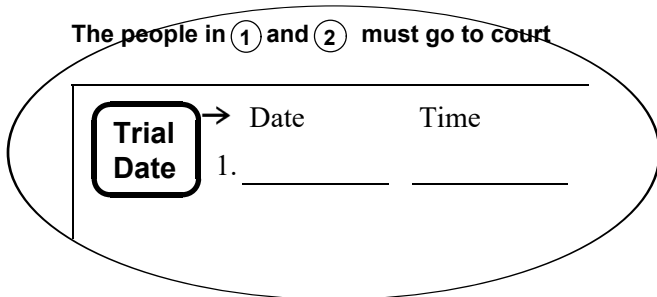
If a friend served the papers, tell him or her to give the completed form back to you. Keep a copy for your records and take the copy with you when you go to court.

You need to file the original completed *Proof of Service* form **5 days before** your trial.

When do the court forms have to be served?

- **If you are serving form SC-100, Plaintiff’s Claim, or form SC-500, Plaintiff’s Claim (COVID-19 Rental Debt)**, look at the trial date on page 1. Then, look at a calendar.

For *personal* service, subtract 15 days from the trial date (or 20 days if the person, business, or public entity is located outside the county). That’s the deadline for serving your small claims forms. But you can serve the forms before the deadline.



For *substituted* service, subtract 25 days from the date the server mailed a copy of the court papers served (or 30 days if the person, business, or public entity is located outside the county). That’s the deadline for serving your small claims forms. But you can serve the forms before the deadline.

If the person, business, or public entity to be served is outside California or if you are serving a different form, ask the Small Claims Advisor for more information.

- **If you are serving form SC-120, Defendant’s Claim**, look at the trial date on page 1. Then look at a calendar.

For *personal* or *substituted* service, subtract 5 days from the trial date. That’s the deadline for serving your small claims forms if you were served at least 11 days before the trial. If you were served 10 days or less before the trial date, you must serve at least 1 day before the trial. But you can serve the forms before the deadline.

What if I can’t get the court papers served before the trial?

If you were not able to serve your claim (form SC-100, SC-120, or **SC-500**) before the deadline for service, talk to your Small Claims Clerk. Each county has its own rules.

If you already served your claim on some parties but not everyone you are suing, you may need to fill out and file form SC-150, *Request to Postpone Trial*, at least 10 days before the trial date (or explain why you couldn't meet the 10-day deadline). Then give or mail a copy of this form to all other plaintiffs and defendants listed on your court papers.

The court may postpone your trial for 15 days or more.

Who do I have to serve?

If you are suing a person (or people)—not a business or public entity—serve each person you are suing. For example, if you were in a car accident and you are suing the owner and the driver of the car, you must list the names of the owner *and* the driver on your claim and serve both people.

Examples:

If the owner and driver are the same person:
Lee Smith, owner and driver

If the owner and driver are not the same person:
Lee Smith, owner and driver
Bob Smith, owner

If you are suing a business, an association, or a public entity, read form SC-104C, *How to Serve a Business*.

? Need help?

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

Or go to “County-Specific Court Information” at www.courts.ca.gov/selfhelp-smallclaims.htm

SC-500**Plaintiff's Claim and ORDER to Go to Small Claims Court (COVID-19 Rental Debt)**

Clerk stamps date here when form is filed.

DRAFT

09/22/2021

NOT APPROVED BY THE JUDICIAL COUNCIL

THIS IS AN ACTION TO RECOVER COVID-19 RENTAL DEBT AS DEFINED UNDER CODE OF CIVIL PROCEDURE, § 1179.02. ACCESS TO RECORDS IN THIS CASE IS LIMITED UNDER CODE OF CIVIL PROCEDURE, § 1161.2.5.**Notice to the person being sued:**

- You are the defendant if your name is listed in ② of this form or on form [SC-500A](#). The person suing you is the plaintiff, listed in ①.
- 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. (**Note: This small claims case cannot result in your eviction.**) Bring witnesses, receipts, and any other 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, and read [SC-500-INFO, COVID-19 Rental Debt in Small Claims Court](#) for more information, at www.courts.ca.gov/forms.

Aviso al Demandado:

- Usted es el Demandado si su nombre figura en ② de la página 2 de este formulario, o en el formulario SC-500A. 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. (**Nota: Este caso de reclamos menores no puede resultar en un desalojo.**) 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, y lea [SC-500-INFO, La deuda de alquiler del COVID-19 en la corte de reclamos menores](#) para más información, en www.courts.ca.gov/forms.

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:

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 forms [SC-500-INFO](#) and [SC-100-INFO](#) to know your rights. Get the forms at any courthouse or county law library, or go to www.courts.ca.gov/forms.
- Fill out pages 2, 3, and 4 of this form. Make copies of all the pages of this form and any attachments—one for each party named in this case and an extra copy for yourself. Take or mail the original and the 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. Your court may allow electronic filing. Check your local court website for information: www.courts.ca.gov/find-my-court.htm.
- 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 pages of this form and any pages this form tells you to attach. See forms [SC-104](#) and [SC-104B](#).
- **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-500A](#).

Check here if either plaintiff listed above is doing business under a fictitious name and attach form [SC-103](#).

2 The defendant (the person being sued) is:

Name: _____ Phone: _____

Street address: _____
Street City State Zip

Mailing address (if different): _____
Street City State Zip

If more than one defendant, list next defendant here:

Name: _____ Phone: _____

Street address: _____
Street City State Zip

Mailing address (if different): _____
Street City State Zip

Check here if more than two defendants and attach form [SC-500A](#).

Check here if any defendant is on active military duty and write defendant's name here:



Plaintiff (list names):

Case Number:

3 The plaintiff claims the defendant owes \$ _____ for COVID-19 rental debt (unpaid rent or other financial obligations of a tenant that came due in the period from March 1, 2020, to September 30, 2021). (Code Civ. Proc., § 1179.02.) (Explain amount below.)

a. **Rent.** List all rent you claim defendant owes that came due in the period from March 1, 2020, to September 30, 2021. For each month you claim rent is due, include each amount due and the date it came due.

b. **Other amounts of COVID-19 rental debt.** List all unpaid financial obligations under the lease or rental agreement (other than rent) that you claim defendant owes and that came due during the period in (a) above. For each month you claim other financial obligations are due, include each amount, the date it came due, and what it was for (for example, parking fees or utilities included as part of the rental agreement).

Check here if you need more space. Attach one sheet of paper or form [MC-031](#), and write "SC-500, Item 3" at the top.

4 Amounts paid or offsets.

List any amounts you received from defendant, rental assistance programs, and other third parties that you have already credited, and any other amounts you have offset or credited, for rent or other financial obligations due between March 1, 2020, and September 30, 2021, that you are not claiming in item 3 above. Include each amount, when it was paid or credited, and what it was for.

Check here if you need more space. Attach one sheet of paper or form [MC-031](#), and write "SC-500, Item 4" at the top.

5 You must ask the defendant (in person, in writing, or by phone) to pay you before you sue. Have you done this?

Yes No If no, explain why not:



Plaintiff (list names):

Case Number:

6 Why are you filing your claim at this courthouse?

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

- a. Where the defendant lives or does business.
- b. Where the rental agreement, lease, or 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.
- c. Other (specify): _____

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

8 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.*

9 Plaintiff must make a good-faith effort to help defendant obtain rental assistance before filing this case. Check all that apply below. You must also attach documentation of those efforts or, if you do not have documentation, describe your effort below.

Plaintiff made a good-faith effort to help defendant obtain rental assistance before filing this case, as required under Code of Civil Procedure section 871.10(a), by:

- a. Investigating whether governmental rental assistance is available to the tenant;
- b. Seeking governmental rental assistance for the tenant; or
- c. Cooperating with the tenant's efforts to obtain rental assistance from any governmental entity or other third party.

Check here if documentation is attached. *If not attached, describe your efforts below.*

10 I understand that the court cannot issue a judgment for me if I have received rental assistance for the amounts I am claiming from defendant. (Both statements must be true.)

- a. I have not received rental assistance or other financial compensation from any other source corresponding to any of the amount claimed in item 3 above; and
- b. I do not have any application pending for rental assistance or other financial compensation from any other source corresponding to any of the amount claimed in item 3 above.

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 the laws of the State of California 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. For these and other accommodations, contact the clerk's office for [Disability Accommodation Request](#) (form MC-410). (Civ. Code, § 54.8.)



"Small claims court" is a special court where generally only claims for \$10,000 or less are decided. This limitation has been lifted for cases for recovery of COVID-19 rental debt.* 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? Read form [SC-500-INFO, COVID-19 Rental Debt in Small Claims 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 support your case. And read "Be Prepared for Your Trial" at www.courts.ca.gov/smallclaims/prepare.

Where can I get the court forms I need? Go to any courthouse or your county law library, or get forms at www.courts.ca.gov/forms.

What if I need an accommodation? If you have a disability or are hearing impaired, fill out form [MC-410, Disability Accommodation Request](#). 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, Request for Interpreter \(Civil\)](#), or a local court form to request an interpreter. If a court interpreter is unavailable for 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](#).)

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.

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 before the trial, the plaintiff must file form [CIV-110, Request for Dismissal](#) or a written and signed settlement agreement with the clerk. Ask the Small Claims Advisor for help.

*Limits do not apply in an action to recover COVID-19 rental debt, which is unpaid rent or other financial obligations of a tenant that are due between March 1, 2020, and Sept. 30, 2021. (See Code Civ. Proc., §§ 116.223 & 1179.02.) Read [SC-500-INFO, COVID-19 Rental Debt in Small Claims Court](#).

- **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 Declaration](#) 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 for \$10,000 or less, you may file *Defendant's Claim and ORDER to Go to Small Claims Court* (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. (But not your rental unit; this is not an eviction case.)

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).

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.



La “Corte de reclamos menores” es una corte especial donde generalmente se deciden casos por \$10,000 o menos. Se suspendió este límite para acciones para reclamar una deuda de alquiler del COVID-19.* El proceso es rápido y económico. 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? Lea el formulario SC-500-INFO, *La deuda de alquiler del COVID-19 en la corte de reclamos menores*. 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 los testigos, recibos y pruebas que apoyan su caso. Y lea “Esté preparado para su juicio” en www.courts.ca.gov/reclamosmenores/preparesse.

¿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 (página está en inglés).

¿Qué hago si necesito una modificación? Si tiene una discapacidad o tiene impedimentos de audición, puede llenar el formulario MC-410, *Solicitud de modificaciones para discapacidad*. 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.)

¿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.

¿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 antes del juicio, el Demandante tiene que presentar el formulario CIV-110 *Solicitud de desestimación* (Request for Dismissal) o un acuerdo de resolución escrito y firmado al secretario de la corte. Pídale al Asesor de Reclamos Menores que lo ayude.

*Los límites no se aplican a las acciones para reclamar una deuda de alquiler del COVID-19, que se define como alquiler u otras obligaciones financieras impagas de un inquilino que vencieron entre el 1 de marzo de 2020 y el 30 de septiembre de 2021. (Vea el Código de Procedimiento Civil, secciones 116.223 y 1179.02.) Lea el formulario SC-500-INFO, *La deuda de alquiler del COVID-19 en la corte de reclamos menores*.

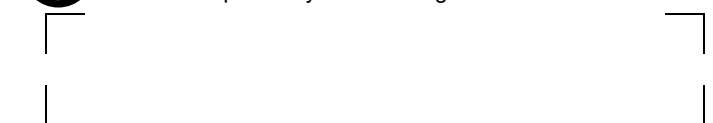
- **Probar que es la corte equivocada.** Envíe una carta a la corte antes del juicio explicando por qué cree que es la corte equivocada. Pídale a la corte que despida el reclamo. Tiene que entregar (dar) una copia de su carta (por correo o en persona) a todas las partes. (Su carta a la corte tiene que 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. (Pero no su hogar alquilado; esto no es un caso de desalojo.)

¿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 (o 20 días si vive fuera del condado).

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.

Reclamo del Demandante y ORDEN Para Ir a la Corte de Reclamos Menores (COVID-19 Rental Debt)

For your protection and privacy, please press the Clear This Form button after you have printed the form.

Print this form

Save this form

Clear this form

This form is attached to form [SC-500](#), item 1 or 2.

1 If more than two plaintiffs (person, business, or entity suing), list their information below:

Other plaintiff's name: _____ Phone: _____

Street address: _____
Street City State Zip

Mailing address (if different): _____
Street City State Zip

Email address (if available): _____

Is this plaintiff doing business under a fictitious name? Yes No If yes, attach form [SC-103](#).

Other plaintiff's name: _____ Phone: _____

Street address: _____
Street City State Zip

Mailing address (if different): _____
Street City State Zip

Email address (if available): _____

Is this plaintiff doing business under a fictitious name? Yes No If yes, attach form [SC-103](#).

Check here if more than four plaintiffs and fill out and attach another form [SC-500A](#).

2 If more than two defendants (person being sued), list their information below:

Other defendant's name: _____ Phone: _____

Street address: _____
Street City State Zip

Mailing address (if different): _____
Street City State Zip

Other defendant's name: _____ Phone: _____

Street address: _____
Street City State Zip

Mailing address (if different): _____
Street City State Zip

Check here if your case is against more than four defendants and fill out and attach another form [SC-500A](#).

3 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 the laws of the State of California that the information above and on any attachments to this form is true and correct.

Date: _____

Type or print your name

Date: _____

Type or print your name



Sign your name

Sign your name

Beginning **November 1, 2021**, a landlord has the option to bring an action in small claims court to recover COVID-19 rental debt that is more than the normal limits for small claims actions. The purpose of bringing these claims in small claims court is to resolve disputes about COVID-19 rental debt. The small claims court **cannot** determine possession of residential property or evict a tenant from property.

What is COVID-19 rental debt?

COVID-19 rental debt means any unpaid rent or any other money owed under a residential lease or residential rental agreement (for example, parking fees or utility payments) that came due between **March 1, 2020, and September 30, 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. You may ask a lawyer for advice before you go to court, but you cannot have a lawyer in court.

Who are the parties in a small claims case?

- The person who sues is the plaintiff, the **landlord** in these cases. If the landlord is a business, an employee such as a property manager may go to a small claims trial for the landlord (use form [SC-109, Authorization to Appear](#)).
- The person who is sued is the defendant, the **tenant** in these cases. There may be more than one tenant paying rent for a single residence. The landlord may want to name all tenants as defendants.

How does a COVID-19 rental debt case start in the small claims court?

The landlord must:

- Complete and file form [SC-500, Plaintiff's Claim and ORDER to Go to Small Claims Court \(COVID-19 Rental Debt\)](#);
- Attach documentation showing the landlord's good-faith efforts to seek rental assistance (examples of documentation include emails, texts, and notes from phone calls); and
- Serve the form on the tenants (see form [SC-100-INFO, Information for the Plaintiff](#)).

How does a tenant respond?

A tenant does not need to file any papers before the trial date. Tenants should go to court on the day of trial with evidence about the amount of COVID-19 rental debt owed, if any.

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

Both the landlord and the tenant 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 affect the amount of COVID-19 rental debt that must be paid.

The parties should bring the rental agreement, any rental receipts, and any other receipts or other documents that show the following:

- The **amounts** of COVID-19 rental debt 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 September 30, 2021**.
- Any amounts that the tenant **paid** toward 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 tenant.
- Any evidence of conditions affecting the residence, such as items needing repair.
- Any evidence to support arguments made to determine the amount of money owed.

Page 2 of this information sheet provides a list of some of the arguments that landlords and tenants can make to help the court determine the amount of COVID-19 rental debt that is owed.

Can you bring a witness to small claims court?

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

What arguments can you make?

The landlord and tenant may disagree about the amount of rent that is owed for various reasons. Read more about these reasons in the California Department of Real Estate's guide at landlordtenant.dre.ca.gov/resources/guidebook/index.html, in the "[Living in the Rental Unit](#)" and "[Dealing with Problems](#)" sections. Below are questions that can help you identify the issues that may exist in the case and may affect the amount of rent owed.

Please note: This list does not include every possible argument. Other laws, including local ordinances, may affect the rights of landlords and tenants in COVID-19 rental debt cases.

- Did landlord make a good-faith effort to:
 - Investigate whether governmental rental assistance is available to the tenant;
 - Seek governmental rental assistance for the tenant; or
 - Cooperate with the tenant's efforts to obtain rental assistance from any governmental entity or other third party under Civil Code section 1947.3(a)(3)?
- Is there any pending application for rental assistance or other financial compensation from any other source corresponding to the amount claimed?
- Did landlord receive rental assistance or other financial compensation from any other source corresponding to the amount claimed?
- Did landlord improperly apply payments to past-due rent without the tenant's written agreement?
- Does the amount claimed include service fees that were increased or not previously charged?
- Does the amount claimed include late fees on rent or other financial obligations?
- Did landlord improperly raise the rent?
- Did tenant or a third party offer a rental payment that landlord would not accept?
- If the lease or rental agreement was terminated, was the security deposit returned? Read more about the rules for security deposits at www.courts.ca.gov/selfhelp-eviction-security-deposits.htm.
- Did tenant make needed repairs and properly deduct the cost from the rent? If so, did landlord give proper credit?
- Did landlord fail to provide habitable premises? This means that if the housing did not meet certain standards, the amount owed may be reduced.

Note: It is illegal for a landlord to retaliate against a tenant for raising any of the above issues or any of the defenses listed on form [UD-105, Answer—Unlawful Detainer](#)

Can a tenant file a claim in the landlord's case?

A tenant who is a defendant in a COVID-19 rental debt case may bring a claim against the landlord in the same case using form [SC-120, Defendant's Claim and ORDER to Go to Small Claims Court](#).

What if you disagree with the court's decision?

If you are a tenant, you may appeal the decision on a claim filed against you. More information about appeals is available in the information at the end of [Plaintiff's Claim and ORDER to Go to Small Claims Court \(COVID-19 Rental Debt\)](#) (form SC-500) and at www.courts.ca.gov/smallclaims/appeals.

If you are the landlord, you cannot appeal a small claims decision on a claim you filed. (Note that a landlord has the option of filing a COVID-19 rental debt recovery case in general civil court [use form [Complaint—Recovery of COVID-19 Rental Debt](#) (form [PLD-C-500](#))]. In general civil court, all parties may appeal the court's decision and all parties may be represented by lawyers.)

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

The amount the court charges a landlord to file a case in small claims court depends on the amount demanded and how many cases are brought by the landlord in a single year. The filing fees for small claims cases are listed on the Statewide Civil Fee Schedule, available at www.courts.ca.gov/7646.htm. There is no fee for the tenant to go to the hearing.

What if you cannot afford the filing fee?

If you want to sue someone in small claims court and cannot afford to pay court fees and costs, you may not have to pay. The court may waive all or part of those fees **if you:** Are getting public benefits; **or**

- Are a person with very low income; **or**
- Do not have enough income to pay for your
- household's basic needs and your court 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.

Where can you 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 www.courts.ca.gov/selfhelp-advisors.htm.
- **Forms and online help.** You can find small claims forms and more information about small claims court at the California Courts Online Self-Help Center www.courts.ca.gov/smallclaims. You can also get forms and help at your county law library or the courthouse nearest you.
- **Local court websites.** Your local court may have additional information and help for your small claims matter. Visit your court's website for current information on small claims hearing procedures. For help finding your court, visit www.courts.ca.gov/find-my-court.htm.
- **Legal services organizations.** Local organizations may be able to assist parties in preparing for court. Parties may be able to find a legal service organization that serves their area at <http://lawhelpca.org/>.
- **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.

What help is available when you go 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 request to the ADA Coordinator or designated person in your court.
 - Visit your court's website to find the ADA Coordinator or designated person. For help finding your court, go to 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 no court interpreter is 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](#).

Who can look at your case file?

If you are sued in small claims court for nonpayment of COVID-19 rental debt, only the following people may see the case file:

- The parties (landlords and tenants).
- A person who gives the court clerk the name of at least one landlord and one tenant.
- A person who lives in the residence for which COVID-19 rental debt is owed who shows proof of residency and gives the clerk the case number or the name of one of the parties.
- A person who gets an order from the court after showing that they have good cause to see the case file.

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 <p style="text-align: center;">DRAFT</p> <p style="text-align: center;">9/22/2021</p> <p style="text-align: center;">Not approved by the Judicial Council</p>
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:
<p>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).</p> <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 summons in an unlawful detainer action for nonpayment of rent on a residential property filed before March 31, 2022, a plaintiff must verify that they applied for governmental rental assistance that was not granted, or that the tenancy began after September 30, 2021. (See item 3.)</p> <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 items 3 and 4 and 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 5; a summons may be issued.)
- b. This action is based, in whole or in part, on an alleged default in payment of rent or other charges. Yes No

3. **Verifications required for issuance of summons—residential** (Code Civ. Proc., § 1179.11(a))

- a. Is this action based, in whole or in part, on a defendant's nonpayment of rent or other financial obligation during the period between March 1, 2020, and March 31, 2022? Yes No
 (If no is checked, no further items need to be completed except the signature and verification on page 5, and item 12 if the action is based in whole or in part on nonpayment of rent during some other time frame; a summons may be issued.)
- b. Is this action on a tenancy that was initially established before October 1, 2021? Yes No
 (If no is checked, the further items that need to be completed are the signature and verification on page 5, and items 10 or 11, and 12 if the action is based in whole or in part on nonpayment of rent; a summons may be issued. (See Code Civ. Proc., § 1179.09(h) to learn more about what "initially established" means.)

PLAINTIFF: DEFENDANT:	CASE NUMBER:
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3. c. *If you answered yes to questions 3a and 3b above, you must check either (1) or (2) below, or a summons may not be issued.*

- (1) Before filing the complaint in this action, plaintiff applied for governmental rental assistance to cover the rent or other financial obligations demanded in this action, but the application was denied **and** a copy of a final decision denying the assistance is attached.

Note that a "final decision" does not include rejection based on plaintiff not completing the application or doing so correctly, notification that the application is pending further action, or notification that plaintiff or defendants applied to the wrong government agency. (Code Civ. Proc., § 1179.09(d).)

or

- (2) Before filing the complaint in this action, plaintiff completed an application for governmental rental assistance to cover the rent or other financial obligations demanded in this action, including all the required contact information and documentation, **and all** of the following are true:

- (a) At least 20 days have passed since the **later** of either (*check one*):

- The date the plaintiff submitted the completed application, or
 The date the plaintiff served the three-day notice underlying the complaint.

and

- (b) Plaintiff has not received any notice from the governmental agency to which defendant has applied for governmental rental assistance to cover the rent or other financial obligations demanded from the defendant in this action.

and

- (c) Plaintiff has not received a communication from the defendant that defendant has applied for governmental rental assistance to cover the rent or other financial obligations demanded from the defendant in this action.

4. **Tenants subject to COVID-19 Tenant Relief Act** (Code Civ. Proc., § 1179.02(h))

- a. (1) One or more defendants in this action is a natural person: Yes No

(2) Identify any defendant not a natural person:

(If no is checked, then no further items need to be completed except the signature and verification, and item 12 if the action is based on nonpayment of rent.)

- b. (1) All defendants named in this action maintain occupancy as described in Civil Code section 1940(b). Yes No

(2) Identify any defendant who does not:

(If yes is checked, then no further items need to be completed except the signature and verification, and item 12 if the action is based on nonpayment of rent.)

5. **Unlawful detainer notice expired before March 1, 2020**

The unlawful detainer complaint in this action is based solely on a notice to quit, to pay or quit, or to perform covenants or quit, in which the time period specified in the notice expired before March 1, 2020. *(If this is the only basis for the action, no further items need to be completed except the signature and verification on page 4. (Code Civ. Proc., § 1179.03.5(a)(1).))*

6. **Rent or other financial obligations due between March 1, 2020, and August 31, 2020 (protected time period)**

The unlawful detainer complaint in this action is based, at least in part, on a demand for payment of rent or other financial obligations due in the protected time period. *(Check all that apply.)*

- a. Defendant (*name each*):

was provided all the required versions of the "Notice from the State of California" required by Code of Civil Procedure section 1179.04. *(Provide information regarding service of the notice or notices in item 8 below.)*

- b. Defendant (*name each*):

was served with at least 15 days' notice to pay rent or other financial obligations, quit, or deliver a declaration, and an unsigned declaration of COVID-19-related financial distress, in the form and with the content required in Code of Civil Procedure section 1179.03(b) and (d).

*(If the notice identified defendant as a **high-income tenant** and requested submission of documentation supporting any declaration the defendant submits, complete item 9 below. (Code Civ. Proc., § 1179.02.5(c).))*

(If filing form UD-100 with this form and item 6b is checked, specify this 15-day notice in item 9a(7) on form UD-100, attach a copy of the notice to that complaint form, and provide all requested information about service on that form.)

PLAINTIFF: DEFENDANT:	CASE NUMBER:
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6. c. Response to notice (check all that apply):

- (1)
-
- Defendant (name each):

delivered a declaration of COVID-19–related financial distress on landlord in the time required. (Code Civ. Proc., § 1179.03(f).)

- (2)
-
- Defendant (name each):

did *not* deliver a declaration of COVID-19–related financial distress on landlord in the time required. (Code Civ. Proc., § 1179.03(f).)

7. **Rent or other financial obligations due between September 1, 2020, and September 30, 2021 (the transition time period)** The unlawful detainer complaint in this action is based, at least in part, on a demand for payment of rent or other financial obligations due during the transition time period.

- a.
-
- Defendant (name each):

was provided all the required versions of the "Notice from the State of California" as required by Code of Civil Procedure section 1179.04. (Provide information regarding service of the notice or notices in item 8 below.)

- b.
-
- Defendant (name each):

was served with at least 15 days' notice to pay rent or other financial obligations, quit, or deliver a declaration, and an unsigned declaration of COVID-19–related financial distress, in the form and with the content required in Code of Civil Procedure section 1179.03(c) and (d).

(If the notice identified defendant as a **high-income tenant** and requested submission of documentation supporting any declaration the defendant submits, complete item 9 below. (Code Civ. Proc., § 1179.02.5(c).))

(If filing form UD-100 with this form and item 7b is checked, specify this 15-day notice in item 9a(7) on form UD-100, attach a copy of the notice to that complaint form, and provide all requested information about service on that form.)

c. Response to notice (check all that apply):

- (1)
-
- Defendant (name each):

delivered a declaration of COVID-19–related financial distress on the landlord in the time required. (Code Civ. Proc., § 1179.03(f).)

- (2)
-
- Defendant (name each):

did *not* deliver a declaration of COVID-19–related financial distress on the landlord in the time required. (Code Civ. Proc., § 1179.03(f).)

d. Rent or other financial obligations due:

- (1) Rent or other financial obligations in the amount of \$ _____ was due between September 1, 2020, and September 30, 2021.

- (2) Payment of \$ _____ for that period was received by September 30, 2021.

8. **Service of Code of Civil Procedure Section 1179.04 Notice from the State of California** (You must complete this item if you checked item 6 or 7 above. Section 1179.04 provides three separate versions of a "Notice from the State of California" that the landlord was to provide to tenants at different times during the pandemic (the notices referenced in item 6a and 7a above). This item addresses when and how those notices were provided.)

- a.
- September 2020 Notice.**
- Plaintiff provided the required notice for tenants who, as of September 1, 2020, had any unpaid rent or other financial obligations due any time between March 1, 2020, and August 31, 2020 (Code Civ. Proc., § 1179.04(a)), to defendants identified in 6a or as follows:

- (1)
-
- By sending a copy by mail addressed to each named defendant on (date): _____

- (2)
-
- By personally handing a copy to each named defendant on (date): _____

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8. a. (3) By some other method of service described in Code of Civil Procedure section 1162. (If this box is checked, describe the method and date of service on an attached page (you can use form MC-025) and title it Attachment 8a.)
- (4) In different ways for different defendants. (If this box is checked, describe the method and date of service for each defendant on an attached page (you can use form MC-025) and title it Attachment 8a.)
- (5) Plaintiff was not required to serve the September 2020 notice on the named defendants.
- b. **February 2021 Notice.** Plaintiff provided the required notice for tenants who as of February 1, 2021, had unpaid rent or other financial obligations due any time after March 1, 2020, (Code Civ. Proc., § 1179.04(b)) to defendants identified in 6a and 7a as follows:
- (1) By sending a copy by mail addressed to each named defendant on (date): .
- (2) By personally handing a copy to each named defendant on (date): .
- (3) By some other method of service described in Code of Civil Procedure section 1162. (If this box is checked, describe the method and date of service on an attached page (you can use form MC-025) and title it Attachment 8b.)
- (4) In different ways for different defendants. (If this box is checked, describe the method and date of service for each defendant on an attached page (you can use form MC-025) and title it Attachment 8b.)
- (5) Plaintiff was not required to serve the February 2021 notice on the named defendants.
- c. **July 2021 Notice.** Plaintiff provided the required notice for tenants who as of July 1, 2021, had unpaid rent or other financial obligations due any time after March 1, 2020, (Code Civ. Proc., § 1179.04(c)) to defendants identified in 6a and 7a as follows:
- (1) By sending a copy by mail addressed to each named defendant on (date): .
- (2) By personally handing a copy to each named defendant on (date): .
- (3) By some other method of service described in Code of Civil Procedure section 1162. (If this box is checked, describe the method and date of service on an attached page (you can use form MC-025) and title it Attachment 8c.)
- (4) In different ways for different defendants. (If this box is checked, describe the method and date of service for each defendant on an attached page (you can use form MC-025) and title it Attachment 8c.)
- (5) Plaintiff was not required to serve the July 2021 notice on the named defendants.
9. **High-income tenant.** The 15-day notice in item 6b or 7b above identified defendant as a high-income tenant and requested submission of documentation supporting the tenant's claim that tenant had suffered COVID-19–related financial distress. Plaintiff had proof before serving that notice that the tenant has an annual income that is at least 130 percent of the median income for the county the rental property is located in and not less than \$100,000. (Code Civ. Proc., § 1179.02.5.)
- a. The tenant did not deliver a declaration of COVID-19–related financial distress within the required time. (Code Civ. Proc., § 1179.03(f).)
- b. The tenant did not deliver documentation within the required time supporting that the tenant had suffered COVID-19–related financial distress as asserted in the declaration. (Code Civ. Proc., § 1179.02.5(c).)
10. **Rent or other financial obligations due between October 1, 2021, and March 31, 2022 (recovery period rental debt).** The unlawful detainer complaint in this action is based, at least in part, on a demand for payment of rent or other financial obligations due during the recovery period. (Check a or b.)
- a. Defendant (name each):
- was served with at least 3 days' notice to pay rent or other financial obligations or quit, in a notice that included the name, website address, and phone number of the governmental rental assistance program for the locality in which the property at issue is located, as well as all other content required by Code of Civil Procedure section 1179.10.
- (If filing form UD-100 with this form and this item is checked, specify this notice in item 9a(7) on form UD-100, attach a copy of the notice to that complaint form, and provide all requested information about service on that form.)
- b. Plaintiff has checked no in item 3b and the special notice to quit required by Code of Civil Procedure section 1179.10 does not apply in this action.

PLAINTIFF: DEFENDANT:	CASE NUMBER:
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11. **Rent or other financial obligations due after March 31, 2022.** (Only applicable if action is filed on or after April 1, 2022.)
 The only demand for rent or other financial obligations on which the unlawful detainer complaint in this action is based is a demand for payment of rent due after March 31, 2022.
12. **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
13. **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 13, and letter each allegation in order.) Other allegations are on form MC-025.

14. 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)

For your protection and privacy, please press the Clear This Form button after you have printed the form.

Print this form

Save this form

Clear this form

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 09/22/2021 NOT APPROVED BY 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), (c), and (d), as appropriate.*)

(b) Defendant claims the statements in the **Verification required for issuance of summons—residential**, item 3 of plaintiff's *Mandatory Cover Sheet and Supplemental Allegations* (form UD-101), are false.

(c) 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)(c).

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2. b. (2) (d) 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)(d).
3. **DEFENSES AND OBJECTIONS** (NOTE: For each box checked, you must state brief facts to support it in item 3w (on page 4) 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. Plaintiff waived, changed, or canceled the notice to quit.
- e. Plaintiff served defendant with the notice to quit or filed the complaint to retaliate against defendant.
- f. 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.
- g. 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 3w the facts showing violation of the ordinance.)
- h. 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 3w 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.
- i. Plaintiff accepted rent from defendant to cover a period of time after the date the notice to quit expired.
- j. Plaintiff seeks to evict defendant based on an act against defendant 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; OR (2) a signed statement from a qualified third party (e.g., a doctor, domestic violence or sexual assault counselor, human trafficking caseworker, or psychologist) concerning the injuries or abuse resulting from these acts.)
- k. 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.
- l. Plaintiff's demand for possession of a residential property is in retaliation for nonpayment of rent or other financial obligations due between March 1, 2020, and September 30, 2021, even though alleged to be based on other reasons. (Civ. Code, § 1942.5(d); Gov. Code, § 12955.)
- m. Plaintiff's demand for possession of a residential property is based on nonpayment of rent or other financial obligations due between March 1, 2020, and September 30, 2021, and (check all that apply):
- (1) Plaintiff did not serve the general notice or notices of rights under the COVID-19 Tenant Relief Act as required by Code of Civil Procedure section 1179.04.
- (2) Plaintiff did not serve the required 15-day notice. (Code Civ. Proc., § 1179.03(b) or (c).)

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3. m. (3) Plaintiff did not provide an unsigned declaration of COVID-19–related financial distress with the 15-day notice. (Code Civ. Proc., § 1179.03(d).)
- (4) Plaintiff did not provide an unsigned declaration of COVID-19–related financial distress in the language in which the landlord was required to provide a translation of the rental agreement. (Code Civ. Proc., § 1179.03(d).)
- (5) Plaintiff identified defendant as a “high-income tenant” in the 15-day notice, but plaintiff did not possess proof at the time the notice was served establishing that defendant met the definition of high-income tenant. (Code Civ. Proc., § 1179.02.5(b).)
- (6) Defendant delivered to plaintiff one or more declarations of COVID-19–related financial distress and, if required as a “high-income tenant,” documentation in support. (Code Civ. Proc., §§ 1179.03(f) and 1179.02.5.)
(Describe when and how delivered and check all other items below that apply):
- (a) Plaintiff’s demand for payment includes late fees on rent or other financial obligations due between March 1, 2020, and September 30, 2021.
- (b) Plaintiff’s demand for payment includes fees for services that were increased or not previously charged.
- (c) Defendant, on or before September 30, 2021, paid or offered plaintiff payment of at least 25% of the total rental payments that were due between September 1, 2020, and September 30, 2021, and that were demanded in the termination notices for which defendant delivered the declarations described in (a). (Code Civ. Proc., § 1179.03(g)(2).)
- (7) Defendant is currently filing or has already filed a declaration of COVID-19–related financial distress with the court. (Code Civ. Proc., § 1179.03(h).)
- n. Plaintiff’s demand for possession of a residential property is based on nonpayment of rent or other financial obligations due between October 1, 2021, and March 31, 2022, and (check all that apply):
- (1) Plaintiff’s notice to quit did not contain the required contact information for the pertinent governmental rental assistance program, or the other content required by Code of Civil Procedure section 1179.10(a).
- (2) Plaintiff’s notice to quit did not include a translation of the statutorily required notice. (Code Civ. Proc., § 1179.10(a)(2) and Civ. Code, § 1632.)
- o. For a tenancy initially established before October 1, 2021, plaintiff’s demand for possession of a residential property is based on nonpayment of rent or other financial obligations due between March 1, 2020, and March 31, 2022, and (check all that apply):
- (1) Plaintiff did not complete an application for rental assistance to cover the rental debt demanded in the complaint before filing the complaint in this action.
- (2) Plaintiff’s application for rental assistance was not denied.
- (3) Plaintiff’s application for rental assistance was denied for a reason that does not support issuance of a summons or judgment in an unlawful detainer action (check all that apply):
- (a) Plaintiff did not fully or properly complete plaintiff’s portion of the application. (Code Civ. Proc., § 1179.09(d)(2)(A).)
- (b) Plaintiff did not apply to the correct rental assistance program. (Code Civ. Proc., § 1179.09(d)(2)(C).)
- (4) Rental assistance has been approved and tenant is separately filing an application to prevent forfeiture (form UD-125).
- p. 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).)
- (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).)

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3. q. 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 3w*).
- r. 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.*)
- s. 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.
- t. Plaintiff refused to accept payment from a third party for rent due. (Civ. Code, § 1947.3; Gov. Code, § 12955.)
- u. Defendant has a disability and plaintiff refused to provide a reasonable accommodation that was requested. (Cal. Code Regs., tit. 2, § 12176(c).)
- v. Other defenses and objections are stated in item 3w.
- w. (*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 3w.

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.
- 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.

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5. 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)

For your protection and privacy, please press the Clear This Form button after you have printed the form.

Print this form

Save this form

Clear this form

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY <p style="text-align: center;">DRAFT</p> <p style="text-align: center;">09/22/2021</p> <p style="text-align: center;">NOT APPROVED BY JUDICIAL COUNCIL</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF: DEFENDANT:	
VERIFICATION BY LANDLORD REGARDING RENTAL ASSISTANCE—UNLAWFUL DETAINER	
CASE NUMBER:	

This form must be filed by the plaintiff with any request for default judgment in any unlawful detainer action seeking possession of residential property based on nonpayment of rent or any other financial obligation under a lease. It may also be used at other times as appropriate or when requested by a judicial officer.

1. The landlord of the property at issue in this case is (name):
2. All of the following statements are true:
 - a. Landlord has not received rental assistance or other financial compensation from any other source corresponding to the amount demanded in the notice underlying the complaint in this action.
 - b. Landlord has not received rental assistance or other financial compensation from any other source for rent accruing after the date of the notice underlying the complaint in this action.
 - c. Landlord does not 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 in this action.
 - d. Landlord does not have any pending application for rental assistance or other financial compensation from any other sources for rent accruing after the date of the notice underlying the complaint in this action.
3. **Application for Rental Assistance** (Must be completed for all actions based on a notice of nonpayment of rent or financial obligations under the tenancy due between March 1, 2020, and March 31, 2022. (See Code Civ. Proc., § 1179.11(c).))
 - a. The tenancy was initially established on or after October 1, 2021. (If this box is checked, state below when and how it was established. There is no need to complete the other subparts of this item.)
 - b. Before filing the complaint, the landlord completed an application for rental assistance to cover the rental debt (rent or financial obligations related to the tenancy) demanded in the complaint.
 - (1) The application was made to the government agency that provides such assistance in the locality of the property at issue (name of agency):

For your protection and privacy, please press the Clear This Form button after you have printed the form.

PLAINTIFF: DEFENDANT:	CASE NUMBER:
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3. b. (2) The landlord completed the landlord's section of the application on (date): _____.
 (Attach as Exhibit 3b a copy of any notice received from the government agency confirming when landlord's application was complete.)

c. The governmental agency denied rental assistance for the following reason (check one):

- (1) Tenant was not eligible to receive assistance.
- (2) Tenant did not complete tenant's portion of the application within 15 days (excluding Saturdays, Sundays, and holidays) of date on which landlord completed the landlord's section of the application (that is, the date in b(2)).
- (3) The governmental agency lacked funding to provide assistance.
- (4) Other reason (describe): _____

(Attach as Exhibit 3c a copy of any notice received confirming that assistance would not be provided.)

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)

 (TITLE—provide if signing on behalf of corporation or other business entity)

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 09/22/2021 NOT APPROVED BY JUDICIAL COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PLAINTIFF: DEFENDANT:		
APPLICATION TO PREVENT FORFEITURE DUE TO COVID-19 RENTAL DEBT		CASE NUMBER:

This form must be filed by the defendant in an unlawful detainer case to ask the court to stop the eviction process if the defendant has been approved for COVID-19-related emergency rental assistance. Defendant must be able to declare under penalty of perjury that all the statements in item 2 are true.

For the court to stop the eviction process, defendant may have to pay any amounts demanded in the complaint that the rental assistance does not cover. (Code Civ. Proc., § 1179.13(a)(3).) Note: this application does not take the place of an Answer to the complaint, which should be filed within five days of receiving the complaint. (You can use form UD-105.)

1. Defendant (name):
asks the court to prevent or relieve forfeiture of the lease or rental agreement for property at issue in this unlawful detainer case under Code of Civil Procedure section 1179.13.
2. Both of the following statements are true:
 - a. This unlawful detainer case is based on a demand for payment of rent or other financial obligation that was due during one or both of the following time periods (check any periods below when rent was due):
 - (1) between March 1, 2020, and September 30, 2021.
 - (2) between October 1, 2021, and March 31, 2022, and the defendant's tenancy was initially established before October 1, 2021.
 - b. A government rental assistance program has approved an application for rental assistance for part or all of the rent or other financial obligations demanded.
3. (Defendant must check a or b.)
 - a. A copy of the final decision from a government rental assistance program approving the application for rental assistance for the property in this case is attached. (The approval must show the property address and the amount of payment approved, and the time period the payment covers.)
 - b. (The following information must be provided if a copy of the approval is not available.)
 - (1) The address for the property at issue in this case (address):
 - (2) The application number assigned to defendant's rental assistance application:
 - (3) The name of the government rental assistance program that granted the approval (if known):

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)

SP21-05 (August 2021)

Rules and Forms: Unlawful Detainer, Small Claims, and Pleading Forms to Implement New Laws (Adopt forms PLD-C-500, PLD-C-505, PLDC-520, SC-500, SC-500A, UD-125; approve form SC-500-INFO; revise forms SC-100, SC-103, SC-104B, UD-101, UD-105, and UD-120)

All comments are verbatim unless indicated by an asterisk (*).

List of All Commenters, Overall Positions on the Proposal, and General Comments				
	Commenter	Position	Comment	Committee Response
1.	Asian Americans Advancing Justice – Asian Law Caucus by Tiffany L. Hickey, Esq. Housing Right Program San Francisco	NI	<p>Asian Americans Advancing Justice – Asian Law Caucus (AAAJ-ALC) submits this letter in response to the Judicial Council’s invitation to Comment SP21-05, Rules and Forms: Unlawful Detainer, Small Claims, and Pleading Forms to Implement New Laws. Founded in 1972, Asian Americans Advancing Justice – Asian Law Caucus is the nation’s first legal and civil rights organization serving the low-income Asian Pacific American communities. We focus on housing rights, immigration and immigrants’ rights, labor and employment issues, student advocacy (ASPIRE), civil rights and hate violence, national security, and criminal justice reform. As a founding affiliate of Asian Americans Advancing Justice, we also help to set national policies in affirmative action, voting rights, Census, and language rights.</p> <p>Our housing advocacy focuses on gateway communities for new immigrants, such as San Francisco Chinatown, where large numbers of tenants and seniors are in danger of displacement due to gentrification and other economic pressures and now the COVID-19 pandemic. Our clients are low-income, often live with disabilities, and have limited English proficiency. We defend tenants in unlawful detainer actions and see firsthand the importance of the forms created by the Judicial Council for tenants fighting to save their homes.</p> <p>We appreciate your diligence in working quickly to implement yet another complex set of laws to protect tenants during the ongoing COVID-19 pandemic. As discussed in our prior comment letters, this work is particularly critical when many</p>	The committee appreciates the information provided.

SP21-05 (August 2021)

Rules and Forms: Unlawful Detainer, Small Claims, and Pleading Forms to Implement New Laws (Adopt forms PLD-C-500, PLD-C-505, PLDC-520, SC-500, SC-500A, UD-125; approve form SC-500-INFO; revise forms SC-100, SC-103, SC-104B, UD-101, UD-105, and UD-120)

All comments are verbatim unless indicated by an asterisk (*).

List of All Commenters, Overall Positions on the Proposal, and General Comments				
	Commenter	Position	Comment	Committee Response
			<p>tenants will be facing eviction without legal counsel during this extended public health crisis. It is essential to ensure that the forms allow tenants a meaningful opportunity to assert relevant defenses, despite the extreme complexity of the law. Thank you for the thoughtful approach you have taken to creating and revising these forms throughout the pandemic. Below we provide detailed comments regarding the new forms and revisions.</p> <p>[See comments below on specific issues.]</p> <p>Conclusion While intended to protect tenants, the additional complexities of the new COVID-19 laws will place unrepresented tenants at a disadvantage. We remain concerned about access to justice for people who receive an unlawful detainer and cannot access legal assistance. We appreciate your efforts to make these forms as accessible and comprehensive as possible. Thank you for your work, and for considering these comments. If you have any questions, please feel free to contact [the undersigned].</p>	
2.	California Apartment Association by Heidi Palutke Education, Policy and Compliance Counsel	NI	The California Apartment Association (CAA) is the largest statewide rental housing trade association in the country, representing more than 50,000 single family and apartment owners and operators who are responsible for nearly two million affordable and market rate rental housing units throughout California. CAA’s mission is to promote fairness and equality in the rental of residential housing and to promote and aid in the availability of high-quality rental housing in California. CAA represents its members in legislative,	The committee appreciates the information provided.

SP21-05 (August 2021)

Rules and Forms: Unlawful Detainer, Small Claims, and Pleading Forms to Implement New Laws (Adopt forms PLD-C-500, PLD-C-505, PLDC-520, SC-500, SC-500A, UD-125; approve form SC-500-INFO; revise forms SC-100, SC-103, SC-104B, UD-101, UD-105, and UD-120)

All comments are verbatim unless indicated by an asterisk (*).

List of All Commenters, Overall Positions on the Proposal, and General Comments				
	Commenter	Position	Comment	Committee Response
			<p>regulatory, judicial, and other state and local forums.</p> <p>As a preliminary matter, CAA thanks the Judicial Council and staff for their work on these forms to implement AB 832, particularly given the short timeframes for doing so.</p> <p>CAA offers the following comments on the proposed revised and new forms:</p>	
3.	Community Legal Aid SoCal by Kate Marr Executive Director Santa Ana	NI	<p>Community Legal Aid SoCal is submitting these comments in response to the proposed revisions by the Civil and Small Claims Advisory Committee regarding the adoption, approval, and revision of 13 unlawful detainer, small claims, and civil pleading forms to implement statutory changes in Senate Bill 91, and Assembly Bill 832.</p> <p>Community Legal Aid SoCal is dedicated to meeting the civil legal needs of low-income people throughout Orange and Southeast Los Angeles Counties. With an emphasis on innovation, language access, and a holistic approach to client care, we support clients with legal issues related to immigration, family law, access to healthcare, public benefits including unemployment, tax, and housing. We offer a full range of legal assistance, including information and referrals, counsel and advice, workshops, clinics, and direct legal representation in each of these areas. Additionally, Community Legal Aid SoCal facilitates the Orange County Small Claims Advisory program. Our services include weekly workshops, assistance with small claims questions and form preparation.</p>	The committee appreciates the information provided.

SP21-05 (August 2021)

Rules and Forms: Unlawful Detainer, Small Claims, and Pleading Forms to Implement New Laws (Adopt forms PLD-C-500, PLD-C-505, PLDC-520, SC-500, SC-500A, UD-125; approve form SC-500-INFO; revise forms SC-100, SC-103, SC-104B, UD-101, UD-105, and UD-120)

All comments are verbatim unless indicated by an asterisk (*).

List of All Commenters, Overall Positions on the Proposal, and General Comments				
	Commenter	Position	Comment	Committee Response
			<p>Community Legal Aid SoCal supports and recognizes the need for the proposed recommendations, adoption, approval, and revision of certain unlawful detainer, small claims, and civil pleading forms. In general, these modifications meet the various requirements of and conform to the provisions of Assembly Bill 832. However, the following comments are suggested.</p> <p>[See comments below on specific issues.]</p> <p>In conclusion, Community Legal Aid SoCal appreciates the work of the Judicial Council to revise the unlawful detainer, small claims, and civil pleading forms, and to provide information regarding COVID-19 rental debt cases to litigants. We believe the above-mentioned modifications will ensure litigants are better informed and prepared for the COVID-19 rental debt cases. Thank you for your time and attention on these important issues.</p>	
4.	Christine Copeland Commissioner Superior Court of Santa Clara County	NI	<p>Thank you for all of your hard work and for considering these comments. These comments are mine, and do not necessarily reflect the opinions of Santa Clara County Superior Court.</p> <p>[See comments below on specific issues.]</p>	The committee appreciates the comment.
5.	Eviction Defense Collaborative by Ora S. Prochovnick Director of Litigation and Policy San Francisco	NI	<p>I write on behalf of the Eviction Defense Collaborative (EDC) in response to the Judicial Council’s <i>Invitation to Comment SP21-05, Rules and Forms: Unlawful Detainer, Small Claims, and Pleading Forms to Implement New Laws</i>. We appreciate your diligence in working quickly to implement yet another complex set of laws to protect tenants during the ongoing COVID-19 pandemic. These forms are particularly critical</p>	The committee appreciates the information provided.

SP21-05 (August 2021)

Rules and Forms: Unlawful Detainer, Small Claims, and Pleading Forms to Implement New Laws (Adopt forms PLD-C-500, PLD-C-505, PLDC-520, SC-500, SC-500A, UD-125; approve form SC-500-INFO; revise forms SC-100, SC-103, SC-104B, UD-101, UD-105, and UD-120)

All comments are verbatim unless indicated by an asterisk (*).

List of All Commenters, Overall Positions on the Proposal, and General Comments				
	Commenter	Position	Comment	Committee Response
			<p>when many tenants will be facing eviction without legal counsel during this extended public health crisis. It is essential to ensure that the forms allow tenants a meaningful opportunity to assert relevant defenses, despite the extreme complexity of the protections. Thank you for the thoughtful approach you have taken to creating and revising these forms throughout the pandemic.</p> <p>Below we provide detailed comments regarding the new forms and revisions.</p> <p>[See comments below on specific issues.]</p> <p>Conclusion While intended to protect tenants, the additional complexities of the new COVID-19 laws will place unrepresented tenants at a disadvantage. We remain concerned about access to justice for people who receive an unlawful detainer and cannot access legal assistance. We appreciate your efforts to make these forms as accessible and comprehensive as possible. Thank you for your work, and for considering these comments. If you have any questions, please feel free to contact the undersigned.</p>	
6.	Law Offices of Michael P. Flattery by Michael P. Flattery Attorney Los Angeles	AM	Needs clarification. The Summary refers to "residential tenancies". Can these forms be used in "commercial tenancies." There are a lot of commercial landlords that need to be able to pursue deferred rent from tenants, and need to know if these forms can be used for that purpose. If so, on the forms or somewhere, it needs to say that the forms can be used for commercial and/or residential claims. I do understand that there is currently no rental assistance for commercial tenants	The committee notes that Code of Civil Procedure section 1179.02 excludes commercial tenancies from the definition of "COVID-19 rental debt" by expressly excepting "tenants of commercial property" from the definition of "tenant." Accordingly, the small claims and civil pleading forms

SP21-05 (August 2021)

Rules and Forms: Unlawful Detainer, Small Claims, and Pleading Forms to Implement New Laws (Adopt forms PLD-C-500, PLD-C-505, PLDC-520, SC-500, SC-500A, UD-125; approve form SC-500-INFO; revise forms SC-100, SC-103, SC-104B, UD-101, UD-105, and UD-120)

All comments are verbatim unless indicated by an asterisk (*).

List of All Commenters, Overall Positions on the Proposal, and General Comments				
	Commenter	Position	Comment	Committee Response
			and habitability and other potential defenses may not be available. The rights and responsibilities and commercial and residential tenants and landlords needs to be clearly identified/stated. The residential landlords and tenants are given information and direction. The commercial landlords and tenants need the same. Thank you	in the proposal do not apply to commercial tenancies. To alert filers that form PLD-C-500 cannot be used for actions to recovery commercial rental debt, an instruction has been added to the top of that proposed form.
7.	Housing Authority of the City of Los Angeles by Kito Robinson Smith Staff Attorney	AM	<p>The Judicial Council of California forms and instructions as drafted do not appear to contemplate use by or make any exceptions for public housing authorities (“PHA”). PHAs administer public housing programs pursuant to federal law, regulations, and guidance from the U.S. Department of Housing and Urban Development (“HUD”). There are direct conflicts with laws governing PHAs. The U.S. Supreme Court has recognized that “considerable weight should be accorded to an executive department’s construction of a statutory scheme it is entrusted to administer, and the principle of deference to administrative interpretations.” [FN i <i>Chevron, U.S.A. Inc. v Natural Resources Defense Council, Inc., et al.</i> (1984) 467 U.S. 837, 844, Attachment 1¹.] Moreover, deference should be given to HUD guidance when enforcing laws governing a public housing program.</p> <p>Comments: PHAs administer a federally-funded public housing program and are obligated to comply with federal laws and regulations. These laws and regulations cover such topics as what rent must be collected by PHAs and privacy protections for tenants. [FN ii Unlike private housing providers that may charge whatever rent the market can bear, PHAs subsidize the</p>	The committee appreciates the information provided.

¹ Links are provided to all the attachments that were included with the comment. Attachment 1 may be viewed at <https://www.loc.gov/item/usrep467837/>.

SP21-05 (August 2021)

Rules and Forms: Unlawful Detainer, Small Claims, and Pleading Forms to Implement New Laws (Adopt forms PLD-C-500, PLD-C-505, PLDC-520, SC-500, SC-500A, UD-125; approve form SC-500-INFO; revise forms SC-100, SC-103, SC-104B, UD-101, UD-105, and UD-120)

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			<p>housing provided and generally only charge rent based on a fixed percentage (30%) of a tenant’s income, down to a “minimum rent” that at the Housing Authority of the City of Los Angeles is only \$50 per month.] AB832 and other eviction moratoria conflict with these federal laws and regulations, and guidance by the U.S. Department of Housing and Urban Development.</p> <p>[See comments below on specific issues.]</p> <p>[Comments include numerous pages of attachments; hyperlinks to those attachments have been provided in lieu of the actual attachments.]</p>	
8.	Housing Authority of the City of San Buenaventura by Denise Wise Chief Executive Officer & Tiernan Dolan General Counsel	NI	<p>Thank you for the opportunity to comment on the proposed forms to be used in unlawful detainer actions after the California eviction moratorium ends. We are concerned that the forms do not contemplate the various exemptions from state law that public housing authorities (PHA) may claim when pursuing an unlawful detainer action. As discussed in more detail below, the various obligations of a plaintiff to pursue emergency rental assistance will place an irremediable conflict upon our PHA. We look forward to the Council resolving these issues in an even-handed manner that will allow PHAs to pursue an unlawful detainer action without having to violate Federal statutes and HUD regulations.</p> <p>[See comments below on specific issues.]</p> <p>[The remaining general comments are identical to those of the Housing Authority of the City of Los Angeles, except footnote</p>	The committee appreciates the information provided.

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Rules and Forms: Unlawful Detainer, Small Claims, and Pleading Forms to Implement New Laws (Adopt forms PLD-C-500, PLD-C-505, PLDC-520, SC-500, SC-500A, UD-125; approve form SC-500-INFO; revise forms SC-100, SC-103, SC-104B, UD-101, UD-105, and UD-120)

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			ii refers to the “Housing Authority of the City of San Buenaventura.”]	
9.	Housing Authority of the County of Contra Costa by Joseph Villareal Executive Director	N	[Comments are identical to those of the Housing Authority of the City of San Buenaventura, except that attachments were not provided.]	The committee appreciates the information provided.
10.	Housing Now! by Francisco Duenas Executive Director	NI	<p>Housing Now! California writes in response to the Judicial Council’s <i>Invitation to Comment SP21-05, Rules and Forms: Unlawful Detainer, Small Claims, and Pleading Forms to Implement New Laws</i>.</p> <p>We appreciate your diligence in working quickly to implement yet another complex set of laws to protect tenants during the ongoing COVID-19 pandemic. As you know, these forms are particularly critical when many tenants will be facing eviction without legal counsel during this extended public health crisis. It is essential to ensure that the forms allow tenants a meaningful opportunity to assert relevant defenses, despite the extreme complexity of the protections. Thank you for the thoughtful approach you have taken to creating and revising these forms throughout the pandemic.</p> <p>Below we provide detailed comments regarding the new forms and revisions.</p> <p>[See comments below on specific issues.]</p> <p>Conclusion While intended to protect tenants, the additional complexities</p>	The committee appreciates the information provided.

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			of the new COVID-19 laws will place unrepresented tenants at a disadvantage. We remain concerned about access to justice for people who receive an unlawful detainer and cannot access legal assistance. We appreciate your efforts to make these forms as accessible and comprehensive as possible. Thank you for your work, and for considering these comments. If you have any questions, please feel free to contact [the undersigned*]. ²	
11.	Law Foundation of Silicon Valley by Jane Wong Staff Attorney San Jose	NI	<p>Law Foundation of Silicon Valley writes in response to the Judicial Council’s <i>Invitation to Comment SP21-05, Rules and Forms: Unlawful Detainer, Small Claims, and Pleading Forms to Implement New Laws</i>. We appreciate your diligence in working quickly to implement yet another complex set of laws to protect tenants during the ongoing COVID-19 pandemic. As discussed in our prior comment letters, these forms are particularly critical when many tenants will be facing eviction without legal counsel during this extended public health crisis. As before, it is essential to ensure that the forms allow tenants a meaningful opportunity to assert relevant defenses, despite the extreme complexity of the protections. Thank you for the thoughtful approach you have taken to creating and revising these forms throughout the pandemic.</p> <p>Below we provide detailed comments regarding the new forms and revisions.</p> <p>[See comments below on specific issues.]</p>	The committee appreciates the information provided.

² Personal email or phone numbers of the commenters has been redacted from all comments.

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Rules and Forms: Unlawful Detainer, Small Claims, and Pleading Forms to Implement New Laws (Adopt forms PLD-C-500, PLD-C-505, PLDC-520, SC-500, SC-500A, UD-125; approve form SC-500-INFO; revise forms SC-100, SC-103, SC-104B, UD-101, UD-105, and UD-120)

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			<p>Conclusion While intended to protect tenants, the additional complexities of the new COVID-19 laws will place unrepresented tenants at a disadvantage. We remain concerned about access to justice for people who receive an unlawful detainer and cannot access legal assistance. We appreciate your efforts to make these forms as accessible and comprehensive as possible. Thank you for your work, and for considering these comments. If you have any questions, please feel free to contact [the undersigned*].</p>	
12.	Legal Aid Foundation of Los Angeles by Kelsey Atkinson Staff Attorney, Renters Small Claims Project	NI	<p>The Legal Aid Foundation of Los Angeles (LAFLA) reviewed the proposed new and revised forms in response to <i>Invitation to Comment SP21-05, Rules and Forms: Unlawful Detainer, Small Claims, and Pleading Forms to Implement New Laws</i>. We appreciate your diligence in working quickly to implement the latest set of laws during the ongoing COVID-19 pandemic. It is critical that the rights of tenants and low-income litigants be protected and preserved in responding to this crisis. We thank the Civil and Small Claims Advisory Committee for its efforts to provide tenants with meaningful opportunities to defend against eviction and COVID-19 rental debt suits through the new and revised forms.</p> <p>LAFLA agrees with the proposed changes if modified as described below.</p> <p>[See comments below on specific issues.]</p> <p>Conclusion While intended to protect tenants, the additional complexities</p>	The committee appreciates the information provided.

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List of All Commenters, Overall Positions on the Proposal, and General Comments				
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			of the new COVID-19 laws will place unrepresented tenants at a disadvantage. We remain concerned that people who receive an unlawful detainer summons or are sued for COVID-19 rental debt will not be able to access legal assistance. We appreciate your efforts to make these forms as accessible and comprehensive as possible. Thank you for your work, and for considering these comments. If you have any questions, please feel free to contact us.	
13.	Legal Aid Society of San Diego, Inc. by Gregory E. Knoll, Esq. CEO/Executive Director/Chief Counsel	NI	<p>Legal Aid Society of San Diego is writing this letter in response to the Judicial Council’s <i>Invitation to Comment SP21-05, Rules and Forms: Unlawful Detainer, Small Claims, and Pleading Forms to Implement New Laws</i>. We appreciate your diligence in working quickly to implement yet another complex set of laws to protect tenants during the ongoing COVID-19 pandemic. As discussed in our prior comment letters, these forms are particularly critical when many tenants will be facing eviction without legal counsel during this extended public health crisis. As before, it is essential to ensure that the forms allow tenants a meaningful opportunity to assert relevant defenses, despite the extreme complexity of the protections. Thank you for the thoughtful approach you have taken to creating and revising these forms throughout the pandemic.</p> <p>Below we provide detailed comments regarding the new forms and revisions.</p> <p>[See comments below on specific issues.]</p> <p>Conclusion</p>	The committee appreciates the information provided.

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			While intended to protect tenants, the additional complexities of the new COVID-19 laws will place unrepresented tenants at a disadvantage. We remain concerned about access to justice for people who receive an unlawful detainer and cannot access legal assistance. We appreciate your efforts to make these forms as accessible and comprehensive as possible. Thank you for your work, and for considering these comments.	
14.	Neighborhood Legal Services of Los Angeles County by Ana Maria Garcia Vice President of Access to Justice Initiatives	NI	I hope you are doing well and staying safe. I am once again imposing on you to please pass along this feedback to the working group on Small Claims actions to recover the COVID-19 rental arrears. There has been lots of work done on this process and one of our experienced litigators brought to me some feedback that I found compelling. I thought the best way to convey it was to ask you to forward it on for us. I have attached five documents that I will refer to throughout this e-mail. [See comments below on specific issues.]	
	by Michael Massmann Consumer/Bankruptcy Attorney	A	In general, I think the forms are great and will go a long way toward helping the courts, advocates, and litigants deal with the expected influx of actions related to Covid-19 rental debt. [See comments below on specific issues.]	The committee notes the commenter's agreement with the proposal.
	by Trinidad Ocampo Supervising Attorney	NI	Neighborhood Legal Services of Los Angeles County writes in response to the Judicial Council's <i>Invitation to Comment SP21-05, Rules and Forms: Unlawful Detainer, Small Claims, and Pleading Forms to Implement New Laws</i> . We appreciate your diligence in working quickly to implement yet another complex set of laws to protect tenants during the ongoing	The committee appreciates the information provided.

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			<p>COVID-19 pandemic. As discussed in our prior comment letters, these forms are particularly critical when many tenants will be facing eviction without legal counsel during this extended public health crisis. As before, it is essential to ensure that the forms allow tenants a meaningful opportunity to assert relevant defenses, despite the extreme complexity of the protections. Thank you for the thoughtful approach you have taken to creating and revising these forms throughout the pandemic.</p> <p>Below we provide detailed comments regarding the new forms and revisions.</p> <p>[See comments below on specific issues.]</p> <p>Conclusion While intended to protect tenants, the additional complexities of the new COVID-19 laws will place unrepresented tenants at a disadvantage. We remain concerned about access to justice for people who receive an unlawful detainer and cannot access legal assistance. We appreciate your efforts to make these forms as accessible and comprehensive as possible. Thank you for your work, and for considering these comments. If you have any questions, please feel free to contact [the undersigned*].</p>	
15.	<p>OneJustice by Phil Hwang Chief Executive Officer San Francisco</p> <p>Jointly with:</p>	AM	<p>We, Legal Aid Foundation of Los Angeles (LAFLA) and OneJustice, express our support for SP21-05 and the proposed changes to the small claims forms if modified.</p> <p>OneJustice is a legal nonprofit organization in California that brings life-changing legal help to low-income</p>	The committee appreciates the information provided.

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Rules and Forms: Unlawful Detainer, Small Claims, and Pleading Forms to Implement New Laws (Adopt forms PLD-C-500, PLD-C-505, PLDC-520, SC-500, SC-500A, UD-125; approve form SC-500-INFO; revise forms SC-100, SC-103, SC-104B, UD-101, UD-105, and UD-120)

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	Legal Aid Foundation of Los Angeles by Kelsey Atkinson Staff Attorney, Renters Small Claims Project		<p>communities by transforming the civil legal aid system. We are committed to increasing access to justice for low-income Californians through our innovative programs. Through OneJustice’s pro bono programs, we partner with law firms, law schools, corporations, stakeholders, community-based organizations, and legal services organizations and coordinate free legal clinics in rural and isolated communities throughout California.</p> <p>LAFLA is a nonprofit law firm that protects and advances the rights of the most underserved - leveling the playing field and ensuring everyone can have access to the justice system. Every year, LAFLA provides free, high-quality legal services to more than 100,000 people living in poverty across the Greater Los Angeles Area. We change lives through direct representation, systems change, and community education.</p> <p>In the wake of the COVID-19 pandemic, hundreds of thousands of tenants were faced with job losses and wage losses. Nearly 900,000 households in California are currently behind on rent. Once the current moratorium on evictions are lifted many landlords will seek to sue tenants in small claims courts to get back rent owed. Unlike general civil litigation cases, individuals defending themselves in small claims court cannot be represented by an attorney, and most are not familiar with the court system or the applicable laws to present their best defense. Low-income renters are at a disadvantage, in danger of becoming homeless, and risk falling into long-term debt based on the outcome of their case in a small claims court.</p>	

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			<p>In January 2021, OneJustice launched the Small Claims/Back Rent Project to prevent widespread homelessness by assisting and providing technical support to Legal Services Organizations (LSOs) providing housing and consumer debt legal services to clients. As a result of discussions among a working group of concerned LSOs, including LAFLA, the OneJustice Small Claims/Back Rent Project developed a Small Claims/Back Rent Clinic Toolkit. The toolkit is designed to assist LSOs in preparing tenants to present the best defense possible in their small claims court hearing.</p> <p>LAFLA and OneJustice are currently working together to develop a small claims/ back rent clinic model. The Toolkit and clinic model will be replicated by LSOs assisting tenants who have been sued or may be sued for back rent owed in small claims court. We will pilot the clinic model and will share best practices with LSO's across the state.</p> <p>The proposed changes to the small claims forms will have a significant impact on low-income renters throughout California. Tenants who are experiencing a legal crisis may not be familiar with the court system, procedures, their rights, or the applicable laws to present their best defense. The proposed changes will ensure the forms are designed to continue expanding certain rights of defendants, require courts to handle actions to recover COVID-19 rental debt in small claims court, and clarify the imposed new requirements on plaintiffs. The proposed changes to the small claims forms are in the right direction, yet we believe there are additional</p>	

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Rules and Forms: Unlawful Detainer, Small Claims, and Pleading Forms to Implement New Laws (Adopt forms PLD-C-500, PLD-C-505, PLDC-520, SC-500, SC-500A, UD-125; approve form SC-500-INFO; revise forms SC-100, SC-103, SC-104B, UD-101, UD-105, and UD-120)

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			<p>changes that can be made to fully meet the criteria set forth by legislation AB 832.</p> <p>To ensure the small claims court forms are user friendly and to provide additional guidance with small claims court procedures and rules, we propose the following modifications:</p> <p>[See comments below on specific issues.]</p> <p>We, LAFLA and OneJustice, express our support for SP21-05 and the proposed changes to the small claims forms if modified. Our proposed changes will allow defendants in small claims court to navigate the court system with confidence and limit the burden of court complexities and procedures.</p> <p>Thank you for your commitment to equity and supporting access to justice for all Californians. Please do not hesitate to contact us if you have questions or wish to discuss further.</p>	
16.	Public Advocates by Shajuti Hossain Staff Attorney San Francisco	NI	Public Advocates writes in response to the Judicial Council’s <i>Invitation to Comment SP21-05, Rules and Forms: Unlawful Detainer, Small Claims, and Pleading Forms to Implement New Laws</i> . We appreciate your diligence in working quickly to implement another complex set of laws to protect tenants during the ongoing COVID-19 pandemic. As discussed in our prior comment letters, these forms are particularly critical when many tenants will be facing eviction without legal counsel during this extended public health crisis. As before, it is essential to ensure that the forms allow tenants a meaningful opportunity to assert relevant defenses, despite the extreme	The committee appreciates the information provided.

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			<p>complexity of the protections. Thank you for the thoughtful approach you have taken to creating and revising these forms throughout the pandemic.</p> <p>Below we provide detailed comments regarding the new forms and revisions.</p> <p>[See comments below on specific issues.]</p> <p>Conclusion While intended to protect tenants, the additional complexities of the new COVID-19 laws will disadvantage unrepresented tenants. We are concerned about access to justice for such tenants. We appreciate your efforts to make these forms as accessible and comprehensive as possible. Thank you for your work, and for considering these comments.</p>	
17.	Public Counsel by Nisha Kashyap Staff Attorney, Consumer Rights & Economic Justice Los Angeles	NI	<p>Public Counsel has reviewed the proposed forms, and appreciates the opportunity to submit the comments below.</p> <p>Public Counsel is the nation’s largest public interest law firm specializing in delivering pro bono legal services to low-income communities. In 2020, Public Counsel’s staff and 3,000 volunteers provided legal services to 19,000 people and 150 nonprofit organizations. We routinely assist tenants facing evictions and consumers facing debt collection lawsuits, and serve a diverse client community including individuals with limited English proficiency, individuals with disabilities, and older adults. Our comments are informed by our expertise in these areas.</p>	The committee appreciates the information provided.

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			<p>[See comments below on specific issues.]</p> <p>Finally, we recommend that the Judicial Council provide all of the above-referenced forms in Spanish and the other languages most commonly spoken in California.</p> <p>Thank you for your consideration.</p>	
18.	Martha E. Romero Attorney Whittier	NI	<p>1. There do not appear to be instructions if the landlord brings a suit under regular unlawful detainer because there has been no mention of covid distress. However, after served or at the court hearing or at some later time the tenant delivers a much late Covid financial distress notice. Landlord has already filed and paid fees etc. How do they convert the UD case to a Covid debt suit?</p> <p>2. Will there be a list of agencies/other that can give rental assistance posted in each County of the court website or some other place? The internet is not necessarily the best place to locate other agencies other than state assistance?</p> <p>3. Having all the forms for either the Covid rental debt or regular UD can be confusing. Will there be packets? or listing of all the forms needed for each type of case?</p>	<p>To the extent the commenter suggests adding information on “converting” an unlawful detainer case into a COVID-19 rental debt collection case, the committee declines to do so because the law does not provide a means for such a conversion.</p> <p>This comment is beyond the purview of the committee.</p> <p>The committee notes that the California Courts website contains information for self-represented litigants in unlawful detainer cases in English and Spanish, and the Judicial Council has maintained a special page that tracks the various legislative changes in this area and the resultant addition and modification of council forms. Otherwise, this comment is</p>

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				beyond the purview of the committee.
19.	San Francisco Antidisplacement Coalition by Anastasia Yovanopoulos Member	NI	<p>The San Francisco Antidisplacement Coalition writes in response to the Judicial Council’s <i>Invitation to Comment SP21-05, Rules and Forms: Unlawful Detainer, Small Claims, and Pleading Forms to Implement New Laws</i>. We appreciate your diligence in working quickly to implement yet another complex set of laws to protect tenants during the ongoing COVID-19 pandemic. These forms are particularly critical when many tenants will be facing eviction without legal counsel during this extended public health crisis. It is essential to ensure that the forms allow tenants a meaningful opportunity to assert relevant defenses, despite the extreme complexity of the protections. Thank you for the thoughtful approach you have taken to creating and revising these forms throughout the pandemic.</p> <p>While intended to protect tenants, the additional complexities of the new COVID-19 laws will place unrepresented tenants at a disadvantage. We remain concerned about access to justice for people who receive an unlawful detainer and cannot access legal assistance. Below are our detailed comments regarding the new forms and revisions.</p> <p>[See comments below on specific issues.]</p> <p>We appreciate your efforts to make these forms as accessible and comprehensive as possible. Thank you for your work, and for considering these comments.</p>	The committee appreciates the information provided.
20.	Gary Starre Attorney	N	[See comments below on specific issues.]	

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	Encino			
21.	Melissa Stewart Superior Court of San Bernadino County District Manager I	AM	[See comments below on specific issues.]	
22.	Superior Court of Riverside County by Susan D. Ryan Chief Deputy of Legal Services	NI	Generally, the new forms and revisions appear to be about as user friendly as previous forms. They comply to the new law. Suggestions are offered below of specified forms to improve accuracy or utility for the lay person. [See comments below on specific issues.]	The committee appreciates the information provided.
23.	Superior Court of San Diego County by Mike Roddy Court Executive Officer	AM	[See comments below on specific issues.]	
24.	Western Center on Law & Poverty by Lorraine Lopez Senior Attorney Los Angeles Jointly with: California Rural Legal Assistance Foundation; Legal Services of Northern California; Bay Area Legal Aid; Public Law Center; and East Bay Community Law Center	NI	Western Center on Law & Poverty, California Rural Legal Assistance Foundation, Legal Services of Northern California, Bay Area Legal Aid, Public Law Center, and East Bay Community Law Center write in response to the Judicial Council’s <i>Invitation to Comment SP21-05, Rules and Forms: Unlawful Detainer, Small Claims, and Pleading Forms to Implement New Laws</i> . We appreciate your diligence in working quickly to implement yet another complex set of laws to protect tenants during the ongoing COVID-19 pandemic. As discussed in our prior comment letters, these forms are particularly critical when many tenants will be facing eviction without legal counsel during this extended public health crisis. As before, it is essential to ensure that the forms allow tenants a meaningful opportunity to assert relevant defenses, despite the extreme complexity of the protections. Thank you for the	The committee appreciates the information provided.

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			<p>thoughtful approach you have taken to creating and revising these forms throughout the pandemic.</p> <p>Below we provide detailed comments regarding the new forms and revisions.</p> <p>[See comments below on specific issues.]</p> <p>Conclusion While intended to protect tenants, the additional complexities of the new COVID-19 laws will place unrepresented tenants at a disadvantage. We remain concerned about access to justice for people who receive an unlawful detainer and cannot access legal assistance. We appreciate your efforts to make these forms as accessible and comprehensive as possible. Thank you for your work, and for considering these comments. If you have any questions, please feel free to contact [the undersigned*].</p>	
25.	Jane Wong Attorney San Jose	NI	[See comments below on specific issues.]	

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<i>Plaintiff's Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer (Form UD-101)</i>		
Commenter	Comment	Committee Response
Asian Americans Advancing Justice – Asian Law Caucus	<p>The rapidly changing and complex eviction laws make it difficult to create simple forms that will allow pro se litigants a meaningful opportunity to assert these protections. Our comments on the forms below are primarily aimed at simplifying the language to make it easier for litigants to understand.</p> <p>Several parts of the form would benefit from rewording to simplify the language. We suggest changing the second paragraph in the caption to read “To obtain a summons in an unlawful detainer action for nonpayment of rent on a residential property filed before March 31, 2022, a plaintiff must verify that the plaintiff applied for governmental rental assistance, which was not granted, or that the tenancy began after September 30, 2021. (See item 3.)” This simplifies the sentence and makes it more readable.</p> <p>We also suggest rewording the third paragraph in the caption to read “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 accrued afterward, that no application is pending for such assistance, and that no application for such assistance has been approved. To obtain a default judgment, plaintiff must use Verification by Landlord Regarding Rental Assistance (form UD-120) to make this verification and provide other information required by statute.” This simplifies the sentence, removes passive voice, and clarifies that the plaintiff may not obtain a judgment if they have received rental assistance, if an application is pending, <i>or</i> if an application is approved.</p> <p>The language in paragraph 3(c)(1) could more closely mirror CCP § 1179.11(a)(1)(B) by including where the decision came from. We suggest changing it to “a copy of a final decision from the pertinent government rental</p>	<p>In light of this comment, the language in the second paragraph of the caption has been simplified in the proposal.</p> <p>In light of this comment, the language in the third paragraph of the caption has been simplified in the proposal. The committee declines to change “accruing” to “accrued” as Health and Safety Code section 50897.3(e)(2) uses “accruing.” Similarly, that section, or any other section, does not contain a requirement that plaintiff verify that no application for rental assistance has been approved, and accordingly the committee declines that suggestion as well.</p> <p>The committee concluded that the additional language does not make the instruction clearer, and so declines the suggestion.</p>

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Rules and Forms: Unlawful Detainer, Small Claims, and Pleading Forms to Implement New Laws (Adopt forms PLD-C-500, PLD-C-505, PLDC-520, SC-500, SC-500A, UD-125; approve form SC-500-INFO; revise forms SC-100, SC-103, SC-104B, UD-101, UD-105, and UD-120)

All comments are verbatim unless indicated by an asterisk (*).

<i>Plaintiff's Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer (Form UD-101)</i>		
Commenter	Comment	Committee Response
	<p>assistance program denying the assistance” or “a copy of a final decision from the pertinent governmental agency”.</p> <p>In the note below paragraph 3(c)(1), we suggest adding a citation for the definition of a final decision. The note outlines what is not a final decision, but this is not exhaustive of what does or does not meet the definition. Language can include: (See Code of Civ. Proc., § 1179.09(d) to learn more about what “final decision” means.) This language also closely mirrors language from 3b on page 1 on defining “initially established.”</p> <p>In paragraph 3(c)(2), after “the following are true” we suggest adding “(See Health & Safety § 50897 to learn more about what a “completed application” is.)” This tracks with CCP § 1179.11(a)(2)(A) where it states, “Before filing the complaint, the landlord submitted a completed application, as defined in Section 50897 of the Health and Safety Code...”</p> <p>The language in paragraph 3(c)(2)(b) could be more specific to better align with CCP § 1179.11(a)(2)(C). We suggest changing the language to “Plaintiff has not received a notice or obtained verification from the governmental agency that defendant submitted a completed application for rental assistance.” Currently, the form does not include language about obtaining verification as an alternative to notice.</p> <p>For paragraph 8(a), we suggest several changes. First, for clarity please change “September notice” caption to “September 2020 notice”.</p> <p>Second, we recommend changing “Plaintiff provided the required notice” to “On or before September 30, 2021, Plaintiff provided the required notice”</p>	<p>In light of this comment, item 3(c)(1) now includes a citation to Code of Civil Procedure section 1179.09(d), but declines to add “to learn more about what ‘final decision’ means” as it is unnecessary.</p> <p>The committee concluded that a broad citation is unlikely to be helpful, and so declines the suggestion.</p> <p>In light of this comment, item 3(c)(2)(b) now refers to “<i>any</i> notice from the governmental agency,” which covers “obtained verification” in the statute, as plaintiff is unable to obtain verification without some notice from the agency.</p> <p>The committee has made this change in the proposal.</p> <p>The committee declines this suggestion as subitems (1) and (2) already require the</p>

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Rules and Forms: Unlawful Detainer, Small Claims, and Pleading Forms to Implement New Laws (Adopt forms PLD-C-500, PLD-C-505, PLDC-520, SC-500, SC-500A, UD-125; approve form SC-500-INFO; revise forms SC-100, SC-103, SC-104B, UD-101, UD-105, and UD-120)

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<i>Plaintiff's Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer (Form UD-101)</i>		
Commenter	Comment	Committee Response
	<p>because it makes it clear that plaintiff had to provide notice within the time frame set forth in CCP § 1179.04(a).</p> <p>Third, we believe the date range is incorrect and should refer to August 31, 2020 rather than August 30, 2020. Finally, please delete the 7a reference in “defendants identified in 6a or 7a as follows” because this section of the form refers to the September 2020 notice which would not include the transition time period.</p> <p>Under paragraph 8(a)(5) we recommend changing “September notice” to “September 2020 notice” to mirror the language above. We also suggest including a blank space for the plaintiff to explain why plaintiff was not required to serve notice on the named defendant(s), to avoid plaintiffs erroneously checking this box.</p> <p>For paragraph 8(b), we suggest several changes. First, for clarity please change “February notice” caption to “February 2021 notice”.</p> <p>Second, we recommend changing “Plaintiff provided the required notice” to “On or before February 28, 2021, Plaintiff provided the required notice” to make it clear that plaintiff had to provide notice within the time frame set forth in CCP § 1179.04(b).</p> <p>Third, we believe the date range should be changed to a “time between March 1, 2020, and January 31, 2021.” Ending on February 1 suggests that plaintiff can ask for February 2021 rent when this section relates to rental payments due between March 2020 and January 2021.</p>	<p>plaintiff to provide the date on which the notice was provided.</p> <p>The committee has corrected these errors.</p> <p>In light of this comment, item 8(a)(5) now refers to the “September 2020 notice” in the proposal. However, the committee declines to add a blank space to item 8(a)(5) as it is unlikely to yield additional relevant information.</p> <p>The committee has made such a change in the proposal.</p> <p>The committee declines this suggestion as subitems (1) and (2) already require the plaintiff to provide the date on which the notice was provided.</p> <p>In light of this comment, the date range now reads “after March 1, 2020.”</p>

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Rules and Forms: Unlawful Detainer, Small Claims, and Pleading Forms to Implement New Laws (Adopt forms PLD-C-500, PLD-C-505, PLDC-520, SC-500, SC-500A, UD-125; approve form SC-500-INFO; revise forms SC-100, SC-103, SC-104B, UD-101, UD-105, and UD-120)

All comments are verbatim unless indicated by an asterisk (*).

<i>Plaintiff's Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer (Form UD-101)</i>		
Commenter	Comment	Committee Response
	<p>Under paragraph 8(b)(5) we recommend changing “February notice” to “February 2021 notice” to mirror the language above. We also suggest including a blank space for the plaintiff to explain why the plaintiff was not required to serve notice on the named defendant(s), to avoid plaintiffs erroneously checking this box.</p> <p>For paragraph 8(c), we suggest several changes. First, for clarity please change “July notice” to “July 2021 notice”.</p> <p>Second, we recommend changing “Plaintiff provided the required notice” to “On or before July 31, 2021, Plaintiff provided the required notice” because it makes it clear to plaintiff that they had to provide it within that time frame and it tracks with CCP § 1179.04(c).</p> <p>Third, we believe the date range should be listed as “time between March 1, 2020, and June 30, 2021”.</p> <p>Under paragraph 8(c)(5) we recommend changing “July notice” to “July 2021 notice” to mirror the language above. We also suggest including a blank space for the plaintiff to explain why plaintiff was not required to serve notice on the named defendant(s), to avoid plaintiffs erroneously checking this box.</p>	<p>In light of this comment, item 8(b)(5) now refers to the “February 2021 notice” in the proposal. However, the committee declines to add a blank space to item 8(a)(5) as it is unlikely to yield additional relevant information.</p> <p>The committee has made such a change in the proposal.</p> <p>The committee declines this suggestion as subitems (1) and (2) already require the plaintiff to provide the date on which the notice was provided. Additionally, section 1179.04(e)(4) specifically permits the July 2021 notice to be provided until September 30, 2021.</p> <p>In light of this comment, the date range now reads “after March 1, 2020.”</p> <p>In light of this comment, item 8(c)(5) now refers to the “July 2021 notice” in the proposal. However, the committee declines to add a blank space to item 8(a)(5) as it is unlikely to yield additional relevant information</p>
California Apartment Association	In Section 2(b) , there is a missing word: “This action is based, in whole or in part, on an alleged default <u>in</u> payment of rent or other charges.”	The committee has corrected this error.

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Rules and Forms: Unlawful Detainer, Small Claims, and Pleading Forms to Implement New Laws (Adopt forms PLD-C-500, PLD-C-505, PLDC-520, SC-500, SC-500A, UD-125; approve form SC-500-INFO; revise forms SC-100, SC-103, SC-104B, UD-101, UD-105, and UD-120)

All comments are verbatim unless indicated by an asterisk (*).

<i>Plaintiff’s Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer (Form UD-101)</i>		
Commenter	Comment	Committee Response
	<p>Section 3(c)(2)(a) refers to a “three-day notice to pay rent or quit.” However, AB 843 refers to “the three-day notice underlying the complaint.” period (Code of Civ. Proc. § 1179.11 (a)(2)(B)(ii)). Since AB 832 covers not only rent – but other financial obligations, the three-day notice may be a three-day notice to perform conditions/covenants or quit, served under Code of Civ. Proc. § 1161(3), as result a result of the tenant’s failure to pay non-rent charges such as for utilities, parking or storage, or to pay the landlord for damage to the unit as required by the rental agreement. CAA recommends that the language from the statute be used.</p> <p>Section 7(d) refers to “rent due.” However, Code of Civ. Proc. § 1179.03(g)(2)(B) requires payment of 25% of the “transition rental payment demanded.” This term is not limited to rent – rather it includes rent and other financial obligations of the tenant under the tenancy that came due during the transition period. CAA recommends that subsection 7(d) refer to “rent or other financial obligations” as in the heading for Section 7.</p>	<p>In light of this comment, item 3(c)(2)(a) now refers to “the three-day notice underlying the complaint.”</p> <p>The committee has made such a change in the proposal.</p>
Eviction Defense Collaborative	[Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus.
Housing Now!	[Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus.
Law Foundation of Silicon Valley	[Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus.
Legal Aid Foundation of Los Angeles	[Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus.
Legal Aid Society of San Diego, Inc.	[Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus.
Neighborhood Legal Services of Los Angeles County by Trinidad Ocampo Supervising Attorney	[Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus.

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Rules and Forms: Unlawful Detainer, Small Claims, and Pleading Forms to Implement New Laws (Adopt forms PLD-C-500, PLD-C-505, PLDC-520, SC-500, SC-500A, UD-125; approve form SC-500-INFO; revise forms SC-100, SC-103, SC-104B, UD-101, UD-105, and UD-120)

All comments are verbatim unless indicated by an asterisk (*).

<i>Plaintiff's Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer (Form UD-101)</i>		
Commenter	Comment	Committee Response
Public Advocates	[Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus.
San Diego Eviction Prevention Collaborative	[Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus.
San Francisco Antidisplacement Coalition	[Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus.
Gary Starre	If a landlord did not give one of the 3 required notices under CCP 1179.04, has he lost the right to evict a tenant, or even collect from the tenant? There needs to be a method to apply for relief from that forfeiture.	Determining whether failure to provide one or more of the required notices prevents eviction, and creating a process to apply for relief from that potential consequence is beyond the purview of the committee.
Superior Court of Riverside County	<p>1. Page 2, Item #3c(2)(b)</p> <p>Per CCP 1179.11 (a)(2)(C), a plaintiff's statement can include that "The landlord has not received notice or obtained verification from the pertinent government rental assistance program..." The verification option should be included.</p> <p>2. Page 3-4, Item #8</p> <p>Checkboxes should precede each option so plaintiff can indicate which applies.</p> <p>a. ___ September notice. ... b. ___ February notice. ... c. ___ July notice.</p>	<p>In light of this comment, item 3(c)(2)(b) now refers to "any notice from the governmental agency," which covers "obtained verification" in the statute, as plaintiff is unable to obtain verification without some notice from the agency.</p> <p>The committee declines this proposal as subitem (5) below each notice permits plaintiff to allege that they were not required to serve the notice.</p>
Western Center on Law & Poverty with:	[Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus.

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Rules and Forms: Unlawful Detainer, Small Claims, and Pleading Forms to Implement New Laws (Adopt forms PLD-C-500, PLD-C-505, PLDC-520, SC-500, SC-500A, UD-125; approve form SC-500-INFO; revise forms SC-100, SC-103, SC-104B, UD-101, UD-105, and UD-120)

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<i>Plaintiff's Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer (Form UD-101)</i>		
Commenter	Comment	Committee Response
California Rural Legal Assistance Foundation; Legal Services of Northern California; Bay Area Legal Aid; Public Law Center; and East Bay Community Law Center		

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Rules and Forms: Unlawful Detainer, Small Claims, and Pleading Forms to Implement New Laws (Adopt forms PLD-C-500, PLD-C-505, PLDC-520, SC-500, SC-500A, UD-125; approve form SC-500-INFO; revise forms SC-100, SC-103, SC-104B, UD-101, UD-105, and UD-120)

All comments are verbatim unless indicated by an asterisk (*).

<i>Answer—Unlawful Detainer (Form UD-105)</i>		
Commenter	Comment	Committee Response
Asian Americans Advancing Justice – Asian Law Caucus	<p>In general, because of the high number of unrepresented litigants, and particularly litigants who are limited in limited English proficiency, we would recommend simplifying sections of UD-105 to help self-represented litigants understand the affirmative defenses on the UD-105 form. This will ensure that pro per litigants are able to determine whether it applies to their eviction situation, and if so, check the box so that they are not unfairly deprived of the opportunity to raise the defense to the court.</p> <p>For paragraph 3(n)(1), an explanation is needed for the phrase “other required content,” that follows the sentence: “Plaintiff’s notice to quit did not contain the required contact information for the pertinent governmental rental assistance program, “or other required content.” For self-represented litigants, this phrasing is vague and confusing. We would recommend that the Judicial Council provide an example of what is meant by the phrase to help the self-represented litigant understand what that phrase means so they may determine whether the affirmative defense applies to their situation.</p> <p>We suggest adding Civil Code §1632 (California Language Translation Act) to paragraph 3(n)(2): “Plaintiff did not translate the statutorily required notice to quit as required by statute. (Code Civ. Proc. 1179.10(a)(2)(D)).”</p> <p>Paragraph 3(p) contains minor errors and is worded in a confusing way. We suggest editing paragraph 3(p)(1) in simplified language to state: “Plaintiff received or has applied for rental assistance for the amount claimed in the notice to pay rent or quit. (Health & Saf. Code, §§ 50897.1(d)(2)(B) and 50897.3(e)(2).)</p>	<p>The committee declines this suggestion as after reviewing the affirmative defenses the committee did not determine that any changes were appropriate.</p> <p>In light of the comment, the end of item 3(n)(1) now reads, “or the other content required in Code of Civil Procedure section 1179.10(a).” Providing examples of some but not all required content may confuse defendants and there is insufficient room to provide all required content.</p> <p>In light of this and other comments, item 3(n)(2) now reads, “Plaintiff’s notice to quit did not include a translation of the statutorily-required notice. (Code Civ. Proc., § 1179.10(a)(2) and Civ. Code, § 1632.)”</p> <p>The committee declines this suggestion as plaintiff may have applied for assistance and been denied, in which case defendant would not have a defense.</p>

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Rules and Forms: Unlawful Detainer, Small Claims, and Pleading Forms to Implement New Laws (Adopt forms PLD-C-500, PLD-C-505, PLDC-520, SC-500, SC-500A, UD-125; approve form SC-500-INFO; revise forms SC-100, SC-103, SC-104B, UD-101, UD-105, and UD-120)

All comments are verbatim unless indicated by an asterisk (*).

Answer—Unlawful Detainer (Form UD-105)

Commenter	Comment	Committee Response
	<p>Paragraph 3(p)(2) should replace the word accruing with “rent the tenant owes”: Plaintiff received or has applied for rental assistance from the State Rental Assistance Program for rent the tenant owes since the notice to pay rent or quit. (Health & Saf. Code 50897.1(d)(2)(B) and 50897.3(e)(2).)</p> <p>Paragraph 3(p)(3) states “Plaintiff’s demand for payment includes late fees charged for defendant’s failure to remit a rental assistance payment to landlord within 15 business days. (Health & Saf. Code, § 50897.1(e)(2)(B).)” Remit is not a commonly used word and this subsection would be easier to understand if the word “remit,” is replaced with “pay.” Plaintiff’s demand for payment includes late fees charged for defendant’s failure to <i>pay</i> rental assistance to landlord within 15 business days. (Health & Saf. Code 50897.1(e)(2)(B).)</p> <p>Lastly, we disagree with the Judicial Council’s recommendation to remove all of the eviction protections under federal law. While many of the protections are likely to end by the time that tenants being evicted from their homes use the updated UD-105 form, there is one protection that the Judicial Council has removed from the UD-105 which still remains, and that is the protection under the CARES Act, Section 4024(c), which is still in effect for tenants in covered housing, and that requires the expiration of a 30-day notice to quit before eviction commences. This is a necessary affirmative defense that we have used to keep families, survivors of domestic violence, and individuals in low-income communities housed during this pandemic. Presently, this defense is in UD-105 at paragraph 3(q). We would respectfully request that the Judicial Council add this back to the Defenses and objections section of UD-105 since those protections have not expired as Congress made those protections permanent in the reauthorization of the CARES Act.</p>	<p>The committee declines this suggestion as the Health and Safety Code uses the word “accruing.”</p> <p>In light of this comment and others, item 3(p)(3) now reads, “Plaintiff’s demand for possession is based only on late fees for defendant’s failure to provide landlord payment within 15 days of receiving government rental assistance. (Health & Saf. Code, § 50897.1(e)(2)(B).)” The committee notes that Health and Safety Code section 50897.1(e)(2)(B) uses the word, “provide.”</p> <p>In light of this comment, item 3(r) now contains a defense relating to plaintiff not providing the required notice to evict under the federal CARES Act.</p>

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All comments are verbatim unless indicated by an asterisk (*).

Answer—Unlawful Detainer (Form UD-105)

Commenter	Comment	Committee Response
	<p>Add a jury request box Tenants are being asked to complete and understand a very large number of forms due to the new COVID-19 protections. As we raised in prior comment letters, it would simplify the process if there were a jury request box on the Answer form to facilitate tenants’ ability to exercise their constitutional right to a jury.</p>	<p>The committee declines this suggestion as no such item exists on the form complaint or on any other Judicial Council pleading form, and adding it would represent a significant departure from current practice, and also because this suggestion is outside the scope of this proposal. The committee notes that any party may request a jury trial using form UD-150, <i>Request/Counter Request to Set for Trial</i> as explained on the California Court’s Self-Help web page.</p>
<p>California Apartment Association</p>	<p>Section 3(n)(2) refers to translation of the “statutorily required notice to quit as required by statute.” However, Code of Civ. Proc. § 1179.10(a)(2)(D) requires a translation of the notice text in subparagraph (C), not the entire three-day notice. CAA recommends that Section 3(n)(2) be revised as follows: Plaintiff did not translate the statutorily <u>include a translation of the required notice text in the notice</u> to quit, as required by statute.</p> <p>Section (3)(r)’s scope is overbroad Code of Civ. Proc. § 1179.04.5’s prohibition on application of security deposits to COVID-19 rental debt and application of payments to prospective rent does not apply to a landlord’s application of the deposit or payments prior to the provision’s effective date of January 29, 2021. CAA recommends that Section 3(r) be revised as follows: <u>On or after January 29, 2021, Plaintiff improperly applied payments made by defendants...</u></p>	<p>In light of this and other comments, item 3(n)(2) now reads, “Plaintiff’s notice to quit did not include a translation of the statutorily-required notice. (Code Civ. Proc., § 1179.10(a)(2) and Civ. Code, § 1632.)”</p> <p>The committee declines this suggestion as the retroactive or prospective application of section 1179.05 is beyond the purview of the committee.</p>
<p>Eviction Defense Collaborative</p>	<p>[Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus.]</p>	<p>See responses to comments of Asian American Advancing Justice – Asian Law Caucus.</p>

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All comments are verbatim unless indicated by an asterisk (*).

Answer—Unlawful Detainer (Form UD-105)

Commenter	Comment	Committee Response
Housing Now!	[Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus.
Law Foundation of Silicon Valley	[Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus.
Legal Aid Foundation of Los Angeles	[In addition to comments identical to those of Asian American Advancing Justice – Asian Law Caucus, commenter provided the following:] In Paragraph 3(o) or 3(p) of the revised UD-105 form, there should be a place for the defendant to state that the summons was issued based on Paragraph 3(c)(2) of the Complaint, but plaintiff has received a communication from the defendant that defendant has applied for governmental rental assistance to cover the rent or other financial obligations demanded from the defendant in this action. Otherwise, tenant must check box 3(q) and then explain this in 3(v). This additional option would make it more straightforward for defendants to state if they have submitted or have pending an application for rental assistance.	See responses to comments of Asian American Advancing Justice – Asian Law Caucus. The committee declines this suggestion as defendant has an opportunity to make such an allegation in item 2(b)(2)(b) which specifically allows defendant to deny the statements in item 3 on form UD-101.
Legal Aid Society of San Diego, Inc.	[*Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus except these comments: (1) commenter does not suggest adding a jury box; and (2) commenter suggests slightly different wording regarding simplifying the language in item 3(p)(1), which is provided below.] We suggest editing paragraph 3(p)(1) in simplified language to state: “Plaintiff received or has a pending application for rental assistance for the amount claimed in the notice to pay rent or quit. (Health & Saf. Code, §§ 50897.1(d)(2)(B) and 50897.3(e)(2).)”	See responses to comments of Asian American Advancing Justice – Asian Law Caucus. The committee declines this suggestion as it believes it is important to retain “from a governmental rental assistance program” in item 3(p)(1).
Neighborhood Legal Services of Los Angeles County by Trinidad Ocampo Supervising Attorney	[Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus.

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Rules and Forms: Unlawful Detainer, Small Claims, and Pleading Forms to Implement New Laws (Adopt forms PLD-C-500, PLD-C-505, PLDC-520, SC-500, SC-500A, UD-125; approve form SC-500-INFO; revise forms SC-100, SC-103, SC-104B, UD-101, UD-105, and UD-120)

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Answer—Unlawful Detainer (Form UD-105)

Commenter	Comment	Committee Response
Public Advocates	[Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus.
San Diego Eviction Prevention Collaborative	[*Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus except these comments: (1) commenter does not suggest adding a jury box; and (2) commenter suggests slightly different wording regarding simplifying the language in item 3(p)(1), which is provided below.] We suggest editing paragraph 3(p)(1) in simplified language to state: “Plaintiff received or has a pending application for rental assistance for the amount claimed in the notice to pay rent or quit. (Health & Saf. Code, §§ 50897.1(d)(2)(B) and 50897.3(e)(2).)”	See responses to comments of Asian American Advancing Justice – Asian Law Caucus. The committee declines this suggestion as it believes it is important to retain “from a governmental rental assistance program” in item 3(p)(1).
San Francisco Antidisplacement Coalition	[Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus.
Western Center on Law & Poverty with: California Rural Legal Assistance Foundation; Legal Services of Northern California; Bay Area Legal Aid; Public Law Center; and East Bay Community Law Center	[Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus.
Jane Wong	The proposed UD-105 does a good job of being very thorough and including many possible defenses under state law. Paragraph 3 (Defenses and Objections) is so thorough, in fact, that I’m afraid it will soon run out of letters in the alphabet to list out all defenses. On a more serious note, my concern is that this lengthy 5-page Answer form, while useful for tenant attorneys, is confusing and overwhelming for pro per tenants. Since the UD-	The committee declines this suggestion as the answer form proposed by the commenter only permits defendants to make a general denial, which may not be appropriate in all cases and may lead to default judgments. Additionally, failure to provide affirmative defenses at the

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Answer—Unlawful Detainer (Form UD-105)

Commenter	Comment	Committee Response
	<p>105 is the only Judicial Council Answer form that exists, tenants have no choice but to file either this long and legally dense form or to try and figure out what “pleading paper” means under the Rules of Court (a non-option). And they must do this within an impossibly short time period of 5 business days from being served the Summons and Complaint. What is sorely lacking is a second optional Judicial Council Answer form that is feasible for a pro per tenant to fill out and file in under one hour – which is oftentimes all the time they have before a default judgment will be entered against them. Creating a second Answer form would prevent wrongful evictions by enabling more pro per tenants to successfully file an Answer within the 5 business days, preventing unnecessary default judgments and giving tenants the opportunity to amend their Answer with more thorough defenses. As it stands, the average default judgment rate of Unlawful Detainers in California is about 40 percent. Much of this unfortunate statistic is due to the impossibly short time period of 5 business days within which tenants must file a response after being served. There is no need to exacerbate this logistical challenge for pro per tenants by limiting them to one Judicial Council Answer form that is long, confusing, and unwieldy for non-lawyers.</p> <p>The second Judicial Council Answer form would ideally be one page long. I have created a sample mock-up of what I envision for this form (attached here [and pasted below]). Thank you for your consideration.</p>	<p>outset in an action that by statute must proceed to trial quickly may result in defendants waiving those defenses. Developing a one-page answer form is also outside the scope of the proposal.</p>

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Rules and Forms: Unlawful Detainer, Small Claims, and Pleading Forms to Implement New Laws (Adopt forms PLD-C-500, PLD-C-505, PLDC-520, SC-500, SC-500A, UD-125; approve form SC-500-INFO; revise forms SC-100, SC-103, SC-104B, UD-101, UD-105, and UD-120)

All comments are verbatim unless indicated by an asterisk (*).

<i>Answer—Unlawful Detainer (Form UD-105)</i>														
Commenter	Comment	Committee Response												
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;"> DEFENDANT IN PRO PER NAME: ADDRESS: CITY: STATE ZIP CODE: PHONE: EMAIL: SUPERIOR COURT OF CALIFORNIA, COUNTY OF: STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH: Plaintiff: Defendant: </td> <td style="width: 50%; padding: 5px; text-align: center;"> FOR COURT USE ONLY CASE NUMBER: </td> </tr> <tr> <td style="text-align: center;">ANSWER—UNLAWFUL DETAINER</td> <td></td> </tr> </table> <p>1. NAME(S) OF DEFENDANT(S): (Each defendant for whom this answer is filed must be named below.)</p> <p>2. Defendant generally denies each statement of the complaint. (The complaint does not demand more than \$1,000.)</p> <p>3. Defendant requests that plaintiff take nothing requested in the complaint.</p> <p>4. SIGNATURE: (Each defendant for whom this answer is filed must sign below.)</p> <table style="width:100%; margin-top: 10px;"> <tr> <td style="width: 50%; border-bottom: 1px solid black;">(TYPE OR PRINT NAME)</td> <td style="width: 50%; border-bottom: 1px solid black;">(SIGNATURE OF DEFENDANT OR ATTORNEY)</td> </tr> <tr> <td style="border-bottom: 1px solid black;">(TYPE OR PRINT NAME)</td> <td style="border-bottom: 1px solid black;">(SIGNATURE OF DEFENDANT OR ATTORNEY)</td> </tr> </table> <p>5. VERIFICATION: (Each defendant for whom this answer is filed must sign below.) 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.</p> <p>Date:</p> <table style="width:100%; margin-top: 10px;"> <tr> <td style="width: 50%; border-bottom: 1px solid black;">(TYPE OR PRINT NAME)</td> <td style="width: 50%; border-bottom: 1px solid black;">(SIGNATURE OF DEFENDANT)</td> </tr> <tr> <td style="border-bottom: 1px solid black;">(TYPE OR PRINT NAME)</td> <td style="border-bottom: 1px solid black;">(SIGNATURE OF DEFENDANT)</td> </tr> </table> <p style="font-size: small; margin-top: 5px;"> Rev. March 15, 2021 ANSWER—UNLAWFUL DETAINER Page 1 of 1 CIVIL CODE, 1942 & 1943; Code of Civil Procedure, 425.12, 1901 et. seq. </p>	DEFENDANT IN PRO PER NAME: ADDRESS: CITY: STATE ZIP CODE: PHONE: EMAIL: SUPERIOR COURT OF CALIFORNIA, COUNTY OF: STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH: Plaintiff: Defendant:	FOR COURT USE ONLY CASE NUMBER:	ANSWER—UNLAWFUL DETAINER		(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)	(TYPE OR PRINT NAME)	(SIGNATURE OF DEFENDANT)	
DEFENDANT IN PRO PER NAME: ADDRESS: CITY: STATE ZIP CODE: PHONE: EMAIL: SUPERIOR COURT OF CALIFORNIA, COUNTY OF: STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH: Plaintiff: Defendant:	FOR COURT USE ONLY CASE NUMBER:													
ANSWER—UNLAWFUL DETAINER														
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Rules and Forms: Unlawful Detainer, Small Claims, and Pleading Forms to Implement New Laws (Adopt forms PLD-C-500, PLD-C-505, PLDC-520, SC-500, SC-500A, UD-125; approve form SC-500-INFO; revise forms SC-100, SC-103, SC-104B, UD-101, UD-105, and UD-120)

All comments are verbatim unless indicated by an asterisk (*).

<i>Application to Prevent Forfeiture Due to COVID-19 Rental Debt (Form UD-125)</i>		
Commenter	Comment	Committee Response
Asian Americans Advancing Justice – Asian Law Caucus	Omit from the caption “for the court to stop the eviction process, the defendant may have to pay any amounts demanded in the complaint that the rental assistance does not cover.” This borders on legal advice and may confuse pro per litigants and deter them from seeking relief under C.C.P. §1179.13.	The committee notes that Code of Civil Procedure section 1179.13(a)(3) conditions a court preventing forfeiture of a lease on the “approved payment from the rental assistance program, together with any additional payments made by the tenant, constitut[ing] full payment of the rental debt demanded in the complaint.” The caption now contains a citation to that section, but the committee otherwise declines the suggestion because omitting the language may mislead filers.
Community Legal Aid SoCal	SUPPORT OF THE NEW <i>APPLICATION TO PREVENT FORFEITURE DUE TO COVID-19 RENTAL DEBT (FORM UD-125)</i> Many of the remedies available to unlawful detainer defendants are often inaccessible due to the complicated legal motions that must be drafted to obtain the relief. Examples of this are Motions to Set Aside Judgments and Stays of Execution of Judgments. Often tenants are not able to obtain the legal help they need to prepare these complex motions on the short timeframes they have to respond in unlawful detainer cases. For this reason, the <i>Application to Prevent Forfeiture Due to COVID-19 Rental Debt</i> (form UD-125) will be of great assistance to pro per tenants. It appears simple to fill out making it accessible to the majority of tenants. This will allow tenants to assert their legal rights even if they are unable to get legal assistance.	The committee appreciates the information provided.
Eviction Defense Collaborative	[Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus.
Housing Now!	[Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus.

SP21-05 (August 2021)

Rules and Forms: Unlawful Detainer, Small Claims, and Pleading Forms to Implement New Laws (Adopt forms PLD-C-500, PLD-C-505, PLDC-520, SC-500, SC-500A, UD-125; approve form SC-500-INFO; revise forms SC-100, SC-103, SC-104B, UD-101, UD-105, and UD-120)

All comments are verbatim unless indicated by an asterisk (*).

<i>Application to Prevent Forfeiture Due to COVID-19 Rental Debt (Form UD-125)</i>		
Commenter	Comment	Committee Response
Law Foundation of Silicon Valley	[Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus.
Legal Aid Foundation of Los Angeles	[Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus.
Legal Aid Society of San Diego, Inc.	[Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus.
Neighborhood Legal Services of Los Angeles County	[Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus.
Public Advocates	[Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus.
San Diego Eviction Prevention Collaborative	[Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus.
San Francisco Antidisplacement Coalition	[Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus.
Western Center on Law & Poverty with: California Rural Legal Assistance Foundation; Legal Services of Northern California; Bay Area Legal Aid; Public Law Center; and East Bay Community Law Center	[Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus.

SP21-05 (August 2021)

Rules and Forms: Unlawful Detainer, Small Claims, and Pleading Forms to Implement New Laws (Adopt forms PLD-C-500, PLD-C-505, PLDC-520, SC-500, SC-500A, UD-125; approve form SC-500-INFO; revise forms SC-100, SC-103, SC-104B, UD-101, UD-105, and UD-120)

All comments are verbatim unless indicated by an asterisk (*).

<i>Plaintiff's Claim and ORDER to Go to Small Claims Court (Form SC-100)</i>		
Commenter	Comment	Committee Response
California Apartment Association	The first bullet in the “Instructions for the person suing” states that the form should not be used “for an action for recovery of COVID-19 rental debt as defined under Code of Civil Procedure section 1179.02”. CAA requests that the definition of that term be included in the instructions, rather than requiring the plaintiff to look up the definition in the Code of Civil Procedure.	In light of this comment and others, a definition of COVID-19 rental debt has been added to the first page of the form.
Christine Copeland	Form SC-100 Information for the defendant, page 5 Under “ How do I get ready for court? ” The second sentence reads “But bring to your trial any witnesses, receipts and evidence that supports your case.” I think “supports” should be “support.”	The committee has modified the form in light of this comment.
Legal Aid Foundation of Los Angeles	LAFLA agrees with the Committee’s revision to Form SC-100 to alert plaintiffs that there is a separate, mandatory form for cases to recover COVID-19 rental debt. We propose the following additional changes be made to Form SC-100: Under “Instructions for the person suing” the box stating the form should not be used for recovery of COVID-19 rental debt should include the dates specified under Cal. Civ. Proc. § 1179.02 (March 1, 2020 – September 30, 2021). The dates are necessary to ensure that <i>pro se</i> plaintiffs can easily distinguish if they are using the correct form. The “Information for the defendant” page should include instructions for the defendant to follow if the plaintiff improperly filed an action for recovery of COVID-19 rent debt on the SC-100 form.	The committee appreciates the commenter’s agreement with that aspect of the proposal, which has been retained. In light of this comment and others, a definition of COVID-19 rental debt has been added to the first page of the form. The committee declines this suggestion as defendant may raise the issue at trial.
Neighborhood Legal Services of Los Angeles County by Ana Maria Garcia	On the SC-100 - Information for Defendant - the defendants are told they do not have to answer - and this might give the wrong impression. They will be at a disadvantage if they do not respond to the Plaintiff's claim in writing, prior to the hearing date on the claim. It will be harder to present their case to the Judge because they have nothing on file. These are not trained lawyers and the amount of time they will have to present the case may not be enough.	The committee appreciates the information provided and notes that providing a procedure for defendants to file an answer in small claims court is beyond the scope of this proposal and would fundamentally alter the process of small claims court.

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Rules and Forms: Unlawful Detainer, Small Claims, and Pleading Forms to Implement New Laws (Adopt forms PLD-C-500, PLD-C-505, PLDC-520, SC-500, SC-500A, UD-125; approve form SC-500-INFO; revise forms SC-100, SC-103, SC-104B, UD-101, UD-105, and UD-120)

All comments are verbatim unless indicated by an asterisk (*).

<i>Plaintiff's Claim and ORDER to Go to Small Claims Court (Form SC-100)</i>		
Commenter	Comment	Committee Response
OneJustice with: Legal Aid Foundation of Los Angeles	[*Comments are substantively identical to those of Legal Aid Foundation of Los Angeles.]	See responses to comments of Legal Aid Foundation of Los Angeles.
Superior Court of Riverside County	1. PAGE 1 Instructions Include language to give litigants the option to “Electronically file your form, where available.”	In light of this comment, similar language has been added to the instructions on page 1 of the form.
Superior Court of San Diego County	Propose that placement of advisal re COVID-19 Rental Debt be moved to the top of the form to mirror the new SC-500.	The committee declines this suggestion as the language at the top of form SC-500 is mandated by Code of Civil Procedure section 1161.2.5 and also because the committee believes the important information to the defendant in “notice to the person being sued” should remain at the top of form SC-100.

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Rules and Forms: Unlawful Detainer, Small Claims, and Pleading Forms to Implement New Laws (Adopt forms PLD-C-500, PLD-C-505, PLDC-520, SC-500, SC-500A, UD-125; approve form SC-500-INFO; revise forms SC-100, SC-103, SC-104B, UD-101, UD-105, and UD-120)

All comments are verbatim unless indicated by an asterisk (*).

Forms SC-103, SC-104, SC-105, SC-130, and SC-200		
Commenter	Comment	Committee Response
Christine Copeland	<p>SC-103 Fictitious Business Name</p> <p>It would be nice to make clear that this form is mandatory, so that court clerks do not file a Plaintiff’s claim or a Defendant’s claim if SC-103 is required by a litigant’s answer to Item 1 on SC-100 or item 2 on SC-120 but not presented for filing.</p>	<p>The committee declines this suggestion as failure to include form SC-103 is not a basis for the clerk to not file a claim. To the extent commenter suggests that form SC-103 should be a mandatory form and not an optional form, such a change is outside the scope of this proposal and should be circulated for comment.</p>
Community Legal Aid SoCal	<p>Form SC-500 is a claim form and is therefore subject to the service requirements of section 116.340. The current Small Claims Proof of Service (form SC-104) will need to be modified to include Plaintiff’s Claim and ORDER to Go to Small Claims Court (COVID-19 Rental Debt) (form SC-500). Form SC-500 should be included in section 3 on the first page of the SC-104. While the proposed modifications to the Small Claims forms include adding references to SC-500 in the revised What is Proof of Service? (Small Claims) (form-104B), the modifications omit including SC-500 on the actual Proof of Service (form SC-104.)</p>	<p>The committee declines this suggestion as form SC-104 already contains an “other” checkbox with a blank line that can be used to specify that form SC-500 was served.</p>
Legal Aid Foundation of Los Angeles	<p>Additional Small Claims Forms – Request for Adoption of New Judgment Form for COVID-19 Rental Debt</p> <p>LAFLA further recommends that the Judicial Council and Small Claims Advisory Committee consider revising the existing small claims judgment forms (SC-130 and SC-200) or create a new small claims judgment form for recovery of COVID-19 rental debt.</p> <p>LAFLA suggests this action because COVID-19 rental debt varies compared to typical small claims judgments or consumer debt. COVID-19 related rental debt differs from non-COVID-19 rental debt in the following ways:</p>	<p>The committee declines this suggestion as it is outside the scope of the proposal.</p>

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Rules and Forms: Unlawful Detainer, Small Claims, and Pleading Forms to Implement New Laws (Adopt forms PLD-C-500, PLD-C-505, PLDC-520, SC-500, SC-500A, UD-125; approve form SC-500-INFO; revise forms SC-100, SC-103, SC-104B, UD-101, UD-105, and UD-120)

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Forms SC-103, SC-104, SC-105, SC-130, and SC-200

Commenter	Comment	Committee Response
	<ul style="list-style-type: none"> • COVID-19 rental debt is not assignable where the defendant would have qualified for rental assistance (Civ. Code § 1788.66) • COVID-19 rental debt may only be assigned after October 1, 2021, for individuals who did not qualify for rental assistance (Civ. Code § 1788.85) • Access to documents pertaining to a small claims case for recovery of COVID-19 rental debt is limited under (Civ. Proc. § 1161.2.5) <p>The current judgment forms (SC-130 and SC-200) do not address the new laws relating to COVID-19 rental debt. At the very least, these judgment forms should be revised with information pertaining to the differences described above. Furthermore, LAFLA recommends that a revised form or new form include a clear disclaimer that the small claims judgment for COVID-19 rental debt is not an eviction and that this judgment cannot be used to require a tenant/defendant to move out of their home.</p> <p>It is vital that litigants are aware of these differences. Plaintiffs must be put on notice of these key differences to avoid inadvertently violating COVID-19 rental debt assignment laws. Defendants must be on notice of these laws so they can raise proper defenses in collection actions. Improper assignment and reporting of debt can have a detrimental impact on an individual’s financial security and well-being, even resulting in bankruptcy. A revised or new form would advise litigants of these important protections relating to COVID-19 rental debt.</p>	
<p>Neighborhood Legal Services of Los Angeles County by Ana Maria Garcia</p>	<p>Finally, the Request for Order and Answer [form SC-105] is a difficult form to understand if you are a self-represented litigant. This is basically a Motion to Dismiss - the claim a Defendant makes when they feel the claim was filed in the wrong place. The Defendant is requesting an Order from the Court and the Answer is from the Judge on their motion to dismiss. The title of the document should be changed. The use of the word Answer is misleading. It is not the Answer of the Litigant but of the Judge to the Litigant's request to dismiss the case.</p>	<p>The committee declines this suggestion as it is outside the scope of the proposal.</p>

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Rules and Forms: Unlawful Detainer, Small Claims, and Pleading Forms to Implement New Laws (Adopt forms PLD-C-500, PLD-C-505, PLDC-520, SC-500, SC-500A, UD-125; approve form SC-500-INFO; revise forms SC-100, SC-103, SC-104B, UD-101, UD-105, and UD-120)

All comments are verbatim unless indicated by an asterisk (*).

<i>Plaintiff's Claim and ORDER to Go to Small Claims Court (COVID-19 Rental Debt) (Form SC-500) and Form SC-500A (Unless otherwise stated, the comments refer to form SC-500.)</i>		
Commenter	Comment	Committee Response
Asian Americans Advancing Justice – Asian Law Caucus	<p>In paragraph 3(a)&(b) it is not clear that the Plaintiff is supposed to list each individual rental period. The instructions should clarify that it should list each month (or other period) of missed payment separately.</p> <p>The Spanish language information is in a very small text size, smaller than the English language version. It will be difficult for people to read and raises concerns about discriminatory language access. It should be made into a two-page document so that it can be provided in the same size font as the English-language form.</p>	<p>In light of this comment and others, items 3(a) and 3(b) now respectively include “For each month you claim rent is due,” and “For each month you claim other financial obligations are due,” before the instruction to include each amount due.</p> <p>The committee notes that the concerns about font size and readability are well-taken, as are concerns that other languages should also be represented, but declines this suggestion as making the information page that is in Spanish two pages would increase the length of the form.</p>
California Apartment Association	CAA requests that the definition of COVID-19 rental debt be included in the box at the top of the form rather than requiring the plaintiff to look up the definition in the Code of Civil Procedure.	The committee declines this suggestion as there is insufficient room to include such a definition, but notes that a definition of COVID-19 rental debt appears on form SC-500-INFO in the proposal.
Christine Copeland	It appears that the SC-500 is referenced and envisioned to be only a component of a Plaintiff’s claim. For instance, see the language at the proposed new SC-100 item 3 and/or see the title of SC-500. The fact this form is limited to Plaintiff’s claims assumes that all landlords filing for past-due Covid-19 rent will be Plaintiffs. However, a landlord wanting to collect past-due Covid-19 rent could be filing an SC-120 into a case started by the Plaintiff/tenant. For example, a Plaintiff/tenant sues a landlord/Defendant for return of a security deposit. In response, a Defendant/landlord might file a claim, via SC-120, asking for Covid-19 related past-due rent. This does	The committee declines this suggestion as such cases will likely be rare as a tenant with a claim against a landlord is unlikely to be initiating a case if they owe the landlord past rent. The more likely scenario is that a landlord initiates a claim to recover COVID-19 rental debt and the tenant wishes to initiate a counterclaim against the landlord. The tenant may use existing form SC-120 to file such a

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<i>Plaintiff's Claim and ORDER to Go to Small Claims Court (COVID-19 Rental Debt) (Form SC-500) and Form SC-500A (Unless otherwise stated, the comments refer to form SC-500.)</i>		
Commenter	Comment	Committee Response
	<p>happen. For an example, see Santa Clara County Superior Court case number 21SC085321 at https://portal.scscourt.org/case/NDQxMTU5MA==</p> <p>The case link above shows that Plaintiff/tenant filed a claim for return of a security deposit; Defendant/landlord filed a counterclaim (SC-120) on 7/23/21 asking for unpaid rent (it was filed prematurely given AB832 but that is not the point here). A landlord filing an SC-120 form seeking past-due Covid-19 rent should be required to file SC-500 instead just like if that landlord was a Plaintiff. So SC-500 should be “ambidextrous” in a sense-make it apply to either a Plaintiff/landlord or a Defendant/landlord, and adjust all other forms (i.e. SC-500-INFO) accordingly.</p> <p>Form SC-500, page 3 item 3(a) - the rent dates range listed is from 3/1/20 through 9/30/21. What about rent that is due for 10/1/21? Are we interpreting AB832 to prohibit landlords from filing small claims past-due rent claims until 11/1/21? If so, do we want to say that and change the 9/30/21 cutoff to 10/31/21 instead? The same comment applies to the asterisked item at the bottom of SC-500, page 5- right before the parenthetical, we have the 9/30/21 date as a cutoff for the filing restriction. The same comment applies to form SC-500-INFO- the second paragraph down (“What is Covid-19 rental debt?”)- We have 9/30/21 as the cutoff date.</p> <p>New form SC-500, page 5, third paragraph down “How Do I Get Ready for Court?”- Can we please suggest that someone bring a copy of the lease (if a written one exists) to the court hearing? You would not believe how many landlords or tenants do not bring a copy of the lease and it makes it hard, if not impossible, to ensure that the claim lists all the necessary parties (all</p>	<p>counterclaim.</p> <p>Code of Civil Procedure section 116.223 only exempted “COVID-19 rental debt” from the jurisdictional limits of small claims court. COVID-19 rental debt is defined as unpaid rent or other financial obligations under a tenancy that came due between March 1, 2020, and September 30, 2021. If a landlord wishes to sue for rental debt owed after September 30, 2021, in small claims court, the amount may not exceed the jurisdictional limitation for small claims court.</p> <p>Though it will not fit on form SC-500, such information has been added to “How do I get ready for court?” on form SC-500-INFO in the proposal.</p>

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<i>Plaintiff's Claim and ORDER to Go to Small Claims Court (COVID-19 Rental Debt) (Form SC-500) and Form SC-500A</i> (Unless otherwise stated, the comments refer to form SC-500.)		
Commenter	Comment	Committee Response
	tenants, all landlords), and/or if the landlord is named correctly (often, tenants erroneously name the property manager as the landlord, or a landlord might “forget” they are a corporate entity and limited to a \$5000.00 recovery).	
Community Legal Aid SoCal	<p>The new <i>Plaintiff's Claim and ORDER to Go to Small Claims Court (COVID-19 Rental Debt)</i> (form SC-500) meets the objectives and requirements of Assembly Bill 832. However, because of the many requirements set forth in AB 832, form SC-500 is more complicated than the existing <i>Plaintiff's Claim and ORDER to Go to Small Claims Court (form-SC-100)</i> and as a result may be confusing to Small Claims litigants.</p> <p>Proposed form SC-500 requires plaintiffs to break out the elements of the total amount claimed, to list the amount they claim the defendant owes as rent, and the date it came due, and to separately list any other amounts of COVID-19 rental debt being claimed and when those amounts became due. Item 4 requires plaintiffs to list any payments made by or on behalf of defendants, and any offsets credited to them.</p> <p>As the form is written it may be confusing for litigants to differentiate what to include under sections a) and b) of Item 3. Litigants may need addition clarification regarding what to list as “other amounts of Covid 19 rental debt.” Thus, clarifying language and brief examples of the types of various financial obligations that may be considered COVID-19 Rental Debt should be added directly on to Section 3 b of form SC-500.</p> <p>Creating a custom attachment with columns listing the dates, amounts and description, for items 3 and 4 of form SC-500 may also be useful. This could help to keep the required information organized and easier for the litigants and Judicial Officers to understand.</p>	<p>In light of this comment and others, item 3(b) on form SC-500 in the proposal now includes “(for example, parking fees or utilities included as part of the rental agreement).”</p> <p>While the committee considered replacing items 3 and 4 with a table, the committee declines this suggestion because using a table to collect information about the amount claimed presented additional concerns. For</p>

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<i>Plaintiff's Claim and ORDER to Go to Small Claims Court (COVID-19 Rental Debt) (Form SC-500) and Form SC-500A (Unless otherwise stated, the comments refer to form SC-500.)</i>		
Commenter	Comment	Committee Response
		example, it would be challenging to capture multiple payments made in a single month by different sources and without providing multiple lines for each month over a 19-month period, a table could not easily capture multiple “other financial obligations” due each month and what they were for. On the other hand, a plaintiff alleging only that rent is due for a certain number of months, with no payments received, will only need a small amount of space to describe the claims.
Eviction Defense Collaborative	[Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus.
Housing Now!	[Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus.
Law Foundation of Silicon Valley	[Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus.
Legal Aid Foundation of Los Angeles	[In addition to comments identical to those of Asian American Advancing Justice – Asian Law Caucus, commenter provided the following:] *LAFLA agrees with the Committee’s decision to recommend a separate, mandatory form for small claims cases for recovery of COVID-19 related rental debt. This form will ensure that both litigants and court staff are aware that suits to recover COVID-19 related rental debt are required to be masked in compliance Cal. Civ. Proc. §1161.2.5. The new form also allows for plaintiff to identify information specific to the amount of COVID-19 rental debt owed, any payments received from the defendant or third parties, and requires plaintiff to attach documentation of their good faith efforts to assist the	See responses to comments of Asian American Advancing Justice – Asian Law Caucus.

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Rules and Forms: Unlawful Detainer, Small Claims, and Pleading Forms to Implement New Laws (Adopt forms PLD-C-500, PLD-C-505, PLDC-520, SC-500, SC-500A, UD-125; approve form SC-500-INFO; revise forms SC-100, SC-103, SC-104B, UD-101, UD-105, and UD-120)

All comments are verbatim unless indicated by an asterisk (*).

<i>Plaintiff's Claim and ORDER to Go to Small Claims Court (COVID-19 Rental Debt) (Form SC-500) and Form SC-500A</i> (Unless otherwise stated, the comments refer to form SC-500.)		
Commenter	Comment	Committee Response
	<p>defendant in obtaining rental assistance, as required by Civ. Proc. § 871.10(a). This separate, mandatory form will reduce confusion among litigants and small claims commissioners/judges to streamline the small claims process in COVID-19 rental debt cases. Keeping this in mind, LAFLA proposes the following changes be made to Form SC-500:</p> <p>In “Notice to the Person Being Sued” the language about eviction should be simplified for <i>pro se</i> litigants. For example, the disclaimer could state “(Note: You are being sued in small claims court. This is not an eviction notice and this case cannot result in your eviction).”</p> <p>The instructions in Item 3 should clarify that any rent paid by the defendant or a third party will be accounted for in Item 4. Item 3 should further instruct that any amount claimed in Item 4 should not be included in the total amount plaintiff claims that the defendant owes.</p> <p>Instructions for Item 3 should also note that plaintiff’s claim for amount owed should exclude court fees and that late fees may not be charged to COVID-19 rental debt per Civ. Proc. § 1942.9.</p> <p>Item 4 should be titled more clearly for <i>pro se</i> litigants. The title should model the plaintiff/defendant language used in Item 3 and state “amounts paid by defendant or third party and offsets” to clarify what to account for in Item 4. The definition of third party should be provided to make clear that it includes payments from rental assistance programs.</p>	<p>The committee has bolded the disclaimer on page 1 and changed “The . . . case” to “This . . . case,” but otherwise declines to change the language as it may be more confusing.</p> <p>The committee declines this suggestion as it may make the form more confusing and item 4 already alerts filers that item 4 is for amounts “that you are not claiming in item 3.”</p> <p>The committee declines this suggestion as court fees are never included as part of the amount demanded and to the extent plaintiff claims late fees, they must be included in item 3(b).</p> <p>The committee declines to change the title of item, but has changed the instruction to include “amounts you received from defendant, rental assistance programs, and other third-parties.”</p>

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<i>Plaintiff's Claim and ORDER to Go to Small Claims Court (COVID-19 Rental Debt) (Form SC-500) and Form SC-500A (Unless otherwise stated, the comments refer to form SC-500.)</i>		
Commenter	Comment	Committee Response
Legal Aid Society of San Diego, Inc.	[Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus.
Neighborhood Legal Services of Los Angeles County by Ana Maria Garcia	<p>The SC-500 Plaintiff's Claim is pretty thorough and will lay out the Plaintiff's claims fully and completely for the Court and for the Defendant when served.</p> <p>The requirement that the Defendant is not required to file an Answer seems to put the tenant at a disadvantage. While the Petitioner's claim is in writing and the Judge can read it and understand it prior to hearing, the defendant would be left to lay out his side of the story with nothing written down, presented to the Judge beforehand. This does not seem to be a level playing field. The Judge should have the plaintiff's claim and Defendant's Answer in writing, so that the Judge can review and prepare adequately for the hearing.</p> <p>The PLD-C-505 is a civil Answer for Recovery of Rental Debt. This document seems to set out the tenant's options including defenses. However, this document is not for a small claims case - it is for a civil action. Why can't the tenants in a Small Claims Case prepare an Answer?</p> <p>Why can't this form be adapted to be used in Small Claims?</p>	The committee appreciates the information provided and notes that providing a procedure for defendants to file an answer in small claims court is beyond the scope of this proposal, and would fundamentally alter the process of small claims court.
Neighborhood Legal Services of Los Angeles County by Michael Massman	In section 3a on Form SC-500, I would prefer to see a chart with spaces to write in the months and the amount owed (and paid) for that month, rather than an open space to write in a list. Without such a chart, there may not be the desired level of detail in the accounting. As noted in the background section for the proposed forms, there is no discovery in Small Claims; thus, this form is the most likely way that defendants will receive information about their alleged debt. A more explicit month-by-month breakdown will encourage more comprehensive information, as well as a more digestible and uniform approach to listing the alleged rental debt.	While the committee considered replacing items 3 and 4 with a table, the committee declines this suggestion because using a table to collect information about the amount claimed presented additional concerns. For example, it would be challenging to capture multiple payments made in a single month by different sources and without providing multiple lines for each month over a 19-month period, a table could not easily capture multiple

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<i>Plaintiff's Claim and ORDER to Go to Small Claims Court (COVID-19 Rental Debt) (Form SC-500) and Form SC-500A</i> (Unless otherwise stated, the comments refer to form SC-500.)		
Commenter	Comment	Committee Response
		“other financial obligations” due each month and what they were for. On the other hand, a plaintiff alleging only that rent is due for a certain number of months, with no payments received, will only need a small amount of space to describe the claims.
Neighborhood Legal Services of Los Angeles County by Trinidad Ocampo	[Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus.
OneJustice with: Legal Aid Foundation of Los Angeles	[Commenter provided many comments substantively identical to those of Legal Aid Foundation of Los Angeles. Those comments have been omitted.] *Page 1 Section: Notice to the person being sued Changes: Second bullet point currently reads, “Bring witnesses, receipts, and any evidence you need to prove your case.” Modify the sentence to read, “Bring witnesses, rent payment receipts, and any evidence you need to prove your case.” This change would clarify what type of receipt the defendant should bring. Section: Aviso al Demandado Changes: Second bullet point currently reads, “Lleve testigos, recibos y cualquier otra prueba que necesite para probar su caso.” Modify the sentence to read, “Lleve testigos, recibos de pagos de renta y cualquier otra prueba que necesite para probar su caso.” This change would clarify what type of receipt the defendant should bring. Page 5 Section: Settle your case before the trial	See responses to comments of Legal Aid Foundation of Los Angeles. The committee declines this suggestion as the type of receipts defendants should bring to trial is not limited to rental payments, but also includes receipts for anything claimed as an offset. Based on this and other comments, form SC-500-INFO in the proposal now includes additional language about bringing receipts (and the rental agreement) to trial.

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<i>Plaintiff's Claim and ORDER to Go to Small Claims Court (COVID-19 Rental Debt) (Form SC-500) and Form SC-500A (Unless otherwise stated, the comments refer to form SC-500.)</i>		
Commenter	Comment	Committee Response
	<p>Changes: Currently reads, "If you and the plaintiff agree on how to settle the case, the plaintiff must file form CIV-110, Request for Dismissal, or a written and signed settlement agreement with the clerk." Modify the sentence to read, "If you and the plaintiff agree on how to settle the case without a court hearing, the plaintiff must file form CIV-110, Request for Dismissal, or a written and signed settlement agreement with the clerk." This change provides clarification that the parties may settle their dispute without the need to go to their small claims court hearing.</p> <p>Section: Settle your case before the trial Changes: Currently reads, "Ask the Small Claims Advisor for help." Currently there is no web link to the Small Claims Advisor. Modify the sentence so that the web link to the Small Claims Advisor is inserted.</p> <p>Section: Go to the trial and try to win your case. Changes: Currently reads, "Bring witnesses, receipts, and any evidence you need to prove your case." Modify the sentence to read, "Bring witnesses, rent payment receipts, and any evidence you need to prove your case." This change would clarify what type of receipt the defendant should bring.</p> <p>Page 6 Section: Resolver su caso antes del juicio Changes: Currently reads, "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) o un acuerdo de resolución escrito y firmado al secretario de la corte." Modify the sentence to read, "Si usted y el Demandante se ponen de acuerdo en cómo resolver el caso sin una audiencia judicial, el Demandante tiene que presentar el</p>	<p>In light of this comment, "before the trial" has been added after "settle the case" in the "settle your case before the trial" section.</p> <p>The committee declines this suggestion as the link is already on the form directly across from where the commenter suggests adding a link.</p> <p>The committee declines this suggestion as the type of receipts defendants should bring to trial is not limited to rental payments, but also includes receipts for anything claimed as an offset. Based on this and other comments, form SC-500-INFO in the proposal now includes additional language about bringing receipts (and the rental agreement) to trial.</p>

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<i>Plaintiff's Claim and ORDER to Go to Small Claims Court (COVID-19 Rental Debt) (Form SC-500) and Form SC-500A</i> (Unless otherwise stated, the comments refer to form SC-500.)		
Commenter	Comment	Committee Response
	formulario CIV-110, Solicitud de desestimación (Request for Dismissal) o un acuerdo de resolución escrito y firmado al secretario de la corte.” This change provides clarification that the parties may settle their dispute without the need to go to their small claims court hearing.	
Public Advocates	[Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus.
Public Counsel	In paragraph 3(a)&(b) it is not clear that the plaintiff is supposed to list each individual rental period. The instructions should clarify that it should list each month (or other period) of missed payment separately. The section on page 5 entitled “What if I lose the case,” should clearly and conspicuously advise defendants that they cannot be evicted or otherwise lose their rental housing if they lose a small claims case for the collection of COVID-19 rental debt.	See responses to comments of Asian American Advancing Justice – Asian Law Caucus on this subject. The committee declines this suggestion as there is insufficient space on page 5 to add the requested information. However, the disclaimer on the first page about not being evicted has been bolded and the information is also provided on form SC-500-INFO.
San Diego Eviction Prevention Collaborative	[Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus.
San Francisco Antidisplacement Coalition	[Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus.
Melissa Stewart	Suggestion for correction to Form SC-500A: Section number 2 of the SC-500 allows for two defendants to be listed. If there are more than two defendants, form SC-500A is used to list additional defendants. Update Number 2 of the SC-500A to state “If more than two defendants (person being sued).....”	These errors have been corrected in the proposal.

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<i>Plaintiff's Claim and ORDER to Go to Small Claims Court (COVID-19 Rental Debt) (Form SC-500) and Form SC-500A (Unless otherwise stated, the comments refer to form SC-500.)</i>																																							
Commenter	Comment			Committee Response																																			
	<p>Update the check box on Number 2 of the SC500-A to state “Check here if your case is against more than four defendants and fill...” This suggestion will align the numbers with the room available for defendants on the form.</p>																																						
Superior Court of Riverside County	<p>1. PAGE 1 Instructions</p> <p>Include language to give litigants the option to “Electronically file your form, where available.”</p> <p>Fill out pages 2, 3, and 4 of this form. Then make copies of all the pages of this form and any attachments. (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.</p> <p>2. Page 3, Items #3-4</p> <p>Offer a table rather than lines for the user to “LIST all” amounts, and include a description.</p> <p>By way of example: the FL-150 Income and Expense Declaration #14 is helpful.</p> <table border="1"> <thead> <tr> <th>Paid to</th> <th>For</th> <th>Amount</th> <th>Balance</th> <th>Date of last payment</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td>\$</td> <td>\$</td> <td></td> </tr> <tr> <td></td> <td></td> <td>\$</td> <td>\$</td> <td></td> </tr> <tr> <td></td> <td></td> <td>\$</td> <td>\$</td> <td></td> </tr> <tr> <td></td> <td></td> <td>\$</td> <td>\$</td> <td></td> </tr> <tr> <td></td> <td></td> <td>\$</td> <td>\$</td> <td></td> </tr> <tr> <td></td> <td></td> <td>\$</td> <td>\$</td> <td></td> </tr> </tbody> </table>			Paid to	For	Amount	Balance	Date of last payment			\$	\$				\$	\$				\$	\$				\$	\$				\$	\$				\$	\$		<p>In light of this comment, similar language has been added to the instructions on page 1 of the form.</p> <p>While the committee considered replacing items 3 and 4 with a table, the committee declines this suggestion because using a table to collect information about the amount claimed presented additional concerns. For example, it would be challenging to capture multiple payments made in a single month by different sources and without providing multiple lines for each month over a 19-month period, a table could not easily capture multiple “other financial obligations” due each month and what they were for. On the other hand, a plaintiff alleging only that rent is due for a certain number of months, with no payments received, will only need a small amount of space to describe the claims.</p>
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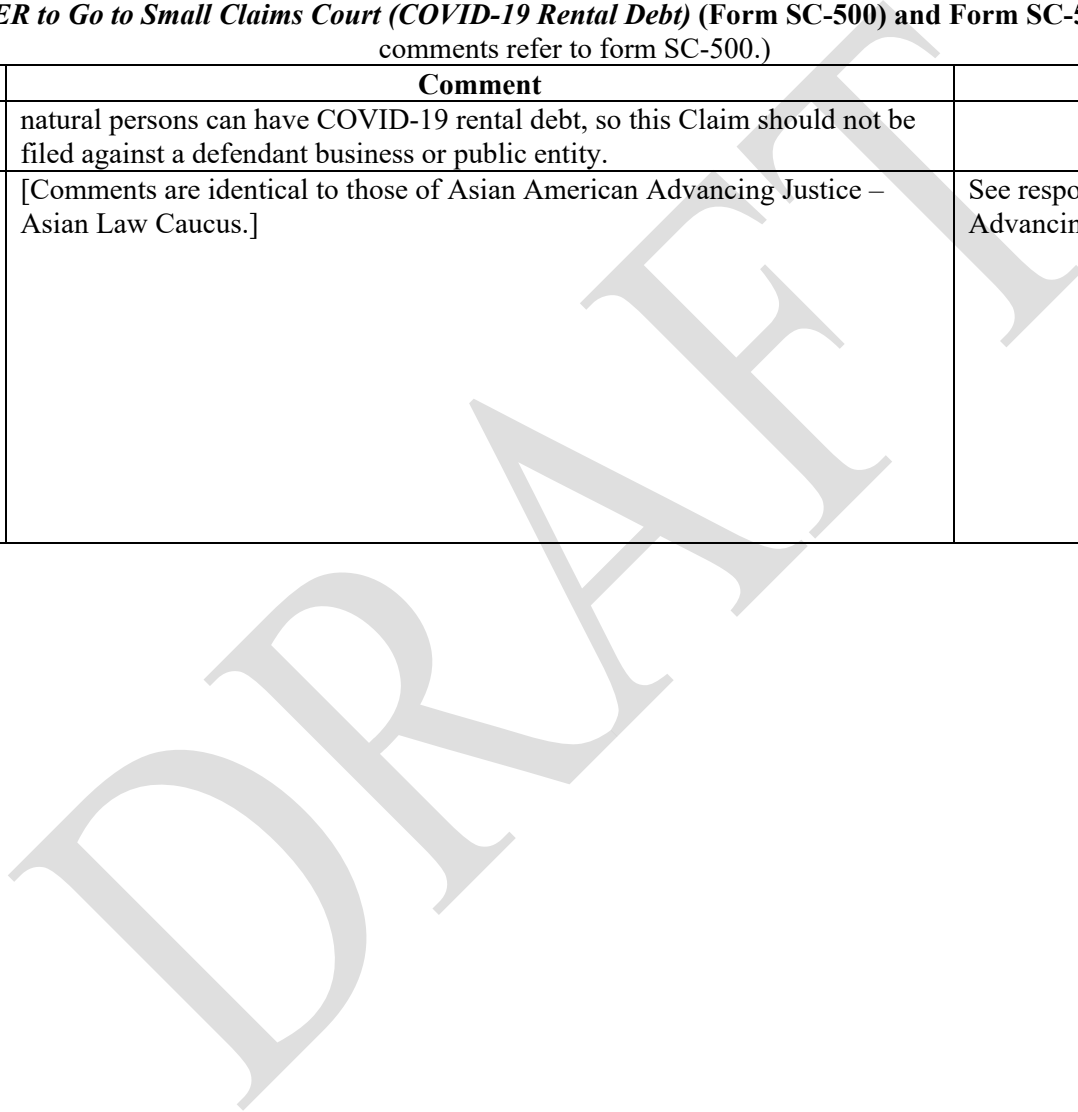
<i>Plaintiff's Claim and ORDER to Go to Small Claims Court (COVID-19 Rental Debt) (Form SC-500) and Form SC-500A (Unless otherwise stated, the comments refer to form SC-500.)</i>		
Commenter	Comment	Committee Response
	<p>3. Page 4, Item # 9</p> <p>To emphasize the requirement that plaintiff's pursue rental assistance options, convert bullet points to checkboxes.</p> <p>Proposed form PLD-C-500 Complaint—Recovery of COVID-19 Rental Debt, Item #7 uses checkboxes. Small Claim Form 500, Item #9 should mirror this format.</p> <p>7. a. Plaintiff made a good faith effort to help defendant obtain rental assistance before filing this case, as required under Code of Civil Procedure section 871.10(a), by (check all that apply):</p> <p>(1) <input type="checkbox"/> Investigating whether governmental rental assistance is available to the defendant.</p> <p>(2) <input type="checkbox"/> Seeking governmental rental assistance for the defendant.</p> <p>(3) <input type="checkbox"/> Cooperating with the defendant's efforts to obtain rental assistance from any governmental entity or other third party.</p> <p>b. <input type="checkbox"/> Documentation of the efforts described in item 7a is attached as required by statute and marked as Attachment 7.</p> <p>4. To emphasize the requirement that plaintiff not take both rental assistance and money judgment for the same months, convert bullet points to checkboxes.</p> <p>Proposed form PLD-C-500 Complaint—Recovery of COVID-19 Rental Debt, Item #8 uses checkboxes. Small Claim Form 500, Item #10 should mirror this format.</p> <p>a. <input type="checkbox"/> The landlord has not received rental assistance or other financial compensation from any other source corresponding to any of the amount claimed in item 6 above.</p> <p>b. <input type="checkbox"/> The landlord does not have any application pending for rental assistance or other financial compensation from any other source corresponding to any of the amount claimed in item 6 above.</p>	<p>In light of this comment, checkboxes have been added to item 9.</p> <p>In light of this comment, a checkbox has been added to item 10.</p>
Superior Court of San Diego County	At paragraph 2, should the reference in parentheses to the defendant as a business or public entity be removed? Under the statutory scheme, only	The reference has been removed.

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<i>Plaintiff's Claim and ORDER to Go to Small Claims Court (COVID-19 Rental Debt) (Form SC-500) and Form SC-500A</i> (Unless otherwise stated, the comments refer to form SC-500.)		
Commenter	Comment	Committee Response
	natural persons can have COVID-19 rental debt, so this Claim should not be filed against a defendant business or public entity.	
Western Center on Law & Poverty with: California Rural Legal Assistance Foundation; Legal Services of Northern California; Bay Area Legal Aid; Public Law Center; and East Bay Community Law Center	[Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus.



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<i>COVID-19 Rental Debt in Small Claims Court (Form SC-500-INFO)</i>		
Commenter	Comment	Committee Response
Asian Americans Advancing Justice – Asian Law Caucus	<p>Under “What is COVID-19 rental debt?” clarification needs to be added that it doesn’t matter why the tenant did not pay the rent (whether it was related to COVID or not) only that it came due in this time period.</p> <p>The language in “What arguments can you make?” needs to be made simpler to provide meaningful access to <i>pro per</i> tenants.</p>	<p>The committee declines this suggestion as unnecessary.</p> <p>The committee declines this suggestion as after reviewing page two of proposed form SC-500-INFO the committee did not determine that any changes were appropriate. However, in response to this comment, the issues identified under “What arguments can you make?” were reordered so that the ones most likely to appear in these cases are presented first.</p>
California Apartment Association	<p>CAA requests that “repair costs for damage to the unit” be added to the examples of what can constitute COVID-19 rental debt in the first question.</p> <p>On page 3, the last question, “Who can look at your case file?” addresses the masking requirements imposed by Code of Civ. Proc. § 1161.2.5. That code section refers to a “resident of the premises for which COVID-19 rental debt is owed,” not a person who lives “at the property” for which COVID-19 rental debt is owed, as is stated in the third bullet. The masking provision does not allow any person who lives at the property (i.e., in another unit in the same building) to look up their neighbor’s court records. The use of premises in this provision refers to the specific rental unit where rent was unpaid.</p>	<p>The committee declines this suggestion as it is not clear from Code of Civil Procedure section 1179.02 that such damages are included within the definition of COVID-19 rental debt.</p> <p>In light of this comment, “property” was changed to “residence” in “who can look at your case file” on page 3 of form SC-500-INFO in the proposal.</p>
Christine Copeland	<p>SC-500-INFO I think it might be helpful to say somewhere that CCP 1179.04.5 prohibits a landlord from using a security deposit for any Covid-19 rental debt.</p>	<p>The committee declines this suggestion as unnecessary because the form already includes security deposits as an issue that may affect the amount of rent owed under “What arguments</p>

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<i>COVID-19 Rental Debt in Small Claims Court (Form SC-500-INFO)</i>		
Commenter	Comment	Committee Response
Community Legal Aid SoCal	<p>The information provided in form SC-500-INFO should be expanded to also include examples and calculations of how to properly complete items 3 and 4 on form SC-500. This will help prevent potential miscalculations.</p> <p>PROVIDE COVID-19 RENTAL DEBT IN SMALL CLAIMS COURT (FORM SC-500-INFO) IN MULTIPLE LANGUAGES</p> <p>The proposed information sheet <i>COVID-19 Rental Debt in Small Claims Court</i> (form SC-500-INFO) is written only in English. It is necessary to provide all parties with information about claims that are not generally litigated in Small Claims court.</p> <p>By providing the form SC-500- INFO in only English many litigants will potentially miss important information concerning COVID-19 rental debt cases.</p> <p>The proposed form SC-500-INFO form includes information that is vital for litigants including information on what to take to court to address relevant issues, potential defenses that could affect the amount of the rent due, and links to sources of assistance, including a publication on residential tenants’ and landlords’ rights and responsibilities, fee-waiver information, legal services organizations, and other forms to request interpreters or accommodations for disabilities, are included on the form.</p> <p>It is especially concerning for tenants and low-income litigants who have fewer available resources and may be facing judgments of amounts of money not typically seen in small claims court. This information page is particularly important because no answer is required in small claim cases, so both parties will need to consider in advance what defenses may be applicable and be prepared to argue and present evidence at trial. Further, the Revised <i>Plaintiff’s</i></p>	<p>can you make?”</p> <p>The committee declines this suggestion as a separate information sheet is not the appropriate place to instruct filers how to fill out a form.</p> <p>The committee notes that a request that the form is translated will be made once the form is approved.</p>

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<i>COVID-19 Rental Debt in Small Claims Court (Form SC-500-INFO)</i>		
Commenter	Comment	Committee Response
	<i>Claim and ORDER to Go to Small Claims Court</i> (form SC-100) contains information for the defendant in Spanish as well as English. The form SC-500-INFO should at least be available in Spanish, if not other languages as well.	
Eviction Defense Collaborative	[Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus.
Housing Now!	[Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus.
Law Foundation of Silicon Valley	[Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus.
Legal Aid Foundation of Los Angeles	<p>LAFLA agrees with the Committee’s decision to recommend a separate information sheet for plaintiffs and defendants in cases to recover COVID-19 rental debt. LAFLA proposes the following changes be made to the new SC-500-INFO form:</p> <ul style="list-style-type: none"> • Under “What is COVID-19 rental debt?” clarification needs to be added that it doesn’t matter why the tenant did not pay the rent (whether it was related to COVID or not) only that it came due in this time period. • Under “What if you disagree with the judge’s decision?” should state that the defendant may appeal within 30 days <i>if they were present at the small claims hearing</i> and state that defendants who did not appear must first move to vacate. The 30-day period to request an appeal or move to vacate should be included on the SC-500-INFO form similar to how it appears on the SC-100 “Information for the defendant.” • The language in “What arguments can you make?” needs to be 	<p>See responses to comments of Asian American Advancing Justice – Asian Law Caucus.</p> <p>In light of this comment, the “what if you disagree with the judge’s decision” section now states, “More information about appeals is available on form SC-500, Plaintiff’s Claim and ORDER to Go to Small Claims Court (COVID-19 Rental Debt) and at www.courts.ca.gov/smallclaims/appeals.”</p> <p>In response to this comment, proposed form</p>

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<i>COVID-19 Rental Debt in Small Claims Court (Form SC-500-INFO)</i>		
Commenter	Comment	Committee Response
	<p>made simpler to provide meaningful access to <i>pro per</i> tenants:</p> <p>First, the language could be simplified by identifying the plaintiff as “landlord” and defendant as “you” or “tenant” throughout the list of potential arguments. Many small claims litigants will not be familiar with the terms plaintiff/defendant and will be more familiar with the term landlord/tenant. For example, “Did defendant or third party offer a rental payment that plaintiff would not accept?” could instead say “Did you or another person/entity attempt to pay your landlord and they would not accept?”</p> <p>Second, more illustrative language could be used. For example, the draft current states “Did plaintiff fail to provide a habitable premises? This means that if the housing did not meet certain standards, the amount owed may be reduced.” This could be rephrased to clarify better clarify what legal terms such as “habitable premises” and “certain standards” mean. For example, it could instead state “Did plaintiff/landlord fail to provide a habitable premises? If your home is not up to health, safety, or buildings standards, the amount owed may be reduced. Some examples are rodent or insect infestation, plumbing issues, black mold, etc.”</p>	<p>SC-500-INFO now refers to “tenant” and “landlord” rather than “defendant” and “plaintiff” throughout the form. The committee declines to use “you” to refer to defendant as form SC-500-INFO is intended to be used by all parties and referring to one specific party as “you” would be confusing.</p> <p>The committee declines this suggestion as a more extensive list of habitable premise issues is contained in the links provided above the list of issues.</p>
Legal Aid Society of San Diego, Inc.	[Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus.
Neighborhood Legal Services of Los Angeles County by Ana Maria Garcia Vice President of Access to Justice Initiatives	The SC-500 INFO SHEET is good and does set out education and legal information about the process, what arguments could be raised and clarifies that although both parties could consult with a lawyer, a lawyer could not represent the parties in small claims court.	The committee appreciates the information provided.
Neighborhood Legal Services	[Comments are identical to those of Asian American Advancing Justice –	See responses to comments of Asian American

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All comments are verbatim unless indicated by an asterisk (*).

<i>COVID-19 Rental Debt in Small Claims Court (Form SC-500-INFO)</i>		
Commenter	Comment	Committee Response
of Los Angeles County by Trinidad Ocampo Supervising Attorney	Asian Law Caucus.]	Advancing Justice – Asian Law Caucus.
OneJustice with: Legal Aid Foundation of Los Angeles	[*Comments are substantively identical to those of Legal Aid Foundation of Los Angeles.]	See responses to comments of Legal Aid Foundation of Los Angeles
Public Advocates	[Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus.
Public Counsel	<p>Instead of, or in addition to, stating that “[a] small claims court cannot determine possession of residential property or evict a tenant from property,” the form should clearly and conspicuously advise defendants that they cannot be evicted or otherwise lose their rental housing if they lose a small claims case for the collection of COVID-19 rental debt. This information should be prominently placed, e.g., in a separate box on the first page.</p> <p>Under “What is COVID-19 rental debt?” clarification needs to be added that it does not matter why the defendant did not pay the rent (whether it was COVID-related), only that it came due in this time period.</p> <p>The language in “What arguments can you make?” needs to be made simpler to provide meaningful access to defendants.</p>	<p>The committee declines this suggestion as the form already alerts litigants that a tenant cannot be evicted in a small claims case. However, the word “cannot” in the existing statement was made bold to draw attention to it.</p> <p>See responses to comments of Asian American Advancing Justice – Asian Law Caucus on this subject.</p> <p>See responses to comments of Asian American Advancing Justice – Asian Law Caucus on this subject.</p>
San Diego Eviction Prevention Collaborative	[Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus.
San Francisco Antidisplacement Coalition	[Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus.
Western Center on Law & Poverty with:	[Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus.

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All comments are verbatim unless indicated by an asterisk (*).

<i>COVID-19 Rental Debt in Small Claims Court (Form SC-500-INFO)</i>		
Commenter	Comment	Committee Response
California Rural Legal Assistance Foundation; Legal Services of Northern California; Bay Area Legal Aid; Public Law Center; and East Bay Community Law Center		

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Rules and Forms: Unlawful Detainer, Small Claims, and Pleading Forms to Implement New Laws (Adopt forms PLD-C-500, PLD-C-505, PLDC-520, SC-500, SC-500A, UD-125; approve form SC-500-INFO; revise forms SC-100, SC-103, SC-104B, UD-101, UD-105, and UD-120)

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<i>Complaint—Recovery of COVID-19 Rental Debt (Form PLD-C-500)</i>		
Commenter	Comment	Committee Response
Asian Americans Advancing Justice – Asian Law Caucus	<p>Under paragraph 6(a) it is not clear that the Plaintiff is supposed to list each individual rental period. It should be made clear that each month of rent due must be listed, rather than listing a total amount and the latest due date.</p> <p>We recommend the same revision as above for paragraph 6(b). A litigant may misunderstand that they can list lump sum amounts for ‘utilities’ or other category of additional costs, rather than listing out each month (or other period) of missed payments.</p>	In light of this comment and others, items 6(a) and 6(b) now respectively include “For each month you claim rent is due,” and “For each month you claim other financial obligations are due,” before the instruction to include each amount due.
California Apartment Association	This form is designed for use when the plaintiff is only seeking COVID-19 rental debt. AB 832 does not require a plaintiff to separate COVID-19 rental debt from other rental debt that may be owed to the landlord. CAA has heard from many of its members that tenants have outstanding balances that include rent due as far back October 2019, which would likely be sought in any action filed in Civil Court. Similarly, landlords may have claims for amounts due on or after October 1, 2021. This form should accommodate any claims that can be appropriately joined in an action to recover COVID-19 Rental Debt.	The committee notes that item 9 allows plaintiffs to make other allegations, including raising claims for other damages besides COVID-19 rental debt that may be properly joined in an action to recover COVID-19 rental debt.
Eviction Defense Collaborative	[Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus.
Housing Now!	[Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus.
Law Foundation of Silicon Valley	[Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus.
Legal Aid Foundation of Los Angeles	<p>[In addition to comments identical to those of Asian American Advancing Justice – Asian Law Caucus, commenter provided the following:]</p> <p>LAFLA agrees with the Committee’s decision to recommend a separate and mandatory pleading form for civil cases to recover COVID-19 related rental debt. We propose the following changes be made to the new Civil Complaint Form:</p>	See responses to comments of Asian American Advancing Justice – Asian Law Caucus.

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<i>Complaint—Recovery of COVID-19 Rental Debt (Form PLD-C-500)</i>		
Commenter	Comment	Committee Response
	Allegation 4 should be expanded to require the plaintiff to state the date on which COVID-19 rental debt was assigned. Under Civ. Code § 1788.65(a), COVID-19 rental debt cannot be assigned between March 1, 2020, and September 30, 2021. Furthermore, under Civ. Code § 1788.66, COVID-19 rental debt of certain tenants cannot be assigned at all. Defendants must be aware of the date of assignment to properly assert this defense.	In light of this comment, item 4 on now requires plaintiffs to provide the date of assignment.
Legal Aid Society of San Diego, Inc.	[Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus.
Neighborhood Legal Services of Los Angeles County by Trinidad Ocampo	[Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus.
Public Advocates	[Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus.
Public Counsel	[Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus.
San Diego Eviction Prevention Collaborative	[Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus.
San Francisco Antidisplacement Coalition	[Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus.
Superior Court of Riverside County	<p>1. Page 2, Item #6</p> <p>Provide table for the user to “LIST all” amounts, month, and date rent became due.</p>	While the committee considered replacing item 6 with a table, the committee declines this suggestion because using a table to collect information about the amount claimed presented additional concerns. For example, it would be challenging to capture multiple payments made in a single month by different sources and without providing multiple lines for each month over a 19-month period, a table could not easily capture multiple “other financial obligations” due each month and

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<i>Complaint—Recovery of COVID-19 Rental Debt (Form PLD-C-500)</i>		
Commenter	Comment	Committee Response
	<p>6. The plaintiff claims defendant or defendants owe \$ _____ for unpaid rent or other financial obligations of the tenancy that came due between March 1, 2020, and September 30, 2021. <i>(Complete items a and b below.)</i></p> <p>a. Rent due. <i>(List all rent plaintiff claims defendant or defendants owe that came due during the period from March 1, 2020, to September 30, 2021. Include each amount due and the date it came due.)</i></p> <p>b. Other amounts of COVID-19 rental debt due. <i>(List all other unpaid financial obligations under the lease or rental agreement that plaintiff claims came due during the period from March 1, 2020, to September 30, 2021. Include each amount, the date it came due, and what it was for.)</i></p>	<p>what they were for. On the other hand, a plaintiff alleging only that rent is due for a certain number of months, with no payments received, will only need a small amount of space to describe the claims.</p>
Superior Court of San Diego County	<p>PLD-C Series of Forms: Propose that a COVID category of forms (CVD) be created and used in lieu of PLD to make these actions more visible.</p> <p>PLD-C-500: At paragraph 8, it appears that the parenthetical reference to form PLD-C-510 is in error, and should instead refer to form PLD-C-520.</p>	<p>The committee declines to rename any forms in the proposal to use a “CVD” prefix. However, the committee understands that the online forms library on the California Courts website will soon include a new additional “COVID” category of forms where each form related to actions to recover COVID-19 rental debt and unlawful detainers for nonpayment of COVID-19 rental debt or COVID-19 recovery period rental debt can be found.</p> <p>This error has been corrected.</p>
Western Center on Law & Poverty with: California Rural Legal Assistance Foundation; Legal Services of Northern	[Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus.

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<i>Complaint—Recovery of COVID-19 Rental Debt (Form PLD-C-500)</i>		
Commenter	Comment	Committee Response
California; Bay Area Legal Aid; Public Law Center; and East Bay Community Law Center		

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Rules and Forms: Unlawful Detainer, Small Claims, and Pleading Forms to Implement New Laws (Adopt forms PLD-C-500, PLD-C-505, PLDC-520, SC-500, SC-500A, UD-125; approve form SC-500-INFO; revise forms SC-100, SC-103, SC-104B, UD-101, UD-105, and UD-120)

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<i>Answer—Recovery of COVID-19 Rental Debt (Form PLD-C-505)</i>		
Commenter	Comment	Committee Response
Asian Americans Advancing Justice – Asian Law Caucus	<p>PLD-C-505, Civil (not small claims) Answer form: We suggest that the Answer not be made mandatory. Currently it reads “This form <i>must</i> be used . . .” and we are concerned that if <i>pro per</i> tenants file on another form, court clerks may reject their filings resulting in default judgments.</p> <p>The general denial language in paragraph 2 is confusing and should be simplified. We recommend: “Defendant generally denies each and every allegation stated in the complaint.” In addition, the language “defendant may make the Specific Denials” should be changed to “must make Specific Denials.” As currently written, <i>pro per</i> tenants will not realize that if they don’t do the specific denials, they are admitting everything.</p> <p>This issue highlights a general concern, which is the lack of a corresponding “Information” sheet for this form. We suggest creating an information sheet to explain general denials and other aspects of the form. For example, the information sheet could explain that “A general denial is appropriate if defendant disagrees with any statement in the complaint or does not have enough information to know if every statement in the complaint is true or not, AND one of the following conditions applies: 1)</p>	<p>The committee declines this suggestion for several reasons. First, the Code of Civil Procedure mandates that the council develop pleading forms and include a statement that access to the records in the case is limited. Such “masking” can only be achieved if the forms containing such notation are mandatory. Second, given the complexity of the issues involved, and the likelihood that many defendants will be self-represented, a mandatory answer will provide defendants with the ability to respond to specific allegations and raise defenses pertinent only to actions to recover COVID-19 rental debt.</p> <p>The proposed general denial now states “Defendant generally denies each statement in the complaint,” but the committee otherwise declines this suggestion as the defendant is not required to make specific denials.</p> <p>The committee declines this suggestion at this time as it is outside the scope of the proposal, but will consider developing an information sheet as resources and time permit.</p>

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Answer—Recovery of COVID-19 Rental Debt (Form PLD-C-505)

Commenter	Comment	Committee Response
	<p>The complaint is not verified or 2) The amount in the complaint is...."</p> <p>In paragraph 3, the language “if defendant disagrees with any statements in the complaint” should be removed because <i>pro pers</i> will often take the allegations at face value because they don’t know one way or the other if it is true or not. They often do not realize that by failing to challenge statements that they do not, themselves, know to be true, they are admitting them. Also, the instructions here are confusing, and repetitive of the instructions in the previous section. The instructions should be revised to simply say: “You must Complete this section if you cannot check the General Denial box, above.”</p> <p>Also, rather than “if defendant agrees . . .” the instructions should clearly convey that by not responding to an allegation, the defendant is admitting it, based on their own personal knowledge. Suggested language: “If defendant knows that everything in the complaint is true, do not check any boxes. This will be an admission that all of the statements are true. If the defendant disagrees with a statement or does not have enough information to know if a statement is true or not, you must specify that, below.”</p> <p>The instructions in paragraph 3(a)(2) and all the similar instructions thereafter in this section, could easily confuse a <i>pro per</i> since it says: “. . . that defendant denies on this basis.” A clearer instruction would be: “. . . that defendant does not admit because they do not know whether it is true or not.”</p> <p>To make these forms accessible for <i>pro per</i> tenants, it is necessary to provide a plain language explanation for the defenses. For example, <i>pro pers</i> are unlikely to know that problems like a broken fridge, roaches and mold are “breach[es] of the warranty to provide habitable premises.” In</p>	<p>The suggested deletion was taken and replaced with, “Defendant may complete this item if Defendant did not check the general denial box, above.” The committee otherwise declines this suggestion as defendants are not required to complete specific denials if they do not make a general denial.</p> <p>In light of this comment, the statement “[t]his will be an admission of all the statements in that section of the complaint are true” has been added as the last line of the instructions to item 3 in form PLD-C-505 in the proposal.</p> <p>The committee declines this suggestion as Code of Civil Procedure section 431.3(e) permits defendants to <i>deny</i> allegations if they have no information or belief.</p> <p>The committee declines this suggestion as after reviewing item 4 in proposed form PLD-C-505 the committee did not determine that any changes were appropriate. However, in response</p>

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Answer—Recovery of COVID-19 Rental Debt (Form PLD-C-505)

Commenter	Comment	Committee Response
	<p>order to avoid lengthening the form, the Judicial Council could create a separate information sheet about the defenses that is referenced by the court form.</p> <p>Finally, for the defenses the form should not direct the defendant to provide facts supporting the affirmative defenses, but rather offer for the defendant to provide facts supporting the affirmative defenses on form MC-025. The Code of Civil Procedure and the Rules of Court only require that affirmative defenses be separately stated and reference the cause of action which they are intended to answer. Cal. Code Civ. Pro. §431.30(g); Cal. Rules of Court, rule 2.112. Defendants may want to expound on their defenses but should not be made to believe that they are required to do so.</p>	<p>to this comment, the defenses in item 4 were reordered so that the ones most likely to appear in these cases are presented first.</p> <p>The committee declines this suggestion as Code of Civil Procedure section 431.30(b)(2) requires an answer to contain “a statement of any new matter constituting a defense.” However, in light of this comment, the instruction about stating facts to support defenses was changed to “<i>must state any additional facts needed</i>” in the heading of item 4 and “[p]rovide facts supporting each item . . . as needed” in item 4(m).</p>
<p>California Apartment Association</p>	<p>Section 4(e)(1) allows the tenant to allege that the landlord improperly demanded late fees. Civ. Code § 1942.9 prohibits landlords from charging or attempting to collect late fees for COVID-19 rental debt. As commented above, a landlord may have claims for other time periods that are not subject to this limitation. CAA recommends that this provision be revised as follows:</p> <p>(1) The amount demanded includes late fees on rent or other financial obligations <u>COVID-19 Rental Debt as defined under Code Civ. Pro. Section 1179.02.</u></p>	<p>In light of this comment, the relevant defense (now item 4(a)(1) on proposed form PLD-C-505) now includes “due between March 1, 2020, and September 30, 2021” after “rent and other financial obligations.”</p>
<p>Community Legal Aid SoCal</p>	<p>INCLUDE FEE WAIVER INFORMATION ON PROPOSED NEW ANSWER-RECOVERY OF COVID-19 RENTAL DEBT (FORM PLD-C-505)</p> <p>Information regarding the availability of fee waivers and where to find the forms should be made easily available to litigants. Fee waiver information should be included on any information sheets or self-help packets provided to litigants, and on the proposed forms including the new <i>Answer—Recovery of COVID-19 Rental Debt</i> (form PLD-C-505). Self-help packets</p>	<p>In light of this comment, form PLD-C-505 in the proposal now contains information about fee waivers at the top of the form.</p>

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<i>Answer—Recovery of COVID-19 Rental Debt (Form PLD-C-505)</i>		
Commenter	Comment	Committee Response
	<p>that are provided to civil litigants should also include the fee waiver forms FW-001 and information sheet FW-001-INFO.</p> <p>Many Defendants in civil debt collection cases are self- represented and low-income individuals. They often lack resources and access to information. Many tenants facing potential lawsuits to collect unpaid rent due to Covid-19 are still facing economic hardships and thus may be eligible to have their court fees waived. Fee waiver information is especially important for defendants in civil litigation cases, because unlike small claims cases, they are required to file answers to avoid default judgments. Litigants who are unaware of the availability of fee waivers may not respond to lawsuits if they mistakenly believe they cannot afford the court fees and receive default adverse judgments as a result.</p>	
Eviction Defense Collaborative	<p>[Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus except these comments: (1) in the last line of the third paragraph (discussing a proposed information sheet on general denials) commenter includes the word “demanded” so the last phrase reads “The amount demanded in the complaint is...”; and (2) commenter’s request to add a jury request box (which is provided below) does not appear with form UD-105, but instead at the end of the comments. Accordingly, the committee has considered the jury box suggestion for both Answers in the proposal (form UD-105 and from PLD-C-505).]</p> <p>Tenants are being asked to complete and understand a very large number of forms due to the new COVID-19 protections. As we raised in prior comment letters, it would simplify the process if there were a jury request box on the Answer form to facilitate tenants’ ability to exercise their constitutional right to a jury.</p>	<p>See responses to comments of Asian American Advancing Justice – Asian Law Caucus.</p> <p>The committee declines this suggestion as no such item exists on the form complaint or on any other Judicial Council pleading form, and adding it would represent a significant departure from current practice, and also because this suggestion is outside the scope of this proposal. The committee notes that any party may request a</p>

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<i>Answer—Recovery of COVID-19 Rental Debt (Form PLD-C-505)</i>		
Commenter	Comment	Committee Response
		jury trial using form UD-150, <i>Request/Counter Request to Set for Trial</i> as explained on the California Court’s Self-Help web page.
Housing Now!	[*Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus except that commenter’s request to add a jury box does not appear with form UD-105, but instead at the end of the comments. Accordingly, the committee will consider it a comment on both Answers in the proposal (form UD-105 and from PLD-C-505). The text of the request to add a jury box is identical to that of Eviction Defense Collaborative.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus, and Eviction Defense Collaborative.
Law Foundation of Silicon Valley	[*Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus except that commenter’s request to add a jury box does not appear with form UD-105, but instead at the end of the comments. Accordingly, the committee will consider it a comment on both Answers in the proposal (form UD-105 and from PLD-C-505). The text of the request to add a jury box is identical to that of Eviction Defense Collaborative.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus, and Eviction Defense Collaborative.
Legal Aid Foundation of Los Angeles	<p>LAFLA agrees with the Committee’s decision to recommend a new answer form for civil cases to recover COVID-19 rental debt. We propose the following changes be made to the new Civil Answer Form:</p> <ul style="list-style-type: none"> • The instructions in the box on the first page should let defendants know that they may wish to consult with an attorney for assistance filing an answer in addition to if they want to file a response other than an answer. • Under the section titled “3. <i>Specific Denials of Allegations in Complaint</i>” the numbering should read “3.d.” before “Other Allegations” and “3.e.” before “Demand for Judgment” in order to follow the formatting used for allegations 3.a through 3.c. • Defense 4(g) should be revised to state “[t]he landlord refused ... even though tenant met all eligibility requirements.” This will make it clear that this defense applies when a tenant met the eligibility 	<p>The form has been updated in the proposal to simply state, “Defendant may want to consult with an attorney.”</p> <p>The committee declines the suggestion as the item numbers are only repeated at the top of the page in the normal Judicial Council form style.</p> <p>In light of this comment, the suggested change has been made.</p>

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<i>Answer—Recovery of COVID-19 Rental Debt (Form PLD-C-505)</i>		
Commenter	Comment	Committee Response
	<p>requirements of a governmental rental assistance program, even if the tenant was not approved. Landlords are not allowed to decline to participate or refuse to apply to a rental assistance program because of a belief that the program is oversubscribed or a tenant will not be approved for a reason other than eligibility, such as lack of funds.</p> <ul style="list-style-type: none"> • A defense should be added that the plaintiff was assigned the COVID-19 rental debt in violation Civ. Code § 1788.66 (COVID-19 rental debt is not assignable because defendant’s income made them eligible to qualify for rental assistance). • A section should be added for the defendant to request attorneys fees, which are permitted to any prevailing party under Civ. Proc. § 871.11. A plaintiff is allowed to request attorney fees in section 12 of Form PLD-C-500. A corresponding section should be added to this form. 	<p>In light of this comment, the suggested defense was added.</p> <p>In light of this comment, the suggested option was added.</p>
Legal Aid Society of San Diego, Inc.	[Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus.
Neighborhood Legal Services of Los Angeles County by Ana Maria Garcia	<p>The PLD-C-505 is a civil Answer for Recovery of Rental Debt. This document seems to set out the tenant's options including defenses. However, this document is not for a small claims case - it is for a civil action. Why can't the tenants in a Small Claims Case prepare an Answer?</p> <p>Why can't this form be adapted to be used in Small Claims?</p>	The committee appreciates the information provided and notes that providing a procedure for defendants to file an answer in small claims court is beyond the scope of this proposal, and would fundamentally alter the process of small claims court.
Neighborhood Legal Services of Los Angeles County by Michael Massman	In the section 4 on Form PLD-C-505, I suggest adding a Failure to Mitigate defense (Cal. Civ. Code § 1951.2(c)(2)). Because individuals facing actions to collect Covid Rental Debt that has been converted into consumer debt may not always have access to a housing advocate, the form may be their only way they can learn of this defense.	The committee notes that item 4(g) in the proposal covers this defense as it permits defendants to allege that they do not owe rent once they vacated the rental premises.
Neighborhood Legal Services of Los Angeles County	[*Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus except that commenter’s request to add a jury box does	See responses to comments of Asian American Advancing Justice – Asian Law Caucus, and

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Rules and Forms: Unlawful Detainer, Small Claims, and Pleading Forms to Implement New Laws (Adopt forms PLD-C-500, PLD-C-505, PLDC-520, SC-500, SC-500A, UD-125; approve form SC-500-INFO; revise forms SC-100, SC-103, SC-104B, UD-101, UD-105, and UD-120)

All comments are verbatim unless indicated by an asterisk (*).

<i>Answer—Recovery of COVID-19 Rental Debt (Form PLD-C-505)</i>		
Commenter	Comment	Committee Response
by Trinidad Ocampo	not appear with form UD-105, but instead at the end of the comments. Accordingly, the committee will consider it a comment on both Answers in the proposal (form UD-105 and from PLD-C-505). The text of the request to add a jury box is identical to that of Eviction Defense Collaborative.]	Eviction Defense Collaborative.
Public Advocates	[*Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus except that commenter’s request to add a jury box does not appear with form UD-105, but instead at the end of the comments. Accordingly, the committee will consider it a comment on both Answers in the proposal (form UD-105 and from PLD-C-505). The text of the request to add a jury box is identical to that of Eviction Defense Collaborative.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus, and Eviction Defense Collaborative.
Public Counsel	<p>[*Commenter provided many comments substantively identical to those of Asian American Advancing Justice – Asian Law Caucus. Those comments have been omitted.]</p> <p>We recommend making this form optional, not mandatory, for defendants in COVID-19 rental debt cases or, in the alternative, requiring plaintiffs to serve a blank copy of the form with the summons and complaint. As the Judicial Council has recognized, many of the defendants in these actions will be unrepresented. Although we appreciate the value of a form that will assist defendants in responding in these cases, mandating use of this form will disadvantage defendants who lack access to court forms, or mistakenly use the wrong form.</p> <p>The list of defenses and objections in section 4 should include the defense that the plaintiff is an assignee to whom the COVID-19 rental debt has been assigned in violation of Civil Code section 1788.66.</p> <p>It is unduly burdensome to require defendants to state additional facts in support of the defenses listed in section 4. It is also beyond the scope of what is required by the Code of Civil Procedure to assert an affirmative</p>	<p>See responses to comments of Asian American Advancing Justice – Asian Law Caucus, and Eviction Defense Collaborative.</p> <p>The committee declines the alternative suggestion as no other forms require service of blank forms to other parties in a case.</p> <p>In light of this comment, the suggested defense has been added.</p> <p>The committee declines this suggestion as Code of Civil Procedure section 431.30(b)(2) requires an answer to contain “a statement of any new</p>

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Rules and Forms: Unlawful Detainer, Small Claims, and Pleading Forms to Implement New Laws (Adopt forms PLD-C-500, PLD-C-505, PLDC-520, SC-500, SC-500A, UD-125; approve form SC-500-INFO; revise forms SC-100, SC-103, SC-104B, UD-101, UD-105, and UD-120)

All comments are verbatim unless indicated by an asterisk (*).

<i>Answer—Recovery of COVID-19 Rental Debt (Form PLD-C-505)</i>		
Commenter	Comment	Committee Response
	<p>defense. We recommend striking section 4l.</p> <p>It is unduly burdensome to require defendants to identify the “number” of a local ordinance that is the basis for a defense in 4(d).</p> <p>Because many defendants in these actions will be unrepresented, we recommend that the Judicial Council develop an information sheet, akin to the SC-500-INFO, for plaintiffs to serve on defendants with the summons and complaint. Much of the information on the SC-500-INFO also applies to actions filed in civil court to recover COVID-19 rental debt, and the information would assist both plaintiffs and defendants in understanding their rights and resolving these matters.</p>	<p>matter constituting a defense.” However, in light of this comment, the instruction about stating facts to support defenses was changed to “<i>must state any additional facts needed</i>” in the heading of item 4 and “[p]rovide facts supporting each item . . . as needed” in item 4(m).</p> <p>To the extent the commenter suggests deleting the instruction now proposed in item 4k, the committee declines this suggestion as the defendant has the burden to raise defenses and provide sufficient information on any defenses raised.</p> <p>The committee declines this suggestion at this time as it is outside the scope of the proposal, but will consider developing an accompanying information sheet as resources and time permit.</p>
San Diego Eviction Prevention Collaborative	[Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus.
San Francisco Antidisplacement Coalition	[Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus except that commenter’s request to add a jury box does not appear with form UD-105, but instead at the end of the comments. Accordingly, the committee will consider it a comment on both Answers in the proposal (form UD-105 and from PLD-C-505). The text of the request to add a jury box is substantially identical to that of Eviction Defense	See responses to comments of Asian American Advancing Justice – Asian Law Caucus, and Eviction Defense Collaborative.

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Rules and Forms: Unlawful Detainer, Small Claims, and Pleading Forms to Implement New Laws (Adopt forms PLD-C-500, PLD-C-505, PLDC-520, SC-500, SC-500A, UD-125; approve form SC-500-INFO; revise forms SC-100, SC-103, SC-104B, UD-101, UD-105, and UD-120)

All comments are verbatim unless indicated by an asterisk (*).

<i>Answer—Recovery of COVID-19 Rental Debt (Form PLD-C-505)</i>		
Commenter	Comment	Committee Response
	Collaborative.]	
Superior Court of Riverside County	1. Page 1, Item #2 – To maintain that a General Denial is an option, rephrase prompt re: specific denials. Suggested edit: If this General Denial is not cannot be checked, defendant may make the Specific Denials in item 3.)	The committee has made the suggested change.
Western Center on Law & Poverty with: California Rural Legal Assistance Foundation; Legal Services of Northern California; Bay Area Legal Aid; Public Law Center; and East Bay Community Law Center	[*Comments are identical to those of Asian American Advancing Justice – Asian Law Caucus except that commenter’s request to add a jury box does not appear with form UD-105, but instead at the end of the comments. Accordingly, the committee will consider it a comment on both Answers in the proposal (form UD-105 and from PLD-C-505). The text of the request to add a jury box is identical to that of Eviction Defense Collaborative.]	See responses to comments of Asian American Advancing Justice – Asian Law Caucus, and Eviction Defense Collaborative.

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Rules and Forms: Unlawful Detainer, Small Claims, and Pleading Forms to Implement New Laws (Adopt forms PLD-C-500, PLD-C-505, PLDC-520, SC-500, SC-500A, UD-125; approve form SC-500-INFO; revise forms SC-100, SC-103, SC-104B, UD-101, UD-105, and UD-120)

All comments are verbatim unless indicated by an asterisk (*).

Comments by Public Housing Authorities		
Commenter	Comment	DRAFT Committee Response
<p>Housing Authority of the City of Los Angeles</p>	<p>1) PHAs cannot apply for Emergency Rental Assistance (ERA) funds without a resident’s consent because of Federal privacy laws. [FN iii 5 U.S.C. § 552a [Attachment 2]³.] “PHAs can share information about a family only if that family consents to their data being shared. Absent consent, PHAs are not authorized to share data regarding families in the public housing programs with third parties.” [FN iv Questions on the U.S. Treasury’s Emergency Rental Assistance (ERA) and Other Rental Assistance Programs (May 12, 2021), U.S. Department of Housing and Urban Development, Q5 at p. 2 [Attachment 3]⁴; see also 5 U.S.C. § 552a(a)-(b) [Attachment 2]⁵.] Thus, PHAs cannot represent that they have applied and cannot apply for ERA funds absent consent from a resident. The forms as drafted would improperly prohibit PHAs from proceeding with unlawful detainer actions at the pleading stage, prevent issuance of a summons in an unlawful detainer action, and preclude PHAs from recovering COVID-19 rental debt in a civil suit. PHAs might be forced to routinely file ex parte applications in order to participate in the unlawful detainer process, which is a waste of government resources and taxpayer money for both the PHAs and the Courts. As such, the forms as drafted impede PHAs equal access to justice.</p> <p>a) Forms affected: PLD-C-500 Complaint – Recovery of COVID-19 Rental Debt, at ¶¶ 7 & 8; UD-101 Plaintiff’s Mandatory Cover Sheet and Supplemental Allegations – Unlawful Detainer at ¶ 3; UD-120 Verification by Landlord Regarding Rental Assistance – Unlawful Detainer at ¶ 3; UD-125 Application to Prevent Forfeiture Due to COVID-19 Rental Debt at ¶ 3.</p>	<p>Providing any blanket exemption to statutory requirements is beyond the purview of the Judicial Council. In light of these comments, proposed form UD-101 now contains item 13, Other Allegations, where public housing authorities may assert preemption or that an exemption applies. While inclusion of item 13 may not prevent the need for an ex parte application to obtain a summons in an unlawful detainer process, it does permit the public housing authorities to raise the issues at the outset of the case. The committee declines to modify other forms in the proposal in response to these comments. Form PLD-C-500 already contains an item for plaintiffs to make other allegations. To the extent public housing authorities are unable to file form UD-120 because of other laws, they can explain this in the items for other allegations on form UD-100 or form UD-101. Given that defendants will fill out form UD-125, it is unclear why any such addition to that form would assist public housing authorities.</p>

³ Attachment 2 may be viewed at <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title5-section552a&num=0&edition=prelim>.

⁴ Attachment 3 may be viewed at https://www.hud.gov/sites/dfiles/PIH/documents/ERAP_PIH_ERAP_FAQs.pdf.

⁵ See footnote 3.

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Rules and Forms: Unlawful Detainer, Small Claims, and Pleading Forms to Implement New Laws (Adopt forms PLD-C-500, PLD-C-505, PLDC-520, SC-500, SC-500A, UD-125; approve form SC-500-INFO; revise forms SC-100, SC-103, SC-104B, UD-101, UD-105, and UD-120)

All comments are verbatim unless indicated by an asterisk (*).

Comments by Public Housing Authorities		
Commenter	Comment	DRAFT Committee Response
	<p>2) PHAs cannot legally waive rental debt; thus, they were unable to participate in prior ERA programs mandating waiver of 20% of COVID-19 rental debt. While public housing rents at PHAs are very low compared to market rate housing, federal law states that public housing rents may not be waived. “PHAs cannot forgive rent owed or reduce the amount owed for public housing. There is no expressed authority under the U.S. Housing Act (see Section 3(a)(1)) or HUD regulations that would grant a PHA discretion to forgive or reduce a public housing tenants’ rental arrears for rent owed. Families participating in the public housing program are statutorily obligated to pay their portion of the rent, and rents are adjusted based on income or at a minimum level established by the PHA.” [FN v Questions on the U.S. Treasury’s Emergency Rental Assistance (ERA) and Other Rental Assistance Programs (May 12, 2021), U.S. Department of Housing and Urban Development, Q8 at p. 4 [Attachment 3]⁶; see also PIH Notice 2020-33 (November 30, 2020), U.S. Department of Housing Urban and Development at p.4 “It is important to note that, for the Public Housing and HCV programs, HUD has not provided waiver authority that would allow tenants to stop paying their portion of the rent as determined by the PHA” (Attachment 4)⁷; 42 U.S.C. §1437a(a) [Attachment 5]⁸; 42 U.S.C. §1437d(c)(4) [Attachment 6]⁹; 24 CFR §§ 966.4(b)(1)(i) & (1)(1) & (2) [Attachment 7]¹⁰.] The forms as drafted would improperly prohibit PHAs from proceeding with unlawful detainer actions at the pleading stage, issuance of a summons in an unlawful detainer action, and recovering COVID-19 rental debt in</p>	<p>There is no longer a requirement in the Health and Safety Code provisions that a landlord must waive 20% of the rental debt in order to obtain rental assistance. Therefore, the committee declines to modify the proposal in response to this comment.</p>

⁶ See footnote 4.

⁷ Attachment 4 may be viewed at <https://www.hud.gov/sites/dfiles/PIH/documents/PIH2020-33.pdf>.

⁸ Attachment 5 may be viewed at <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title42-section1437a&num=0&edition=prelim>.

⁹ Attachment 6 may be viewed at <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title42-section1437d&num=0&edition=prelim>.

¹⁰ Attachment 7 may be viewed at <https://www.ecfr.gov/current/title-24/subtitle-B/chapter-IX/part-966/subpart-A/section-966.4>.

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Rules and Forms: Unlawful Detainer, Small Claims, and Pleading Forms to Implement New Laws (Adopt forms PLD-C-500, PLD-C-505, PLDC-520, SC-500, SC-500A, UD-125; approve form SC-500-INFO; revise forms SC-100, SC-103, SC-104B, UD-101, UD-105, and UD-120)

All comments are verbatim unless indicated by an asterisk (*).

Comments by Public Housing Authorities		
Commenter	Comment	DRAFT Committee Response
	<p>a civil suit. PHAs face administrative hurdles with court clerks and might be forced to file ex parte applications in order to participate in the unlawful detainer process, which is a waste of government resources and tax-payer money for both the PHAs and the Courts. As such, the forms as drafted impede PHAs equal access to justice.</p> <p>a) Forms affected: PLD-C-500 Complaint – Recovery of COVID-19 Rental Debt, at ¶¶ 7 & 8; UD-101 Plaintiff’s Mandatory Cover Sheet and Supplemental Allegations – Unlawful Detainer at ¶ 3; UD-120 Verification by Landlord Regarding Rental Assistance – Unlawful Detainer at ¶ 3; UD-125 Application to Prevent Forfeiture Due to COVID-19 Rental Debt at ¶ 3.</p> <p>3) PHAs are exempted from verification requirements. <i>Code of Civil Procedure</i> § 446 states “...public agency, or public corporation, in his or her official capacity is plaintiff, the complaint need not be verified...” The object of a verification is to ensure good faith in the averments or statements of a party. [FN vi <i>Osborn v. City of Whittier</i> (App. 1951) 103 Cal.app.2d 609, 619.] It is well established under California law that public agencies are assumed to be acting in good faith and need not verify <i>prima facie</i> allegations. [FN vii <i>Trask v. Superior Court</i> (App. 2 Dist. 1994) 22 Cal.App.4th 346, FN3; Code Civ. Proc. § 446.]</p> <p>a) Forms affected: UD-101 Plaintiff’s Mandatory Cover Sheet and Supplemental Allegations – Unlawful Detainer; UD-120 Verification by Landlord Regarding Rental Assistance – Unlawful Detainer</p> <p><u>Suggested Revisions:</u> We recommend revising all proposed forms to include a space where PHAs administering public housing programs can have the opportunity to plead that certain state and local laws or moratoria are preempted by conflicting federal law for federally funded public housing programs. At a minimum, we recommend revising all proposed forms to allow for a general explanation or “other” box so</p>	<p>It is not clear to the committee that section 446(a) is sufficiently broad as to relieve public agencies from having to comply with other statutory provisions that require verifications outside of a pleading, such as the provision in Health and Safety Code requiring that the plaintiff verify that no rental assistance has been received before the court may issue a judgment. However, the items in form UD-101 and form PLD-C-500 allowing for “other allegations” should be sufficient to allow PHAs to raise the facts they believe support their claims.</p> <p>See above.</p>

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Rules and Forms: Unlawful Detainer, Small Claims, and Pleading Forms to Implement New Laws (Adopt forms PLD-C-500, PLD-C-505, PLDC-520, SC-500, SC-500A, UD-125; approve form SC-500-INFO; revise forms SC-100, SC-103, SC-104B, UD-101, UD-105, and UD-120)

All comments are verbatim unless indicated by an asterisk (*).

Comments by Public Housing Authorities		
Commenter	Comment	DRAFT Committee Response
	PHAs can state affirmatively how certain state or local laws are preempted.	
Housing Authority of the City of San Buenaventura	[Comments are identical to those of the Housing Authority of the City of Los Angeles.]	See responses to comments of Housing Authority of the City of Los Angeles.
Housing Authority of the County of Contra Costa	[Comments are identical to those of the Housing Authority of the City of Los Angeles.]	See responses to comments of Housing Authority of the City of Los Angeles.

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Rules and Forms: Unlawful Detainer, Small Claims, and Pleading Forms to Implement New Laws (Adopt forms PLD-C-500, PLD-C-505, PLDC-520, SC-500, SC-500A, UD-125; approve form SC-500-INFO; revise forms SC-100, SC-103, SC-104B, UD-101, UD-105, and UD-120)

All comments are verbatim unless indicated by an asterisk (*).

Court Implementation		
Commenter	Comment	Committee Response
Superior Court of San Diego County	<p>Q: Does the proposal appropriately address the stated purpose? Yes.</p> <p>Q: Would the proposal provide cost savings? If so, please quantify. No.</p> <p>Q: 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? Training business office and courtroom staff, updating existing procedures for small claims and unlawful detainer actions, configuring filings in case management systems (including limiting access to small claims actions for recovery of COVID-19 rental debt), and creating/updating local forms packets. It is difficult to quantify the number of staff hours that will be required to implement the changes, but it will be significant.</p>	The committee appreciates the information provided.

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Small Claims: Forms for COVID-19 Rental Debt Cases (Revise form SC-100 and approve form SC-110)

All comments are verbatim unless indicated by an asterisk (*).

List of All Commenters, Overall Positions on the Proposal, and General Comments				
	Commenter	Position	Comment	Committee Response
1.	Asian Americans Advancing Justice – Asian Law Caucus San Francisco, CA by Arianna Cook-Thajudeen, Esq. Housing Rights Program	NI	<p>We write respectfully in response to the Judicial Council’s Invitation to Comment SP20-10, <i>Small Claims: Forms for COVID-19 Rental Debt Cases</i>. We understand and appreciate that the Judicial Council has been required to act quickly to implement the complex new laws protecting tenants from eviction during the unprecedented COVID-19 pandemic. As discussed in our prior comment letters, these forms are particularly critical in a pandemic when many tenants in crisis will be facing potential eviction and mounting debt without assistance. Preexisting structural inequalities have made COVID-19 far more devastating in communities of color, [FN 1 <i>Communities of color devastated by COVID-19: Shifting the narrative</i>, HARVARD HEALTH BLOG (October 22, 2020), https://www.health.harvard.edu/blog/communities-of-color-devastated-by-covid-19-shifting-the-narrative-2020102221201.] leading to worse health outcomes and greater levels of rental debt in these communities. [FN 2 <i>Millions of Americans are heading into the holidays unemployed and over \$5000 behind on rent</i>, WASHINGTON POST (December 7, 2020), https://www.washingtonpost.com/business/2020/12/07/unemployed-debt-rent-utilities/.]</p> <p>Asian Americans Advancing Justice – Asian Law Caucus is the nation’s first legal and civil rights organization serving the low-income Asian Pacific American communities. We focus on housing rights, immigration and immigrants’ rights, labor</p>	See responses to comments on specific provisions below.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.

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Small Claims: Forms for COVID-19 Rental Debt Cases (Revise form SC-100 and approve form SC-110)

All comments are verbatim unless indicated by an asterisk (*).

List of All Commenters, Overall Positions on the Proposal, and General Comments			
Commenter	Position	Comment	Committee Response
		<p>and employment issues, student advocacy (ASPIRE), civil rights and hate violence, national security, and criminal justice reform.</p> <p>We applaud the Judicial Council for acting so quickly to propose changes to form SC-100 and create form SC-110-INFO, but believe that further changes can be made to better serve the public, as well as the bench officers who will be hearing these cases. Please consider the following comments and suggestions.</p> <p>[See comments on specific provisions below.]</p> <p>We appreciate the work that the Judicial Council has done to quickly put this form out for public comment to ensure that defendants in the COVID-19 rental debt cases have as much information as possible. We believe that, with the suggestions made above, the form will make it easier for the court to adjudicate these cases, and make it less likely that the defendants will end up with a default judgment because they did not understand the process.</p>	The committee appreciates the comments.
2. Bay Area Legal Aid Oakland, CA by David Canela Hilda Chan Lisa Greif Kari Rudd	NI	<p>We write on behalf of Bay Area Legal Aid (“Baylegal”) in response to the Judicial Council’s invitation to comment on the proposed revision of SC-100 and the addition of SC-110.</p> <p>BayLegal is the largest legal services provider in the San Francisco Bay Area, serving a diverse client community across seven counties (totaling</p>	See responses to comments on specific provisions below.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.

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Small Claims: Forms for COVID-19 Rental Debt Cases (Revise form SC-100 and approve form SC-110)

All comments are verbatim unless indicated by an asterisk (*).

List of All Commenters, Overall Positions on the Proposal, and General Comments				
	Commenter	Position	Comment	Committee Response
			<p>approximately 60,000 lowincome-individuals each year). Many of our clients are tenants who are unable to pay their rent because of economic hardship related to the pandemic, who are understandably concerned about rental debt collection through small claims court. We offer the following comments and suggestions regarding the proposed forms in order to address the increasing need to protect tenants’ housing from the destabilizing effects and aftermath of the COVID pandemic; to mitigate bad faith, frivolous filings from landlords; and to improve tenants’ understanding of the small claims process.</p> <p>[See comments on specific provisions below.]</p> <p>We appreciate and support the Judicial Council’s efforts to ensure that tenants facing collections on COVID-19 rental debt have the information that they need to understand and exercise their rights. We hope that the changes suggested in this letter will help move the proposed forms closer to that goal.</p>	The committee appreciates the comments.
3.	Bet Tzedek Legal Services Los Angeles, CA by Jenna Miara Directing Attorney, Impact Litigation & Policy	AM	Bet Tzedek—Hebrew for the “House of Justice”—was established in 1974 as a nonprofit organization that provides free legal services to Los Angeles County residents. Each year our attorneys, advocates, and staff work with more than a thousand pro bono attorneys and other volunteers to assist more than 40,000 people regardless of their race, religion, ethnicity, immigrant status, or gender identity. Bet Tzedek routinely assists individuals who are facing eviction, including	See responses to comments on specific provisions below.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.

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Small Claims: Forms for COVID-19 Rental Debt Cases (Revise form SC-100 and approve form SC-110)

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List of All Commenters, Overall Positions on the Proposal, and General Comments				
	Commenter	Position	Comment	Committee Response
			<p>through our Preventing and Ending Homelessness Program (PEHP). Bet Tzedek also operates a Small Claims clinic in conjunction with the Los Angeles County Bar Association and Southwestern Law School, which provides information about the small claims process. Many of the people we serve are seniors, individuals with disabilities, and individuals with limited English proficiency. Our comments are informed by our experiences in these areas.</p> <p>Since the pandemic began, and particularly with the sunset of the Judicial Council Emergency Rule 1, there has been a marked increase in the need for assistance with evictions and other rental housing-related matters. In recent months, we have provided countless consultations to tenants who are availing themselves of the protections afforded by AB 3088 and who will almost certainly soon be faced with back rent collection lawsuits in small claims court. Because litigants in small claims court cannot be represented by an attorney, it is especially important that the Judicial Council forms be accurate and accessible to tenants. We commend the Civil and Small Claims Advisory Committee for its efforts to do so by revising SC-100 and by adding SC-110. We have the following suggestions and comments.</p> <p>[See comments on specific provisions below.]</p>	The committee appreciates the comments.
4.	California Access to Justice Commission Oakland, CA	NI	For over 20 years, the California Access to Justice Commission (CAJC) has worked toward achieving equal access to justice for all Californians. We	See responses to comments on specific provisions below.

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Small Claims: Forms for COVID-19 Rental Debt Cases (Revise form SC-100 and approve form SC-110)

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List of All Commenters, Overall Positions on the Proposal, and General Comments				
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	by Hon. Mark Juhas Chair		<p>appreciate the Civil and Small Claims Advisory Committee’s efforts to adopt new forms to assist courts and parties in complying with the new Tenant, Homeowner, and Small Landlord Relief and Stabilization Act of 2020 (Assembly Bill 3088). Because Assembly Bill 3088 allows tenants to avoid eviction for nonpayment of rent in certain situations but allows claims for nonpayment of rent related to the COVID-19 pandemic in small claims court, we expect a large number of rental-debt small claims cases starting in March 2021. We support the proposal to revise form SC-100 and create a new information form SC-110-INFO. We have the following comments and suggestions.</p> <p>[See comments on specific provisions below.]</p> <p>The Access Commission thanks the Civil and Small Claims Advisory Committee for its efforts to update the small claims forms in light of AB 3088, and for considering these proposed changes.</p>	The committee appreciates the comments.
5.	California Apartment Association Sacramento, CA by Whitney Prout Policy and Compliance Counsel	NI	The California Apartment Association (CAA) is the largest statewide rental housing trade association in the country, representing more than 50,000 owners and operators who are responsible for nearly two million rental housing units throughout California. CAA’s mission is to promote fairness and equality in the rental of residential housing and to promote and aid in the availability of high-quality rental housing in California. CAA represents its members in legislative, regulatory, judicial, and other state and local forums.	See responses to comments on specific provisions below.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.

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Small Claims: Forms for COVID-19 Rental Debt Cases (Revise form SC-100 and approve form SC-110)

All comments are verbatim unless indicated by an asterisk (*).

List of All Commenters, Overall Positions on the Proposal, and General Comments				
	Commenter	Position	Comment	Committee Response
			<p>As a preliminary matter, CAA thanks the committee and staff for their work on these and other forms to implement AB 3088, particularly given the short timeframes for doing so.</p> <p>CAA offers the following comments on the proposed revisions to Form SC-100 and adoption of new form SC-110-INFO.</p> <p>[See comments on specific provisions below.]</p>	The committee appreciates the comments.
6.	<p>California Association of Judgment Professionals Oxnard, CA by Gretchen D. Lichtenberger Legislative Chairperson</p>	NI	<p>On behalf of the California Association of Judgment Professionals, we would like to submit our comments regarding the revised and new Small Claims forms. Though these forms are not directly related to Judgment Enforcement, we submit some comments nonetheless.</p> <p>[See comments on specific provisions below.]</p>	See responses to comments on specific provisions below.
7.	<p>California Lawyer’s Association Sacramento, CA by Elisabeth A. Blair, Chair Real Property Law Section</p>	NI	[See comments on specific provisions below.]	See responses to comments on specific provisions below.
8.	<p>Community Legal Aid SoCal Santa Ana, CA by Kate Marr Executive Director</p>	NI	<p>Community Legal Aid SoCal is submitting these comments in response to the proposed revisions to the small claims forms in response to Assembly Bill 3088.</p> <p>Community Legal Aid SoCal is dedicated to meeting the civil legal needs of low-income people throughout Orange and Southeast Los Angeles Counties. With an emphasis on innovation, language access, and a holistic approach to client care, we support clients with legal issues related to</p>	See responses to comments on specific provisions below.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.

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Small Claims: Forms for COVID-19 Rental Debt Cases (Revise form SC-100 and approve form SC-110)

All comments are verbatim unless indicated by an asterisk (*).

List of All Commenters, Overall Positions on the Proposal, and General Comments				
	Commenter	Position	Comment	Committee Response
			<p>immigration, family law, access to healthcare, public benefits including unemployment, tax, and housing. We offer a full range of legal assistance, including information and referrals, counsel and advice, workshops, clinics, and direct legal representation in each of these areas. Additionally, Community Legal aid SoCal facilitates the Orange County Small Claims Advisory program. Our services include weekly workshops, assistance with small claims questions and form preparation.</p> <p>Community Legal Aid SoCal supports and recognizes the need for the new proposed information sheet, <i>COVID-19 Rental Debt in Small Claims Court</i> (form SC-110-INFO). It is necessary to provide all parties with information about claims that are not generally litigated in small claims court. However, the following modifications are suggested.</p> <p>[See comments on specific provisions below.]</p> <p>Community Legal Aid SoCal appreciates the work of the Judicial Council to revise the small claims forms and provide information regarding COVID-19 rental debt cases to litigants. We believe the above-mentioned modifications will ensure small claims litigants are better informed and prepared for the COVID-19 rental debt cases. Thank you for your time and attention on this important issue.</p>	The committee appreciates the comments.
9.	Christine Copeland Commissioner Santa Clara County Superior Court	A	The new UD complaint and Answer are great. Learning AB3088, and now SB91, has been challenging, but the forms you propose distill	See responses to comments on specific provisions below.

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Small Claims: Forms for COVID-19 Rental Debt Cases (Revise form SC-100 and approve form SC-110)

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			<p>dates, procedures, etc. so are very helpful. I think they are as simple as they can be for the litigants trying to fill them out, given how many legal changes, dates (and transition periods) and procedures have been enacted in the UD world since Covid.</p> <p>I can't speak to whether the revisions will save us money. I also can't speak to what these revisions will mean for staff training, case management systems, etc. I think the burden, appropriately so, is on the judicial officer hearing the case, or reviewing the default judgment request, to make sure landlords have jumped through all the hoops.</p> <p>[See comment on specific provision below, received in a prior circulation of unlawful detainer forms.]</p>	The committee appreciates the comments.
10.	Eviction Defense Network Los Angeles, CA by Stephano Medina Skadden Fellow	AM	<p>As one of the leading legal service providers defending low-income tenants facing eviction in Los Angeles, the Eviction Defense Network thanks you for the opportunity to provide feedback on proposed changes to SC-110 and SC-100 in anticipation of the tsunami of claims arising from unpaid COVID rental debt.</p> <p>First and foremost, we are obligated to emphasize the significant gap in access to services and other important capacities that render any litigation a foreign, hostile, and disempowering experience for low-income tenants of color. In many cases, the mere appearance of a judicial summons is sufficient to cower tenants into self-displacement</p>	See responses to comments on specific provisions below.

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			<p>or worse.</p> <p>[See comments on specific provisions below.]</p> <p>Service of process must also be significantly improved, given the likely consequences of default judgments against low-income tenants. Not only must service comply with existing statutory requirements applied to limited and unlimited civil cases, but motions to set aside must be heard well after a small claims court renders a final judgment, as in many cases tenants only discover the existence of legal proceedings when default judgments are enforced.</p> <p>With the above improvements and other suggestions from our partnered legal service providers, we hope that the small claims process for COVID debt reflects the Judicial Council's strong commitment to the due process rights of our most vulnerable communities.</p>	<p>This suggestion is outside the scope of this proposal but will be considered in the future as time and resources permit.</p>
11.	Hon. Patricia Garcia Judge Superior Court of San Diego County	A	<p>Agree with the advisory committee that revisions to form SC-101 and that new form SD-110 will be useful to the courts. Don't know the fiscal or operational impact; would need input from management/operations side.</p>	<p>The committee appreciates the comments.</p>
12.	Law Foundation of Silicon Valley San Jose, CA by Nadia Aziz, Esq. Directing Attorney, Housing	NI	<p>The Law Foundation of Silicon Valley is an independent, non-profit, legal services organization that uses innovative legal advocacy as a tool for social change. Established more than 40 years ago, today our team of 90 attorneys, social workers and staff, together with pro bono volunteers, find stable homes for abused and neglected children, help</p>	<p>See responses to comments on specific provisions below.</p>

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			<p>people living with chronic illnesses access the benefits they need to remain healthy and self-sufficient, provide low-income people access to safe and affordable housing, and address a number of other critical issues including domestic violence, discrimination, human trafficking, mental health, and more. We serve more than 12,000 individuals and families each year.</p> <p>We are writing to provide our comments for Small Claims form SC 110 and SC 110-Info for Covid-19 Rental Debt Cases.</p> <p>[See comments on specific provisions below.]</p> <p>We wish to thank the Civil and Small Claims Advisory Committee for considering these comments, and for its efforts to update these forms to comply with the provisions of AB 3088.</p>	The committee appreciates the comments.
13.	Jeffrey Lyons Shareholder Clement Fitzpatrick & Kenworthy Santa Rosa, CA	AM	I agree that the small claims format is well-suited to address these breach of contract cases. However, I believe that there should be a separate calendar devoted only to these cases until there are not enough of them to warrant it, then blend these cases in with the other small claims matters.	This suggestion is beyond the purview of the committee.
14.	Mental Health Advocacy Services Los Angeles, CA by Marissa Mowrey Consumer Finance Staff Attorney	AM	I write on behalf of Mental Health Advocacy Services (MHAS). MHAS is a private, non-profit organization established in 1977 to provide free legal services to people with mental disabilities. MHAS assists both children and adults, with an emphasis on obtaining government benefits and services, protecting rights, and fighting discrimination. MHAS also serves as a resource to	See responses to comments on specific provisions below.

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			<p>the community by providing training and technical assistance to attorneys, mental health professionals, consumer and family member groups, and other advocates. In addition, MHAS participates in impact litigation in an effort to improve the lives of people with mental disabilities. MHAS is home to programs which address both the housing and consumer finance needs of our clients, members of the greater Los Angeles community. It is with that perspective that we make the following suggestions regarding the proposed forms.</p> <p>[See comments on specific provisions below.]</p>	
15.	Oakland City Attorney’s Office by Braz Shabrell Deputy City Attorney	AM	<p>Good afternoon, These comments are submitted on behalf of the Oakland City Attorney’s office.</p> <p>[See comments on specific provisions below.]</p> <p>Thank you in advance for your consideration.</p>	See responses to comments on specific provisions below.
16.	Orange County Bar Association by Scott Garner President	A	[No specific comment.]	
17.	William Palma	NI	<p>If my Superior Court is not providing adequate self help access, and have dead ends in their telephone system. Overloaded telephone lines Compiled with COVID-19. Closed SELF HELP sections of the court.</p> <p>How can it be argued that the .5 % who represent themselves are given a fair trial. I have evidence to file of the lack of resources affecting the current court cases, especially those like myself</p>	The committee acknowledges the comment, but it is beyond the purview of the committee to provide additional resources in individual courts or provide counsel for those that represent themselves in court.

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			<p>representing themselves. I'd like to bring this to the Supreme Court's attention. The arguments in this article plus inadequate resources should make many cases void in 2020.</p> <p>https://www.courts.ca.gov/documents/benchguide_self_rep_litigants.pdf</p> <p>What motions can be filed with the Supreme Court and Local Superior Court, to allow adequate time and provide proper Government support</p>	
18.	Public Counsel Los Angeles, CA by Amanda K. Pertusati Supervising Staff Attorney	NI	<p>Public Counsel has reviewed the proposed revisions to forms SC-101 and SC-110, and appreciates the opportunity to submit the comments below.</p> <p>Public Counsel is the nation's largest public interest law firm specializing in delivering pro bono legal services to low-income communities. In 2019, Public Counsel's staff of 130, in conjunction with 5,800 volunteers, provided legal services to 15,000 people and 300 nonprofit organizations. We routinely assist tenants facing evictions and consumers facing debt collection lawsuits, and serve a diverse client community including individuals with limited English proficiency, individuals with disabilities, and older adults. Our comments are informed by our expertise in these areas.</p> <p>The impact of the COVID-19 pandemic has been devastating to the communities we serve, and especially communities of color. According to a</p>	See responses to comments on specific provisions below.

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			<p>recent study by the Pew Research Center, 48% of Black adults reported that they “cannot pay some bills or can only make partial payments on some of them.”[FN 1 https://www.pewresearch.org/fact-tank/2020/05/05/financial-and-health-impacts-of-covid-19-vary-widely-by-race-and-ethnicity/.]</p> <p>Moreover, African Americans make up 13% of L.A. County residents who have succumbed to COVID-19, even though they are only 8% of the County’s adult population. [FN 2 https://laist.com/2020/05/01/coronavirus_LA_county_adult_population_death_rate_latino_african_american_asian_white.php.]</p> <p>It is critical that the rights of tenants and low-income litigants be protected and preserved. We thank the Civil and Small Claims Advisory Committee for its efforts to do so through its proposed revisions to the SC-101 and SC-110 forms.</p> <p>1. Revisions Pertaining to Form SC-110 The proposed revisions broadly achieve the Committee’s goals to utilize user-friendly language, draft a simpler form to provide relevant information to the court, as well as notify the plaintiff and defendant of their rights. Keeping this in mind, Public Counsel proposes the following changes be made to form SC-110.</p> <p>[See comments on specific provisions below.]</p>	
19.	Public Law Center Santa Ana, CA	AM	The Public Law Center (PLC) writes to provide comment on the proposed revisions to form SC-	The committee appreciates the comments and responds to the comments on specific provisions below. See responses to comments on specific provisions below.

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by Leigh E. Ferrin Director of Litigation and Pro Bono		<p>100 and the new proposed form SC-110.</p> <p>PLC is a 501(c)(3) legal services organization that provides free civil legal services to low-income individuals across Orange County. Our services are provided across a range of substantive areas of law, including consumer law, family law, immigration, veterans, small business/non-profit, housing and health. PLC’s Housing and Homelessness Prevention unit assist hundreds of tenants facing eviction by their landlords each year, ensuring that landlords are following proper procedures and are not retaliating or acting discriminatorily towards our clients. PLC’s Consumer Law unit works extensively with consumers facing debt collection lawsuits; mostly in limited civil courtrooms, but occasionally in small claims court as well. PLC’s services for low-income litigants facing unlawful detainer and collection lawsuits by landlords and debt collectors range from self-help to limited scope to full-scope representation.</p> <p>We have a deep understanding of how self-represented litigants, many of whom do not speak English and do not have an understanding of the civil justice system, navigate complicated court procedures. We applaud the Judicial Council for acting so quickly to propose changes to form SC-100 and to add in SC-110, as we think it is incredibly important that changes are made considering the content of AB 3088. We do believe that further changes can be made to better serve the public, as well as the bench officers who will be</p>	The committee appreciates the comments.

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			<p>hearing these cases. PLC provides the following comments:</p> <p>[See comments on specific provisions below.]</p> <p>We appreciate the work that the Judicial Council has done to quickly put this form out for public comment to ensure that defendants in the COVID-19 rental debt cases have as much information as possible. We believe that, with the suggestions made above, the form will make it easier for the court to adjudicate these cases, and make it less likely that the defendants will end up with a default judgment because they did not understand the process.</p>	
20.	Superior Court of Los Angeles County by Bryan Borys Director of Research and Data Management	AM	<p>[See comments on specific provisions below.]</p> <p>- Would the proposal provide cost savings? Not without mandatory participation in electronic notices.</p> <p>- What would the implementation requirements be for courts? Minimal training requirements. Modification to case management systems if the court decides to capture email addresses.</p>	<p>See responses to comments on specific provisions below.</p> <p>The committee appreciates the responses to the questions regarding court implementation.</p>
21.	Superior Court of Orange County Training & Analyst Group by Sean Lillywhite Administrative Analyst/Officer	NI	<p>[See comments on specific provisions below.]</p> <p>2. Would the proposal provide cost savings? if so please quantify. Response: <i>No. Although the workload will increase for small claims calendars and ADR programs, as a result of AB 3088, the proposal</i></p>	<p>See responses to comments on specific provisions below.</p>

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			<p><i>does not appear to provide any quantifiable cost savings.</i></p> <p>3. What would the implementation requirements be for the 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 system, or modifying case management system.</p> <p>Response: <i>The court's case management system will need to be modified in order to measure and differentiate the COVID-19 rental debt workload from all other small claims cases. Processes will need to be modified and staff will need to be trained on these changes.</i></p>	<p>The committee appreciates the responses to the questions regarding court implementation.</p>
22.	Superior Court of San Diego County by Mike Roddy Executive Officer	AM	<p>[See comments on specific provisions below.]</p> <p>Q: Would the proposal provide cost savings? If so, please quantify? A: No.</p> <p>Q: 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? A: The court will need to update training materials/local packets and configure our case management system to accept filings that exceed jurisdictional amount of small claims.</p>	<p>See responses to comments on specific provisions below.</p> <p>The committee appreciates the responses to the questions regarding court implementation.</p>

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23.	University of California, Irvine School of Law Consumer Law Clinic by Claire Johnson Raba Clinical Teaching Fellow	NI	<p>The University of California, Irvine School of Law Consumer Law Clinic (CLC) writes to provide comment on the proposed revisions to form SC-100 and the new proposed form SC-110-INFO.</p> <p>The UC Irvine CLC is a direct representation legal services clinic within the UCI Law Clinics. Under the supervision of experienced consumer law attorneys, certified law students in the CLC serve low-income Californians throughout Southern California in matters in Superior Court to ensure outcomes that improve economic stability for our clients. Our services are provided across a range of consumer law issues, including housing preservation, debt collection defense, and assistance with criminal justice system and traffic court fines and fees. The CLC engages in systemic reform advocacy on consumer law and access to justice issues to ensure that the legal system effectively serves low-income, marginalized, and unrepresented litigants. We provide comments to ensure that the small claims court system expansion into the collection of COVID-19 rental debt arrears, including the forms proposed, remains fair and equitable and allow litigants to effectively assert their rights.</p> <p>We appreciate the Judicial Council acting so quickly to propose changes to form SC-100 and to add in SC-110, as we think it is incredibly important that changes are made considering the content of AB 3088. We believe that further changes can be made to better serve the public, as</p>	<p>See responses to comments on specific provisions below.</p> <p>The committee appreciates the comments.</p>

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		<p>well as the bench officers who will be hearing these cases. The UC Irvine CLC, on behalf of our clients, provides the following comments:</p> <p>[See comments on specific provisions below.]</p> <p>In conclusion, we appreciate the work that the Judicial Council has done to quickly put this form out for public comment to ensure that defendants in the COVID-19 rental debt cases have as much information as possible. We believe that, with the suggestions made above, the forms will make it easier for the court to adjudicate these cases, and make it less likely that the defendants will end up with a default judgment because they did not understand the process.</p>		

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1. Email Addresses in Items 1-2		
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<p>Asian Americans Advancing Justice – Asian Law Caucus San Francisco, CA by Arianna Cook-Thajudeen, Esq. Housing Rights Program</p>	<p>3. Remove the option of including the defendant’s email address. We find the addition of the option, in Section 1 on the second page of the form, to allow the plaintiff to include their email address helpful, particularly for court scheduling purposes. However, we have concerns about the option to include the defendant’s email address in Section 2. The form is completed by the plaintiff only, and the email address the plaintiff has for a defendant may be inaccurate or out of date. Moreover, it is our experience that many low-income tenants and consumers who have email accounts do not necessarily use them, or have the means to access those accounts regularly. Inclusion of email addresses on the form may result in confusion about the use of email for service, and may result in improper use of defendants’ email addresses, including for debt collection.</p> <p>We would recommend keeping the option for the plaintiff to provide their email address and deleting the option to include the defendant’s email address.</p>	<p>In light of this and other comments on this point, the committee modified the proposal to exclude the item requesting defendant’s email address, while retaining the request for plaintiff’s email address, in forms SC-100 and SC-500. The committee decided to remove the item requesting defendant’s email address from the revisions in light of the fact that it was being requested from the opposing party and there was no way to confirm the validity or usage of the address. Committee members note that there are alternative ways for courts to invite defendants to alternative dispute resolution programs without trying to get the plaintiff to provide the address. Taking that into account, and acknowledging the concerns noted by several commenters, the committee concluded that while it was appropriate to include a request for plaintiffs to provide their own email addresses on the claim forms (if they have one), it was not appropriate to ask them to provide defendant’s.</p>
<p>Bay Area Legal Aid Oakland, CA by David Canela Hilda Chan Lisa Greif Kari Rudd</p>	<p><i>Defendant’s Email Address</i> We are concerned that the form asks landlord plaintiffs to list an email address for their tenants. If the landlord is mistaken, if a tenant no longer uses that email address, or if they do not check it regularly, they could miss out on important notices. Also, including a field for the defendant’s email address could imply to the plaintiff that they may electronically serve defendants by email. To avoid this, we recommend removing the email field for defendants on form SC-100 and allow defendants to voluntarily provide their email address if they choose to do so.</p>	<p>See response to comments by Asian Americans Advancing Justice – Asian Law Caucus on this issue.</p>
<p>Bet Tzedek Legal Services Los Angeles, CA by Jenna Miara</p>	<ul style="list-style-type: none"> • Defendant’s Email Address Should Not Be Required <p>A plaintiff may input the defendant’s email address on page 2. We are concerned that an email address provided by the</p>	<p>See response to comments by Asian Americans Advancing Justice – Asian Law Caucus on this issue.</p>

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Directing Attorney, Impact Litigation & Policy	plaintiff maybe inaccurate or out of date. In addition, many of our clients do not regularly utilize email and do not have consistent access to reliable internet. Moreover, we are concerned that the plaintiff or the court may presume that because an email has been provided, electronic service may be acceptable. We therefore recommend deleting the line for the defendant’s email address. If the line for the defendant’s email address is maintained, it should be made clear that the plaintiff’s provision of an email address does not confirm that it is accurate or checked regularly and does not constitute a waiver of normal notice requirements or an agreement by the defendant to accept electronic notice.	
California Access to Justice Commission Oakland, CA by Hon. Mark Juhas Chair	3. Clarify that plaintiff’s listing of defendant’s email address on Form SC-100 does not constitute defendant’s agreement to electronic notice. The revised form SC-100 newly requests the plaintiff to identify email addresses for both the plaintiff and defendant. It should be made clear that the plaintiff’s providing an email address for the defendant neither confirms that it is an accurate or regularly checked email address, nor takes the place of normal notice requirements or voluntary agreement to electronic notice by the defendant. Particularly in the context of COVID-19 rental debt, it may be that tenants do not have regular or reliable access to email. Further, because this form is filled out by the plaintiff, there is no assurance that the email address provided is a preferred method of communication for the defendant.	See response to comments by Asian Americans Advancing Justice – Asian Law Caucus on this issue.
Community Legal Aid SoCal Santa Ana, CA by Kate Marr Executive Director	IV. CONCERNS REGARDING THE REQUIREMENT TO PROVIDE DEFENDANT’S EMAIL ADDRESS The proposed revision to include a line for the Plaintiff and Defendant’s email address on the Plaintiff’s Claim and Order to go to Small Claims Court (SC-100) has both potential benefits and raises concerns. The inclusion of the Plaintiff and	See response to comments by Asian Americans Advancing Justice – Asian Law Caucus on this issue.

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	<p>Defendant’s email address on the SC-100 has the potential benefit of encouraging Online Dispute Resolution (ODR) by making it easier for a Plaintiff or Defendant who may want to initiate ODR. Community Legal Aid SoCal created an Online Dispute Resolution pilot program for small claims Cases in Orange County Superior Court. One of the ongoing challenges for our program has been getting small claims litigants to participate in ODR since it is voluntary.</p> <p>Online Dispute resolution offers several benefits. It saves the litigants time and money associated with going to court, it can resolve a court case sooner on the party's own terms and can help parties better prepare for their court trials. ODR can also help alleviate court calendar congestion and conserve court resources for the most complicated cases. Due to COVID-19 related court closures small claims trial dates are being scheduled much further out than normal, and many litigants want to avoid having to go to court due to COVID-19 Safety concerns. By resolving the dispute remotely small claims litigants can avoid having to go to the court in person. Thus, we support measures that will help the parties resolve their disputes outside of the court.</p> <p>However, the inclusion of the Plaintiff and Defendant’s email addresses on the SC-100 does raise concerns. The Defendant’s email address will be provided by the Plaintiff. This raises concerns about the accuracy and legitimacy of the Defendant’s email address. Many people have email addresses that they do not check routinely or may share with other members of their household. Therefore, inclusion of the email address should not allow the Plaintiff to circumvent any current service requirements of the SC-100 on the Defendant, or any notice that may be given by the clerk of the court. To avoid confusion,</p>	

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	clarifying language should be included to confirm the inclusion of the email address does not automatically authorize electronic service.	
Law Foundation of Silicon Valley San Jose, CA by Nadia Aziz, Esq. Directing Attorney, Housing	In section 1, it is helpful for the plaintiff to provide their email address when available, however, plaintiff should not provide the defendants email address, as the accuracy or frequency with which the address is checked cannot be guaranteed, and could result in the tenant/defendant not receiving notice.	See response to comments by Asian Americans Advancing Justice – Asian Law Caucus on this issue.
Oakland City Attorney’s Office by Braz Shabrell Deputy City Attorney	1) We see no issue with requesting email addresses, or the other highlighted additions to form SC-100 that incorporate the changes enacted by AB-3088.	See response to comments by Asian Americans Advancing Justice – Asian Law Caucus on this issue.
Public Counsel Los Angeles, CA by Amanda K. Pertusati Supervising Staff Attorney	Email Addresses: We have concerns about the inclusion of the defendant’s email address on the form. The form is completed by the plaintiff only, and the email address the plaintiff has for a defendant may be inaccurate or out of date. Moreover, it is our experience that many low-income tenants and consumers who have email accounts do not necessarily use them, or have the means to access those accounts regularly. Inclusion of email addresses on the form may result in confusion about the use of email for service, and may result in improper use of defendants’ email addresses, including for debt collection. We would recommend including the option for the plaintiff to provide its email address, and deleting the line for the defendant’s email address. Defendants who wish to can choose to provide their email addresses when using the court’s online hearing system.	See response to comments by Asian Americans Advancing Justice – Asian Law Caucus on this issue.
Public Law Center Santa Ana, CA by Leigh E. Ferrin Director of Litigation and Pro Bono	In Section 1, we agree that it will be helpful for the plaintiff to include their email address when available, particularly for court scheduling purposes.	See response to comments by Asian Americans Advancing Justice – Asian Law Caucus on this issue.

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	<p>In Section 2, we believe that a plaintiff should not provide a defendant’s email address without the defendant being able to confirm that they would like to provide that email address. As we have worked with our low-income tenants and consumers, we have found that relying on a client’s email address can be problematic. First, an email address may be mis-entered, either through a typo or through a misunderstanding when the tenant or consumer provided that email to the plaintiff. That could result in the court thinking a defendant is ignoring notices, when in reality they aren’t receiving them. Additionally, just because a tenant or consumer has an email address does not mean that they know how to access it, or that they access it regularly. Many of our clients do not have any, or at least reliable, internet access at home. Many of our clients check their email infrequently, if at all. We are extremely concerned that if a defendant’s email address is provided without their knowledge, and that the plaintiff or the court may rely upon that email address without the defendant confirming the accuracy of the address, such a method of contact would be extremely unreliable.</p> <p>We are not sure what the process could or should be to allow a defendant to provide their email address to the court, if they so desire, since there is no responsive filing in a small claims case. It may be that the defendant just cannot reliably provide their email address in these cases.</p>	
<p>Superior Court of Los Angeles County by Bryan Borys Director of Research and Data Management</p>	<p>1. Email addresses may be useful, when available. We support this optional addition.</p>	<p>See response to comments by Asian Americans Advancing Justice – Asian Law Caucus on this issue.</p>

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Commenter	Comment	Committee Response
Superior Court of Orange County by Sean Lillywhite Administrative Analyst/Officer	<p>Request for Specific Comments 1. 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?</p> <p>Response: <i>Yes. We recommend including a short statement for this request. For example: Email is to be used to send and receive communication with the court, to provide links for conducting remote hearings and/or participating in alternative dispute resolution programs.</i></p>	See response to comments by Asian Americans Advancing Justice – Asian Law Caucus on this issue.
Superior Court of San Diego County by Mike Roddy Executive Officer	<p>Request for Specific Comments Q: 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?</p> <p>A: It is recommended that language “(if available)” following “Email Address” be deleted. This is consistent with other Judicial Council forms that are also primarily filled out by self-represented litigants (e.g. CH-100).</p>	The committee considered, but declines, this suggestion.
University of California, Irvine School of Law UCI Law Clinics by Claire Johnson Raba Clinical Teaching Fellow	<p>Sections 1 and 2: We agree that it will be helpful for the plaintiff to include an email address when available, particularly for court scheduling purposes.</p> <p>In Section 2, we believe that a plaintiff should not provide a defendant’s email address without the defendant’s consent to electronic communications and/or service. Additionally, just because a tenant or consumer has an email address does not mean that they know how to access it, or that they access it regularly, or that the email address belongs exclusively to the defendant and not to a family member. Many of our clients do not have any, or reliable, internet access at home, and access through smartphones is subject to data limits and phones that may be turned off for failure to pay the bill – a very real concern for someone facing eviction. Many of our clients check</p>	See response to comments by Asian Americans Advancing Justice – Asian Law Caucus on this issue.

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SP20-10 (November 2020)

Small Claims: Forms for COVID-19 Rental Debt Cases (Revise form SC-100 and approve form SC-110)

All comments are verbatim unless indicated by an asterisk (*).

1. Email Addresses in Items 1-2		
Commenter	Comment	Committee Response
	<p>their email infrequently, if at all. We are extremely concerned that if a defendant's email address is provided without their knowledge, that the plaintiff or the court may rely upon that email address without the defendant confirming the accuracy of the address. Such a method of contact would be extremely unreliable. We are also concerned that placing the email address of the defendant debtor in the court documents provides this information for a future debt collector, should this debt be sold or assigned, potentially subjecting the tenant debtor to unwanted electronic communications and potential inadvertent communication with third parties, in the event of a shared email address, or with a consumer at work against her wishes, in an attempt to collect a debt. [FN2 The Fair Debt Collection Practices Act prohibits communications with third parties and with a debtor at work against her wishes. (15 U.S.C. Section 1692c).]</p> <p>We would recommend including the option for the plaintiff to provide an email address, and deleting the line for the defendant's email address. Defendants who wish to can choose to provide their email addresses when using the court's online hearing system or at the time of the hearing.</p>	

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SP20-10 (November 2020)

Small Claims: Forms for COVID-19 Rental Debt Cases (Revise form SC-100 and approve form SC-110)

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2. Form SC-100: Item 3 re Plaintiff's Claim		
Commenter	Comment	Committee Response
<p>Bay Area Legal Aid Oakland, CA by David Canela Hilda Chan Lisa Greif Kari Rudd</p>	<p>2. Form SC-100 <i>Amount Owed</i> As AB 3088 provides for partial payments of rent during the statutory period, we recommend that Section 3 require that the plaintiff explain whether the alleged amount owed includes or excludes any offsets (such as money that the plaintiff received from the defendant or a third party). Having this information from the plaintiff will help defendants prepare to address this issue in their response and at trial.</p> <p>The form should also include a place to indicate the date that the rent became due and clarify the amount of time that must pass before a plaintiff can bring an action to collect COVID-19 rental debt.</p>	<p>In light of this and other comments on this point, along with the mandate to create such a form enacted in AB 832, the committee is recommending a new claim form (form SC-500) for these cases. Item 3 in proposed form SC-500 has been tailored to actions to recover COVID-19 rental debt. Specifically, it requires the plaintiff to list the specific amounts they claim defendant owes for rent or any other amounts of COVID-19 rental debt, listed by month due. In addition, item 4 requires a list of any offsets or payments made by or on behalf of defendant.</p> <p>As to the amount of time that must pass before a claim may be brought, the committee notes that the law authorizes that such claims may be commenced November 1, 2021, which is the effective date of the recommended form.</p>
<p>California Apartment Association Sacramento, CA by Whitney Prout Policy and Compliance Counsel</p>	<p>CAA agrees that the revisions the committee has proposed for this form are appropriate. However, CAA recommends several additional changes to make the form easier to use and more useful to the judicial officers who will adjudicate these cases.</p> <p>CAA recommends that a checkbox be added to paragraph 3 that can be used in cases seeking payment of a COVID-19 rental debt as an alternative to filling out subdivisions (a) through (c). Because these cases will all involve the same basic set of allegations (i.e., that the tenant failed to pay rent or other charges due between March 1, 2020 and January 31, 2021), there is no reason to have the plaintiff give a narrative explanation of their claim. Instead, what the defendant and judicial officer need to know is the basis for the obligation (i.e., the rental agreement or lease) and what amounts are alleged to be unpaid.</p>	<p>See response to comments by Bay Area Legal Aid on this issue.</p>

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SP20-10 (November 2020)

Small Claims: Forms for COVID-19 Rental Debt Cases (Revise form SC-100 and approve form SC-110)

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2. Form SC-100: Item 3 re Plaintiff’s Claim

Commenter	Comment	Committee Response
	<p>Together with the checkbox recommended above, CAA recommends that the Judicial Council make available an attachment that includes the basic allegations required in this type of action and a place where the plaintiff can specify the charges due for the period in dispute and any payments made. The Judicial Council provides cause of action-specific forms in other contexts, such as Form PLD-C-001(1) (Cause of Action—Breach of Contract) and Form UD-100 (Complaint – Unlawful Detainer), and it would be appropriate to do so here as well. By providing this form, the judicial officer is much more likely to get the information needed to adjudicate the case, rather than potentially confusing and irrelevant narrative explanations from inexperienced litigants. Having a form pleading will also mean that the information is provided in a consistent format, making it easier for the judicial officer to find the information they need when referencing the pleading. If the committee is amenable to this recommendation, CAA is happy to assist in the development of this form. As the committee is likely aware, CAA is very experienced in the development of forms used by rental housing providers throughout the state and has created many forms to assist rental housing providers with compliance with AB 3088.</p>	
<p>Public Counsel Los Angeles, CA by Amanda K. Pertusati Supervising Staff Attorney</p>	<p><u>Amount Owed</u>: Section 3, which requires the plaintiff to allege the amount owed, should require the plaintiff to explain whether the alleged amount includes or excludes any offsets, such as the amount a plaintiff received from the defendant or a third party. It is critical that this information is specified on this form, so defendants may gather any relevant documentation and prepare to address the issue of offsets at trial.</p>	<p>See response to comments by Bay Area Legal Aid on this issue.</p>
<p>Public Law Center Santa Ana, CA by Leigh E. Ferrin Director of Litigation and Pro</p>	<p>In Section 3, PLC proposes that there be language, or even an additional section, that prompts the plaintiff to more clearly state how the amount due has been calculated, including, amounts due (and the type – whether rent or other charges),</p>	<p>See response to comments by Bay Area Legal Aid on this issue.</p>

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SP20-10 (November 2020)

Small Claims: Forms for COVID-19 Rental Debt Cases (Revise form SC-100 and approve form SC-110)

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2. Form SC-100: Item 3 re Plaintiff's Claim

Commenter	Comment	Committee Response
Bono	credits (including amounts paid by the defendant and/or third parties, including through small business assistance programs), and any other adjustments made. This information should be readily accessible by the landlord/plaintiff, and would not be accessible to the tenant, so it would be particularly helpful for the plaintiff to provide that in form SC-100, or as an attachment to that form.	
University of California, Irvine School of Law UCI Law Clinics by Claire Johnson Raba Clinical Teaching Fellow	Section 3: The CLC proposes that there be language, or even an additional section, that prompts the plaintiff to more clearly state how the amount due has been calculated, including credits through small business assistance programs, and any other adjustments made. This section should require the plaintiff to explain whether the alleged amount includes or excludes any offsets, such as the amount a plaintiff received from the defendant or a third party. It is critical that this information is specified on this form, so defendants may gather any relevant documentation and prepare to address the issue of offsets at trial.	See response to comments by Bay Area Legal Aid on this issue.

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SP20-10 (November 2020)

Small Claims: Forms for COVID-19 Rental Debt Cases (Revise form SC-100 and approve form SC-110)

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3. Form SC-100: Other Comments		
Commenter	Comment	Committee Response
Asian Americans Advancing Justice – Asian Law Caucus San Francisco, CA by Arianna Cook-Thajudeen, Esq. Housing Rights Program	1. Specify the “Code of Civil Procedure” when referencing “Section 1179.02” in the new checkbox. The addition of the new checkbox on page 1 of the form with the statement: “ACTION FOR RECOVERY OF COVID-19 RENTAL DEBT AS DEFINED UNDER SECTION 1179.02” is incredibly helpful. However, we recommend including “CODE OF CIVIL PROCEDURE” before “SECTION 11709.02” to help unrepresented litigants find and understand this legal information.	The committee appreciates the comment and agrees with the idea of adding the name of the referenced code. In light of space limitations however, especially because of the additional language now required at the top of the form under section 1161.5.2, the committee decided to add “Code Civ.Proc.” where section 1179.02 is referenced on new form SC-500.
Bay Area Legal Aid Oakland, CA by David Canela Hilda Chan Lisa Greif Kari Rudd	<i>Certification of Compliance with AB 3088 Notice Requirements</i> To reduce the number of bad-faith filings, we recommend that the form include a certification that the plaintiff complied with all notice requirements before collecting on COVID-19 rental debt. This should include an affirmation that the 15-day notice to pay rent or quit was served with the “Declaration of Financial Distress” and other required attachments. <i>Masking</i> The form should make it clear to litigants that the action will be masked, and explain what that means.	The committee declines to make the suggested change, because—other than the mandatory service requirements to initiate an action in small claims court provided in Code of Civil Procedure § 116.340 and the new requirements from SB 91 (provided in Code of Civil Procedure § 871.10) that plaintiff attach documentation showing a good faith effort to investigate the availability of rental assistance—the committee is unaware of a notice requirement plaintiff must comply with to collect COVID-19 rental debt. The proposed small claims form now includes a statement regarding masking at the top, and the new information sheet explains what that means.
California Access to Justice Commission Oakland, CA by Hon. Mark Juhas Chair	1. Specify the “Code of Civil Procedure” when referencing “Section 1179.02” in the new checkbox The revised form SC-100 includes a new checkbox with the statement: “ACTION FOR RECOVERY OF COVID-19 RENTAL DEBT AS DEFINED UNDER SECTION 1179.02.” One purpose of this new checkbox is to provide information to the parties and the court about what information may be needed to make or defend against the claim. Adding a clear reference to the “Code of Civil Procedure” would assist unrepresented litigants with understanding and finding such information.	The committee has made the suggested change and spelled out “Code of Civil Procedure” where section 1179.02 is referenced on form SC-100 as well as on new form SC-500.

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SP20-10 (November 2020)

Small Claims: Forms for COVID-19 Rental Debt Cases (Revise form SC-100 and approve form SC-110)

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3. Form SC-100: Other Comments

Commenter	Comment	Committee Response
<p>California Apartment Association Sacramento, CA by Whitney Prout Policy and Compliance Counsel</p>	<p>In addition, CAA recommends that paragraph 10 – which asks whether the claim is worth more than \$2,500 – be revised to provide clearer guidance to the plaintiff as to how to respond to the question. While the proposed revision tells the litigant that the limit on filing more than two claims seeking \$2,500 or more does not apply to cases seeking COVID-19 rental debt, it doesn't tell the plaintiff how they should respond to the question. The simplest solution would be either direct the plaintiff not to answer the question if the case seeks a COVID-19 rental debt or add a "not applicable" response option the plaintiff can select.</p>	<p>Based on this and other comments, the committee has revised the proposal to recommend adoption of form SC-500, a separate claim form that parallels form SC-100, but is specifically for use in actions to recover COVID-19 rental debt in small claims court. The information sought in item 10 on form SC-100 is not included on this new form.</p>
<p>California Association of Judgment Professionals Oxnard, CA by Gretchen D. Lichtenberger Legislative Chairperson</p>	<p>Suggestions for the revised SC-100 form: 1) On page 1 where you suggest adding "ACTION FOR RECOVERY OF COVID-19 RENTAL DEBT AS DEFINED UNDER SECTION 1179.02", we suggest you add "CCP" before "SECTION" so it reads "ACTION FOR RECOVERY OF COVID-19 RENTAL DEBT AS DEFINED UNDER CCP SECTION 1179.02". 2) You may possibly want to consider adding a brief exception regarding COVID-19 Rental Debt in the first paragraph on pages 4 and 5 such as " "Small claims court" is a special court where claims for \$10,000 or less are decided, COVID-19 Rental Debt may exceed the limits".</p>	<p>See response to Asian Law Caucus comment above. In light of this comment, the committee has expanded the footnote on page 5 of form SC-100, explaining the exceptions to the jurisdictional limit, and has added similar language to page 5 of new proposed form SC-500.</p>
<p>California Lawyer's Association Sacramento, CA by Elisabeth A. Blair, Chair Real Property Law Section</p>	<p>The California Lawyers Association's Real Property Law Section makes the following comments with regard to Invitation to Comment SP-20-10 (hereinafter referred to as "SP-20-10"). SP-20-10 relates to proposed changes to the SC-100 Plaintiff's Claim and Order to Go to Small Claims Court and the SC-110 COVID-19 Rental Debt in Small Claims Court due to AB 3088. The proposed changes to the SC-100 and SC-110 should reflect</p>	<p>Based on this comment, the committee has added the</p>

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SP20-10 (November 2020)

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3. Form SC-100: Other Comments

Commenter	Comment	Committee Response
	<p>that this new legislation relates to the ability for landlords to recover only residential rental debt. This section does not apply to commercial rental debt. As small claims court involves pro se litigants, this clarification should be made to ensure that landlords and tenants are aware of this distinction.</p>	<p>word “residential” to the first page of the information sheet (now numbered as form SC-500-INFO) under “What is COVID-19 rental debt?”</p>
<p>Christine Copeland Commissioner Santa Clara County Superior Court</p>	<p>[comment received in a prior circulation of unlawful detainer forms] I look forward to seeing the proposed changes for the small claims claim form (SC-100) to advertise the lifting of jurisdictional limits for landlords seeking more than \$10,000 or \$5000 (corps or LLCs). Since you’ll have to change the SC-100 to accommodate that change effective 8/1/21, I ask that you consider an instruction somewhere on the form that a landlord should look at their lease and make sure all landlords and all tenants are listed as parties. This is because a large percentage of the time, we learn at the first small claims hearing that necessary parties are missing, and we have to order that the claim be amended to capture all parties. And once you amend a claim, then the clerk has to set a new court date, file more forms, the plaintiff/landlord has to then serve the amended claim, etc. and so the Court’s workload is often double what it needs to be.</p>	<p>In light of this comment, the committee added to form SC-500-INFO language directed at the plaintiff to consider naming all tenants as defendants. The committee declines to add an instruction to form SC-500 requiring plaintiff to name all landlords and tenants as parties because no statutory authority requires such inclusion of all landlords and tenants.</p>
<p>Law Foundation of Silicon Valley San Jose, CA by Nadia Aziz, Esq. Directing Attorney, Housing</p>	<p>The check box that includes the statement “ACTION FOR RECOVERY OF COVID-19 RENT DEBT AS DEFINED UNDER SECTION 1179.02”, should indicate that this code section is a reference to the Code of Civil Procedure.</p> <p>Since there are various local ordinances regarding re-payment of COVID related rent, consider a check box that states: “Tenant has failed to repay COVID-19 rental debt within the time provided by local ordinances.”</p>	<p>See response to Asian Law Caucus comment above.</p> <p>The committee declines this suggestion as such a checkbox lacks specificity to provide helpful information to either the court or defendants about whether the defendant has additional time to pay COVID-19 rental debt under a local ordinance. However, form SC-500-INFO alerts all parties that</p>

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SP20-10 (November 2020)

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3. Form SC-100: Other Comments

Commenter	Comment	Committee Response
		local ordinances may affect parties’ rights and item 3 in proposed form SC-500 requires the plaintiff to list the amount of rent, the date it came due, and any payments made by or on behalf of defendant.
<p>Mental Health Advocacy Services Los Angeles, CA by Marissa Mowrey Consumer Finance Staff Attorney</p>	<p>First, regarding page 7 of SC-100: the language on the bottom of this page, addressing Requests for Accommodations, should be more expansive. It specifically includes "assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available. . .". We propose the addition of a catchall phrase to confirm that this is not an exclusive list. The following language could be appropriate: "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. Court users with disabilities may request assistive services and other reasonable accommodations, including but not limited to schedule adjustment, reassignment of hearing to an accessible site, permission to receive supportive services during proceedings, and other changes to procedures. Contact the clerk’s office for form MC-410, Request for Accommodations by Persons With Disabilities and Response, available at https://www.courts.ca.gov/documents/mc410.pdf (Civ. Code, § 54.8.). For more information about services for court users with disabilities, please contact the clerk’s office or visit https://www.courts.ca.gov/14362.htm."</p> <p>Next, embedded throughout the text of the proposed form are several references to other forms and resources. To enhance user accessibility, all citations should consist of both a title and a full web address with a hyperlink that leads directly to the form or resource referenced, rather than to a directory. This would eliminate the need to search for referenced materials, which could limit accessibility for some users of the form. If</p>	<p>In light of this comment, the committee has included language about “other accommodations” in the information below the signature lines on both forms SC-100 and SC-500.</p> <p>The committee appreciates this comment. Every online resource referenced in forms SC-100, SC-500, and SC-500-INFO contains a written-out web address where the resource may be viewed. Due to space limitations, and in order to keep the form readable, it is not possible to provide a written-out web address for each Judicial Council form referenced in the forms as well. The forms</p>

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3. Form SC-100: Other Comments

Commenter	Comment	Committee Response
	<p>the referenced materials are available in hard copy at a courthouse, library, or other county facility, the form should provide a contact number. This would support the underlying nature of the Small Claims Court as a streamlined venue.</p> <p>Finally, we believe that the COVID-specific rental debt process should include an option to remove a case to Superior Court for particularly complicated cases. If a COVID rental debt claim is for over \$10,000 and would have been brought in Superior Court but for the fact that it is COVID rental debt, the Court should allow Defendants to request that the case be removed to Superior Court. Small Claims Court’s streamlined process does not allow for the participation of legal counsel during the hearing. Since the various COVID eviction moratoria have nuanced and location-specific requirements, some Defendants will have complicated answers and/or counterclaims to their landlords’ actions. Especially when a case involves more than \$10,000, a Defendant with a complicated case should be given the opportunity to remove that case to a venue that would allow representation during the hearing. We suggest the list of potential accommodations on page 7 of SC-100 (discussed above) as a good place to include this option.</p>	<p>do contain hyperlinks to each form, plus a written-out web address as to where all council forms may be obtained (at www.courts.ca.gov/forms), as well as instructions that they may be obtained at courthouses and county law libraries.</p> <p>The committee declines to make the suggested changes, which are outside the scope of this proposal and would require legislative action, which is beyond the purview of the committee.</p>
<p>Public Counsel Los Angeles, CA by Amanda K. Pertusati Supervising Staff Attorney</p>	<p><u>Masking</u>: The form should advise defendants that the case will be masked and what that means in practical terms. As noted in footnote 2 to the Judicial Council’s executive summary, the requirement to mask these cases may be extended and, assuming it is, it is important that defendants are on notice of this statutory provision.</p>	<p>The proposed small claims form now includes a statement regarding masking at the top, and the new information sheet explains what that means.</p>
<p>Superior Court of Los Angeles County by Bryan Borys Director of Research and</p>	<p>2. Page 2 “Revised form SC-101”. We presume this is a typo, since the proposal is to revise an existing form, and the example form attached is entitled SC-100.</p>	<p>The commenter is correct, and the reference has been fixed. The committee appreciates this comment.</p>

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3. Form SC-100: Other Comments		
Commenter	Comment	Committee Response
Data Management		
Superior Court of Orange County Training & Analyst Group by Sean Lillywhite Administrative Analyst/Officer	<ul style="list-style-type: none"> • On page 1, of SC-100, the reference to section 1179.2 in the newly added section “ACTION FOR RECOVERY OF COVID-19 RENTAL DEBT AS DEFINED...” is missing the code reference “CCP”. You probably already caught this one. But sharing just in case. • On page 1, of SC-100, “Order to Go to Court” table, recommend alternative language that is inclusive or remote appearances, such as, instead of “Name and address of court” use something to the effect "Where or How to Appear" • On page 3 of SC-100, item 9, could you clarify whether this item is included in the COVID-19 rental debt exception or not? • On page 3 of SC-100, item 10, recommend inserting a third check box after “No” stating [] Not applicable – COVID-19 rental debt, or something to that effect. • On page 4 of SC-100, top paragraph “Small claims court”, recommend revising to include reference to the COVID-19 rental debt exceptions, to be consistent. 	<p>The committee has modified the form to identify the code referenced.</p> <p>The committee declines this suggestion as the court may put in a URL as the address if a remote appearance is required or attach specific instructions on how to “go to court” remotely.</p> <p>The committee included the question from item 9 (regarding whether 12 or more cases have been filed) in new form SC-500 because the Legislature did not exempt actions to recover COVID-19 rental debt from § 116.230 (requiring higher fees when 12 or more cases are filed) when it passed the new laws.</p> <p>See response to comment by California Apartment Association on this issue.</p> <p>See response to comment by California Association of Judgment Professionals on this issue.</p>
Superior Court of San Diego County by Mike Roddy Executive Officer	Where litigants are asked to check the box for “Action for Recovery of Covid-19 rental debt as defined under section 1179.02,” it may be helpful to specify that it applies solely to residential rental debt and to include that the statute referenced is the Code of Civil Procedure. The recommended amended language would read as follows: “Action for Recovery of Covid-19 residential rental debt as defined under California	This item is no longer on form SC-100 because the committee has proposed a separate form SC-500, directed to COVID-19 rental debt claims. The committee also notes that “COVID-19 rental debt” is a defined term under statute and thus changing that term to include the word “residential” as suggested may be confusing. However, based on this comment, the

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3. Form SC-100: Other Comments

Commenter	Comment	Committee Response
	Code of Civil Procedure section 1179.02.”	committee has added the word “residential” to the first page of form SC-500-INFO under “What is COVID-19 rental debt?”

DRAFT

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Small Claims: Forms for COVID-19 Rental Debt Cases (Revise form SC-100 and approve form SC-110)

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4. Form SC-110-INFO: Defenses		
Commenter	Comment	Committee Response
<p>Asian Americans Advancing Justice – Asian Law Caucus San Francisco, CA by Arianna Cook-Thajudeen, Esq. Housing Rights Program</p>	<p>4. Clarify the most common affirmative defenses in Form SC-110-INFO. While the proposed SC-110-INFO form includes some information about affirmative defenses, we suggest that the form make clear that there are additional affirmative defenses other than those listed. There is a “for example” before the bullet points, but we believe that there should be stronger language that indicates that defendants may have other defenses, including those based in housing and consumer law. Additionally, a sentence should be added that indicates that defendants may also be protected by local ordinances or laws.</p>	<p>In light of this and other comments on this point, the proposed information sheet (now numbered as form SC-500-INFO) has been modified to contain a separate item titled “what arguments can you make?,” which has an expanded list of affirmative defenses and a statement that the list does not include every possible argument, and that local ordinances may further affect parties’ rights.</p>
<p>Bay Area Legal Aid Oakland, CA by David Canela Hilda Chan Lisa Greif Kari Rudd</p>	<p>1. Form SC-110-INFO BayLegal suggests the following changes to the new form SC-110-INFO so the Committee can achieve its goals of notifying the parties of their rights and helping tenants complete the proper forms to avoid confusion and filing mistakes.</p> <p><i>List of Possible Defenses</i> This form, on page 2, should provide a more extensive list of defenses. There are many defenses available to a tenant when a landlord alleges rental debt which a tenant should present at their small claims trial. The answer form for unlawful detainers, UD-105, provides a model of the AB 3088 defenses available to tenants.</p> <p>In regard to the defenses listed, we suggest the following: 1. For the warranty of habitability, the form should make clear that defendants can raise this defense either to show that they should not have to pay any rent, <i>or that the amount of rent should be reduced.</i></p> <p>2. For the repair-and-deduct defense, the form should make clear that if a defendant made necessary repairs and properly</p>	<p>In light of this and other comments on this point, the proposed information sheet (now numbered as form SC-500-INFO) has been modified and now contains a separate item titled “what arguments can you make?,” which has expanded the list of affirmative defenses that may impact the amount of rent due.</p> <p>The information in the “what arguments can you make?” item on warranty of habitability has been modified in light of this and other comments.</p> <p>The information in the “What arguments can you make?” item on the repair-and-deduct defense has been</p>

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4. Form SC-110-INFO: Defenses		
Commenter	Comment	Committee Response
	<p>deducted the cost of repairs from the rent, the amount of rent should be reduced by that amount.</p> <p>3. For cases in which a tenant has moved, the form should make clear that the tenant may be entitled to a credit for the security deposit, if the landlord did not return it.</p> <p>The form should also clarify that the list of possible defenses are not an exhaustive list and other defenses might apply, including defenses that relate to local rent ordinances.</p>	<p>modified in light of this comment.</p> <p>In light of this and other comments on this point, the introduction to the “What arguments can you make?” item states that the issues listed (such as security deposits) may affect the amount of money owed.</p> <p>In light of this and other comments received, the form now notes that that the list does not include every possible argument, and that local ordinances may further affect parties’ rights.</p>
<p>Bet Tzedek Legal Services Los Angeles, CA by Jenna Miara Directing Attorney, Impact Litigation & Policy</p>	<ul style="list-style-type: none"> • Possible Defenses <p>We strongly recommend that information about the affirmative defenses available to a tenant/defendant be added to SC-110. This is particularly important because tenants are not required to file an answer to a small claims rent debt complaint so they will need to raise any applicable affirmative defense to non-payment of rent and prepare to present those affirmative defenses at trial. A good model for this is UD-105, the Judicial Council form for answering an unlawful detainer, which clearly explains each affirmative defense.</p> <p>We also recommend that SC-110 more clearly state and expand the list of defenses that parties may present. The paragraph in the middle of page 1 that begins “The plaintiff and defendant may disagree on the amount...” should be a separate section with its own heading, e.g. “What arguments can I make?” It should also be clear that it is not an exhaustive list. Even though the list is not exhaustive, one crucial defense should be explicitly added because it is so important: the additional protections available in many local jurisdictions that provide tenants with a repayment period. These repayment periods</p>	<p>See responses to comments by Asian Americans Advancing Justice – Asian Law Caucus and Bay Area Legal Aid on this issue.</p>

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Small Claims: Forms for COVID-19 Rental Debt Cases (Revise form SC-100 and approve form SC-110)

All comments are verbatim unless indicated by an asterisk (*).

4. Form SC-110-INFO: Defenses		
Commenter	Comment	Committee Response
	<p>directly affect when landlords are permitted to file a small claims suit, and suits may be premature in jurisdictions with additional protections in place. Thus, we recommend that the form include language that specifies: “Local laws related to COVID-19 rent and evictions may also impact parties’ rights. You may contact a legal services organization in your county for more information.”</p>	<p>Based on this comment, the committee has added information about contacting legal services organizations to form SC-500-INFO.</p>
<p>California Access to Justice Commission Oakland, CA by Hon. Mark Juhas Chair</p>	<p>4. Clarify the most common affirmative defenses in Form SC-110-INFO.</p> <p>The Judicial Council has created a helpful UD Answer form (UD-105) that provides information about the most common affirmative defenses, listed on the Answer form as Items No. 3(a) through (i). The UD Answer form is designed to be easy to use and understand by self-represented litigants, including in connection with responding to nonpayment of rent cases.</p> <p>One consequence of allowing rent-debt cases in small claims court is that tenants will not be required to file an answer, and will not use the UD Answer form.</p> <p>The proposed SC-110-INFO form includes some information about affirmative defenses. We believe that it would be better to more clearly identify potentially applicable common affirmative defenses that relate to nonpayment of rent under a separate “Affirmative Defenses” or “What Defenses Can I Raise?” heading. We also suggest the following changes:</p> <ul style="list-style-type: none"> • For the warranty of habitability, it should be clarified that defendants may be able to show that they should not have to pay any rent or the rent amount should be reduced; 	<p>See responses to comments by Asian Americans Advancing Justice – Asian Law Caucus and Bay Area Legal Aid on this issue.</p>

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SP20-10 (November 2020)

Small Claims: Forms for COVID-19 Rental Debt Cases (Revise form SC-100 and approve form SC-110)

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4. Form SC-110-INFO: Defenses		
Commenter	Comment	Committee Response
	<ul style="list-style-type: none"> • For the repair-and-deduct defense, it should be clarified that if the defendant made needed repairs and properly deducted the cost from the rent, the rent amount should be reduced by the amount of the repairs made by the defendant; and • For cases in which the tenant is no longer in possession, it should be clarified that if the defendant paid a security deposit that has not been properly returned, the defendant may be entitled to a credit for the amount of the security deposit. <p>We also recommend that the Judicial Council consider adding information about other defenses, such as (a) plaintiff is arbitrarily discriminating against the defendant in violation of the Constitution or the laws of the United States or California; and (b) plaintiff’s demand for rent violates the local rent control laws or other federal, state, or local laws related to COVID-19 rental-debt relief.</p> <p>Because tenants will need to raise any applicable affirmative defense to nonpayment of rent and prepare for hearing without answering the complaint, we think it is important that the proposed information form provide adequate, clear, and appropriately detailed information about the most common affirmative defenses.</p>	<p>The committee recognizes that unlawful discrimination may be a defense to an unlawful detainer action, but beyond an improper rent increase, the committee concluded that discrimination would not affect the amount of rental debt. The information sheet now includes a question asking if plaintiff improperly raised the rent. It also includes a new “What arguments can you make?” item, which now references the additional pleading and verification requirements for actions to recover COVID-19 rental debt, and notes that local ordinances may affect the parties’ rights.</p>
<p>Community Legal Aid SoCal Santa Ana, CA by Kate Marr Executive Director</p>	<p>II. PROVIDE INFORMATION REGARDING AFFIRMATIVE DEFENSES IN FORM SC-110-INFO</p> <p>The SC-110 information page provides some information about potential affirmative defenses however, the examples provided are not an exhaustive list of defenses. We believe it would be helpful to clearly list the most common affirmative defenses directly in the SC-110 information page, similar to the list of affirmative defenses in section 3 on the Unlawful Detainer Answer form (UD-105). To prevent confusion, language should</p>	<p>See responses to Asian Americans Advancing Justice – Asian Law Caucus and Bay Area Legal Aid comments on this issue.</p> <p>The proposed forms SC-500 and SC-500-INFO now</p>

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Small Claims: Forms for COVID-19 Rental Debt Cases (Revise form SC-100 and approve form SC-110)

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4. Form SC-110-INFO: Defenses		
Commenter	Comment	Committee Response
	also be added to clarify that eviction and possession are not at issue in small claims COVID-19 rental debt cases.	contain language noting that eviction is not at issue in these cases.
Eviction Defense Network Los Angeles, CA by Stephano Medina Skadden Fellow	It is imperative that these forms clearly and comprehensively inform tenants that . . . (2) several crucial affirmative defenses are available to them, and	See responses to comments by Asian Americans Advancing Justice – Asian Law Caucus and Bay Area Legal Aid on this issue.
Law Foundation of Silicon Valley San Jose, CA by Nadia Aziz, Esq. Directing Attorney, Housing	<ul style="list-style-type: none"> • SC-110 INFO form <ul style="list-style-type: none"> ○ The form should include a statement explaining that local laws related to COVID-19 rent and evictions may also impact the parties’ rights. ○ The form notes some affirmative defenses available to tenants. However, affirmative defenses should be set out more fully, including the following: <ul style="list-style-type: none"> ▪ Warranty of habitability ▪ Repair and Deduct ▪ Credit for security deposit for tenant not in possession ▪ Incidents of harassment where landlord improperly demanded rent from tenant before 12-month repayment period for tenant expired. i.e. using self-help efforts to evict, high pressure tactics, etc. ▪ Tenant made best efforts to pay full/partial rent, but landlord refused or ignored the payment. ▪ Whether the landlord refused or ignored offers of rental assistance from a 3rd party organization. 	<p>In light of this and other comments on this point, form SC-500-INFO now includes a statement that local ordinances may affect parties’ right in the “What arguments can you make?” item on page 2.</p> <p>See responses to Asian Americans Advancing Justice – Asian Law Caucus and Bay Area Legal Aid comments on this issue. The list of affirmative defenses has been expanded in light of these and other comments, to include additional defense that impact the amount of rent due.</p> <p>The committee also notes that form SC-500-INFO includes a statement that it is illegal to retaliate against a tenant for raising defenses.</p>
Oakland City Attorney’s Office by Braz Shabrell Deputy City Attorney	2) Regarding the information sheet, we believe that the availability of the habitability defense and the defendant’s opportunity to present evidence to that effect should be more clearly and directly conveyed. Although the lower section of the “What should I take to small claims court” section of the information sheet alludes to the possibility of this defense, we think it prudent to state this more directly. For example, by including as a bullet point in the list above any evidence of	<p>See responses to comments by Asian Americans Advancing Justice – Asian Law Caucus and Bay Area Legal Aid on this issue.</p> <p>In light of this and other comments on this issue, form SC-500-INFO now instructs parties to bring to court “any evidence of conditions affecting the rental unit, such as items needing repair” and “any evidence to</p>

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4. Form SC-110-INFO: Defenses		
Commenter	Comment	Committee Response
	<p>conditions in need repair and/or other issues with the unit that otherwise show that the defendant/tenant should not be required to pay the full amount of rent owed due to the condition of the property.</p> <p>The warranty of habitability is a significant defense to unpaid rent in unlawful detainer cases. If small claims courts are assuming jurisdiction over these claims, the opportunity to present evidence towards this defense should be clearly and unequivocally conveyed.</p> <p>The “Invitation to Comment” summary states that the information sheet “notes other defenses that might provide offsets” such as the breach of the warranty of habitability. However, the information sheet as currently worded is not so direct or obvious. Defendants should be clearly informed that they should bring any evidence of bad conditions affecting the rental unit during the period for which rent is sought. Reference to the CA Dept. of Real Estate’s guide is not exactly helpful. Furthermore, the standard is not whether the premises is/was kept in “livable” condition as currently stated. The unit need not be unlivable in order for tenants to qualify for this defense.</p>	<p>support argument made to determine the amount of money owed.”</p> <p>In light of this and other comments on this issue, the committee has reworded for clarity the question regarding the warranty of habitability.</p>
<p>Public Counsel Los Angeles, CA by Amanda K. Pertusati Supervising Staff Attorney</p>	<p>First, SC-110 fails to provide information about the affirmative defenses a tenant/defendant has available. Since SC-110 combines civil and housing law, this information needs to be included so that a tenant/defendant is aware of these defenses. The Judicial Council Form for answering an unlawful detainer, UD-105, clearly explains each affirmative defense to an unlawful detainer and can be used as a model.</p> <p>Second, Public Counsel recommends that SC-110 expands the list of defenses that parties are entitled to present and explicitly</p>	<p>See responses to comments by Asian Americans Advancing Justice – Asian Law Caucus and Bay Area Legal Aid on this issue.</p> <p>In addition, although the committee’s intent was to list on the information sheet all the defenses listed on the unlawful detainer answer form that could affect the amount of rent owed, the committee has, as suggested here and in other comments, also included a reference to the answer form, UD-105.</p>

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Small Claims: Forms for COVID-19 Rental Debt Cases (Revise form SC-100 and approve form SC-110)

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4. Form SC-110-INFO: Defenses		
Commenter	Comment	Committee Response
	state that it is not an exhaustive list. Currently, the SC-110 forms states, “[f]or example, plaintiff and defendant are able to present evidence as to” and then proceeds to list the possible defenses. The “for example” language reads as though the defenses presented are an exhaustive list. On possible solution to remedy this could be to cross-reference this section with the Judicial Council’s unlawful detainer forms.	
Public Law Center Santa Ana, CA by Leigh E. Ferrin Director of Litigation and Pro Bono	<p>Related to the above comment about the plaintiff providing an accounting, we suggest that form SC-110 make clear that there are other affirmative defenses other than those listed here. There is a “for example” before the bullet points, but we believe that there should be stronger language that indicates that defendants may have other defenses, including those based in housing and consumer law.</p> <p>We wonder if there is another resource that could be linked to, other than the Bureau of Real Estate’s California Tenants guide that is more user friendly, and is more comprehensive. At a minimum, we believe the form should also link to the unlawful detainer response form (Form UD-105) as an opportunity to explore additional affirmative defenses that may be applicable to the tenant’s case.</p> <p>There should be a sentence added after the affirmative defenses, or before, that indicates that defendants may also be protected by local ordinances or laws.</p>	<p>See responses to comments by Asian Americans Advancing Justice – Asian Law Caucus and Bay Area Legal Aid on this issue.</p> <p>The committee believes the Department of Real Estate web site is useful, and has continued to cite to the guide in the new section, although with an updated written-out web address and citation to an additional specific section of the guide that may be most useful to the parties in these cases. In addition, although the committee’s intent was to list on the information sheet all the defenses listed on the unlawful detainer answer form that could affect the amount of rent owed, the committee has, as suggested here and in other comments, also included a reference to the answer form, UD-105.</p> <p>Based on this and other comments, the committee added language to form SC-500-INFO, above the list of defenses, that alerts all parties that local ordinances may affect parties’ rights.</p>

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Small Claims: Forms for COVID-19 Rental Debt Cases (Revise form SC-100 and approve form SC-110)

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4. Form SC-110-INFO: Defenses		
Commenter	Comment	Committee Response
University of California, Irvine School of Law UCI Law Clinics by Claire Johnson Raba Clinical Teaching Fellow	Furthermore, we suggest that form SC-110-INFO make clear that there are other affirmative defenses other than those listed on the proposed form. There is a “for example” before the bullet points, but we believe that there should be stronger language that indicates that defendants may have other defenses, including those based in housing and consumer law. Since SC-110 combines civil and housing law, this information needs to be included so that a tenant/defendant is aware of these defenses. The Judicial Council Form for answering an unlawful detainer, UD-105, clearly explains each affirmative defense to an unlawful detainer and can be used as a model. There should also be a sentence added after the affirmative defenses, or before, that indicates that defendants may also be protected by local ordinances or laws.	See responses to comments by Asian Americans Advancing Justice – Asian Law Caucus and Bay Area Legal Aid on this issue.

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SP20-10 (November 2020)

Small Claims: Forms for COVID-19 Rental Debt Cases (Revise form SC-100 and approve form SC-110)

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5. Form SC-500-INFO (circulated as form SC-110-INFO): Other Comments		
Commenter	Comment	Committee Response
<p>California Apartment Association Sacramento, CA by Whitney Prout Policy and Compliance Counsel</p>	<p>Form SC-110-INFO CAA thanks the committee for creation of Form SC-110-INFO to assist both landlords and tenants. CAA recommends three additions to the form to make it even more helpful.</p> <p>First, CAA recommends that the definition of COVID-19 rental debt, found on page 1 of the form, be revised to make clear that it applies only to charges due under a lease or rental agreement for a <i>residential rental unit</i>. Currently, the form refers only to a “lease or rental agreement,” which could include charges due pursuant to a lease for commercial real estate or for a lease of personal property. This revision is consistent with AB 3088, which defines “COVID-19 rental debt” as unpaid rent or any other unpaid financial obligation of a <i>tenant</i> under the tenancy that came due during the covered time period (Code of Civ. Proc. § 1179.02(c)). The law then defines “tenant” as any natural person who hires real property that is neither commercial property nor used for transient occupancy (Code of Civ. Proc. § 1179.02(h)). Clarifying this definition will help prevent litigants from unwittingly alleging that a COVID-19 rental debt is sought when the debt does not meet the legal definition of a COVID-19 rental debt.</p> <p>Finally, CAA recommends that the form include information about the ability of a property manager to appear on behalf of the owner of the rental property pursuant to Code of Civ. Proc. § 116.540(h). CAA has already received questions about this issue, and so it is likely that more landlords will have this question as March 1 approaches. By including this information in SC-110, together with a reference to Form SC-109 (Authorization to Appear), it will hopefully reduce the number of questions directed to court staff and increase the filing of the proper authorizations.</p>	<p>The committee agrees and has added such language to information sheet.</p> <p>The committee agrees and has added this information to form SC-500-INFO.</p>

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SP20-10 (November 2020)**Small Claims: Forms for COVID-19 Rental Debt Cases (Revise form SC-100 and approve form SC-110)**

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5. Form SC-500-INFO (circulated as form SC-110-INFO): Other Comments		
Commenter	Comment	Committee Response
California Lawyer’s Association Sacramento, CA by Elisabeth A. Blair, Chair Real Property Law Section	The accompanying information sheet should also be used to make this distinction [that this new legislation relates to the ability for landlords to recover only residential rental debt]. Thank you for your consideration of these comments.	The committee has added the word “residential” to the first page of the information sheet (now numbered as form SC-500-INFO) under “What is COVID-19 rental debt?” in light of these comments.
Public Law Center Santa Ana, CA by Leigh E. Ferrin Director of Litigation and Pro Bono	In the section that discusses what the defendant should take to small claims court, we suggest that there also be a sentence or two about any deadlines for submitting documents to the plaintiff. There can be a reference to the rules, but a specific statement will also be useful, since many of these defendants will not be directly accessing the small claims rules and procedures.	Defendants in small claims court are not required to file a response to plaintiffs’ claims. Accordingly, the committee is unaware of any statewide deadlines to submit documents to plaintiffs to which commenter refers and declines this suggestion.
Superior Court of Orange County Training & Analyst Group by Sean Lillywhite Administrative Analyst/Officer	<ul style="list-style-type: none"> On page 2 of SC-100-INFO, the Small Claims Advisors paragraph, remove blue line underline from claims on line two to the word to just before http. 	The committee appreciates this comment and has corrected the error.
University of California, Irvine School of Law UCI Law Clinics by Claire Johnson Raba Clinical Teaching Fellow	In the section that discusses what the defendant should take to small claims court, we suggest that the information about pre-hearing deadlines include information for submitting documents to the plaintiff. While a citation to the rule is helpful, stating any applicable deadlines on the INFO form itself is a best practice as many of these defendants do not know how to look up the small claims rules and procedures.	See response to comment by Public Law Center on this issue.

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6. Service of form SC-110-INFO		
Commenter	Comment	Committee Response
Asian Americans Advancing Justice – Asian Law Caucus San Francisco, CA by Arianna Cook-Thajudeen, Esq. Housing Rights Program	6. Require the plaintiff to serve form SC-110-INFO along with form SC-100 in applicable cases to increase chances the defendant will have access to the information. The new information sheet will assist parties in litigating COVID-19-related rental debt cases in small claims court. To increase the chances defendants will see and have access to the information sheet, we recommend that plaintiffs be required to serve form SC-110-INFO along with the revised form SC-100 in applicable cases.	The committee declines to make the suggested change. The Code of Civil Procedure does not require service of anything except “a simple nontechnical” claim form to initiate an action in small claims court. (§ 116.310). However, proposed form SC-500 tells parties to read form SC-500-INFO in several places, provides a live link to the form in each place, and identifies a website URL and in-person locations where the form can be obtained. Finally, requiring service of form SC-500-INFO would require a rule of court. Otherwise, the consequence for <i>not</i> serving the form would be unclear and courts would have no way of knowing that when they undertake service (which is expressly authorized for small claims), they are required to include the information sheet along with the claims form. A new rule is outside the scope of the current proposal, but the committee will further consider this issue in the future.
Bay Area Legal Aid Oakland, CA by David Canela Hilda Chan Lisa Greif Kari Rudd	3. Other Suggestions <i>Require That Plaintiffs Serve Form SC-110 INFO</i> If a plaintiff does not serve a copy of the information sheet on defendants, they are much less likely to see it.	See response to comments by Asian Americans Advancing Justice – Asian Law Caucus on this issue.
Bet Tzedek Legal Services Los Angeles, CA by Jenna Miara Directing Attorney, Impact Litigation & Policy	• Require service of SC-110 SC-110 contains a lot of important information that will benefit small claims litigants and help the proceedings to run more efficiently and fairly. Plaintiffs should be therefore be required to serve form SC-110 along with the revised SC-100.	See response to comments by Asian Americans Advancing Justice – Asian Law Caucus on this issue.
California Access to Justice Commission Oakland, CA	6. Require the plaintiff to serve form SC-110-INFO along with form SC-100 in applicable cases to increase chances the defendant will have access to the information.	See response to comments by Asian Americans Advancing Justice – Asian Law Caucus on this issue.

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SP20-10 (November 2020)**Small Claims: Forms for COVID-19 Rental Debt Cases (Revise form SC-100 and approve form SC-110)**

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6. Service of form SC-110-INFO		
Commenter	Comment	Committee Response
by Hon. Mark Juhas Chair	The new information sheet will assist parties in litigating COVID-19-related rental debt cases in small claims court. To increase the chances defendants will see and have access to the information sheet, we recommend that plaintiffs be required to serve form SC-110-INFO along with the revised form SC-100 in applicable cases.	
Community Legal Aid SoCal Santa Ana, CA by Kate Marr Executive Director	The SC-110 information page should be a required attachment to the SC-100 in COVID-19 rental debt cases and should be required to be served on the Defendant with the SC-100. This will ensure that the defendant is provided with the necessary information regarding COVID-19 rental debt cases.	See response to comments by Asian Americans Advancing Justice – Asian Law Caucus on this issue.
Law Foundation of Silicon Valley San Jose, CA by Nadia Aziz, Esq. Directing Attorney, Housing	There should be a requirement that SC-110-Info is served along with the SC-110 Claim form to increase the chance that defendants will have access to the information.	See response to comments by Asian Americans Advancing Justice – Asian Law Caucus on this issue.
University of California, Irvine School of Law UCI Law Clinics by Claire Johnson Raba Clinical Teaching Fellow	Service of SC-110-INFO: We recommend that the plaintiff be required to serve SC-110-INFO, in all available languages, along with form SC-100.	See response to comments by Asian Americans Advancing Justice – Asian Law Caucus on this issue.

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Small Claims: Forms for COVID-19 Rental Debt Cases (Revise form SC-100 and approve form SC-110)

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7. Additional Resources and Local Procedures		
Commenter	Comment	Committee Response
<p>Asian Americans Advancing Justice – Asian Law Caucus San Francisco, CA by Arianna Cook-Thajudeen, Esq. Housing Rights Program</p>	<p>7. Proactively provide information about the new small claims COVID-19 rental debt cases and list of legal resources. Parties in COVID-19 rental-debt small claims cases will need to understand the new protections for residential tenants in Assembly Bill 3088. We encourage the Judicial Council to create a specific guide for the issue of COVID-19 rental debt, and provide a small claims resource list that lists the legal aid organizations that could help with this issue in each county.</p>	<p>In light of this and other comments on this point, the proposed information sheet (renumbered as form SC-500-INFO) has been modified to include a heading item titled “Legal Services Organizations” under the “Where can you get help with a small claims case?” item. The information under the new heading advises parties that local organizations may be able to assist in preparing for court and provides a link to and URL for a website that provides such information on a county-by-county basis, maintained by the Legal Aid Association of California, and partially funded by the State Bar of California.</p> <p>The development of a guide on substantive law is outside the scope of this proposal, and beyond the purview of the committee. However, the committee has been informed that new information about COVID-19 rental debt cases is expected to be added to the California Courts “Self-Help Centers” webpage before the commencement of these cases.</p>
<p>Bay Area Legal Aid Oakland, CA by David Canela Hilda Chan Lisa Greif Kari Rudd</p>	<p><i>Provide Information in Many Places</i> The provisions of AB 3088 are complicated, and the legislature is considering other changes and clarifications to the law. Small claims litigants will need good, clear information to navigate these cases, and they are more likely to find that information if it is available on court websites, through court self-help centers, and printed materials specific to COVID-related rental debt.</p> <p>We also recommend that the Judicial Council provide a list of resources, including legal services organizations that can provide information and assistance with these cases.</p>	<p>The proposed information sheet provides numerous hyperlinks for litigants to find assistance including from small claims advisors, legal services organizations, the California Courts Self-help Center, and local court websites.</p> <p>See response to comments by Asian Americans Advancing Justice – Asian Law Caucus on this issue.</p>

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7. Additional Resources and Local Procedures		
Commenter	Comment	Committee Response
Bet Tzedek Legal Services Los Angeles, CA by Jenna Miara Directing Attorney, Impact Litigation & Policy	The Judicial Council should also provide a small claims resource list of the legal aid organizations and self-help small claims resources available in each county. • Local Procedures SC-110 should also advise the parties that each county’s small claims court may have additional procedures for remote proceedings, such as requirements for submitting or exchanging evidence by mail prior to the trial date, and that the parties should be aware of those procedures.	See response to comments by Asian Americans Advancing Justice – Asian Law Caucus on this issue. The proposed information sheet has been modified in light of this comment to advise litigants that their local court may have additional information about small claims hearing procedures and provide a link to find their local court’s website.
California Access to Justice Commission Oakland, CA by Hon. Mark Juhas Chair	7. Proactively provide information about the new small claims COVID-19 rental debt cases and defenses on Court websites, LawHelpCa.org, and in self-help centers. Parties in COVID-19 rental-debt small claims cases will need to understand the new protections for residential tenants in Assembly Bill 3088, and the new procedures for collection of rental debt in small claims court, including applicable defenses and opportunities to resolve the case. We encourage the Judicial Council and local courts to provide information for landlords and tenants, which also may promote the resolution of disputes without need for a small claims court case, and reduce the number of small claims court filings.	See response to comments by Asian Americans Advancing Justice – Asian Law Caucus and Bay Area Legal Aid on this issue.
Community Legal Aid SoCal Santa Ana, CA by Kate Marr Executive Director	III. CREATE INFORMATION SHEET REGARDING SMALL CLAIMS APPEAL PROCESS Assembly Bill 3088 provides the option of litigating disputes in small claims court, even when the amount claimed is over the normal jurisdictional limits \$5,000 and \$10,000. Small claims litigants are also barred from attorney representation in small claims trials. As a result, tenants being sued in small claims court for unpaid rent could face the potential of much higher judgments without attorney representation.	In light of this comment, the proposed information sheet has been modified to note that a defendant can appeal a decision of the small claims court and to direct parties to the small claims appeals section of the California Courts Online Self-Help Center for more information. (See the item “What if you disagree with the judge’s decision?” on page 2.)

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7. Additional Resources and Local Procedures		
Commenter	Comment	Committee Response
	<p>There is concern that defendant tenants without attorney representation, as would normally be available in unlawful detainer cases, will be at a disadvantage in the small claims trials for COVID-19 rental debt. However, if the defendant loses at the small claims trial, they will still have the opportunity to appeal the judgment and be represented by an attorney at the appeal. Thus, more information about the small claims appeals process should be provided to the litigants. A small claims appeal information sheet similar to the existing SC-100-INFO page should be created and information about appeals should be included on the proposed SC-110 information page.</p>	
<p>Eviction Defense Network Los Angeles, CA by Stephano Medina Skadden Fellow</p>	<p>It is imperative that these forms clearly and comprehensively inform tenants that . . . (3) communicate the wider network of community and legal organizations who can assist them.</p> <p>Further, the Judicial Council must direct local superior court systems to prepare a factsheet of local statutes that may provide further relief. This factsheet should be prepared in consultation with tenant advocates and other community stakeholders. A further COVID-19 Rental Guide must be prepared exclusively to cover the issue of unpaid COVID rental debt, again in consultation with legal experts and local stakeholders.</p>	<p>See response to comments by Asian Americans Advancing Justice – Asian Law Caucus on this issue.</p>
<p>Public Counsel Los Angeles, CA by Amanda K. Pertusati Supervising Staff Attorney</p>	<ul style="list-style-type: none"> • <u>Covid-19 Rental Guide</u>: The Judicial Council should create a specific guide for the issue of COVID-19 rental debt. The California Tenant’s Guide is extremely lengthy and not entirely on-point for a small claims matter due to unpaid rent. • <u>Small Claims Court Resource List</u>: The Judicial Council should provide a small claims resource list that lists the legal aid organizations that could help with this issue in each county. 	<p>See response to comments by Asian Americans Advancing Justice – Asian Law Caucus on this issue.</p>

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SP20-10 (November 2020)

Small Claims: Forms for COVID-19 Rental Debt Cases (Revise form SC-100 and approve form SC-110)

All comments are verbatim unless indicated by an asterisk (*).

7. Additional Resources and Local Procedures

Commenter	Comment	Committee Response
	<p><u>Local Ordinances and Procedures:</u> The Judicial Council should notify the parties that there may be local ordinances which affect a defendant’s obligation to repay COVID-19 rental debt, and advise defendants that they may contact a legal services organization in their county for more information. The information sheet should also advise the parties that each county’s small claims court may have additional procedures for remote proceedings, such as requirements for submitting or exchanging evidence by mail prior to the trial date, and that the parties should be aware of those procedures.</p>	<p>In light of this and other comments on this point, form SC-500-INFO now advises parties that local ordinances may affect parties’ rights in the “What arguments can you make?” item on page 2.</p> <p>See response to comments by Bet Tzedek Legal Services on this issue.</p>
<p>Public Law Center Santa Ana, CA by Leigh E. Ferrin Director of Litigation and Pro Bono</p>	<p>We also suggest that, on the second page of the SC-110-INFO, in addition to the Small Claims Advisors, there is a link or information provided so that defendants can contact their local legal services organizations for assistance. Whether that is through lawhelpca.org or some other mechanism, it is incredibly important to ensure that these defendants have access to specialized guidance from housing and consumer attorneys at local legal services organizations. Legal services groups throughout California are collaborating on informational presentations and resources that can help defendants navigate this process. It would be helpful if there was a way to connect defendants with these resources.</p>	<p>See response to comments by Asian Americans Advancing Justice – Asian Law Caucus on this issue</p>
<p>Superior Court of San Diego County by Mike Roddy Executive Officer</p>	<p>SC-110 Info Sheet It is recommended that the information sheet include a section regarding remote hearings/appearances and submitting/exchanging documents electronically that also directs a litigant to check the local court’s website. The proposed language could read: “Some courts may conduct small claims hearings remotely and require that documents be submitted/exchanged electronically in advance of the hearing. Visit your court’s website for current information on small claims hearing procedures. For help finding your court visit: www.courts.ca.gov/find-my-court.htm.”</p>	<p>See response to comments by Bet Tzedek Legal Services on this issue.</p>

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SP20-10 (November 2020)

Small Claims: Forms for COVID-19 Rental Debt Cases (Revise form SC-100 and approve form SC-110)

All comments are verbatim unless indicated by an asterisk (*).

7. Additional Resources and Local Procedures		
Commenter	Comment	Committee Response
	In the section where it states “What help is available when I come to court? Accommodations for Disability,” it is recommended that language be added that states: “Remember to submit your MC-410 to the ADA Coordinator or designated person in your court.” This is consistent with the language used on the MC-410-INFO sheet.	The committee agrees and the language on form SC-500-INFO has been updated to include a reference to “the ADA Coordinator or designated person.”
University of California, Irvine School of Law UCI Law Clinics by Claire Johnson Raba Clinical Teaching Fellow	<p>Reference to Additional Resources:</p> <p>We recommend exploration of better and more tailored resources to be provided for additional information, rather than the Bureau of Real Estate’s California Tenants guide. The Judicial Council should consider creating a specific guide for the issue of COVID-19 rental debt or adding a webpage within the Superior Court of California website in plain language, and available for translation, discussing the particular procedural steps and substantive defenses for these small claims case. The California Tenant’s Guide is lengthy, difficult to navigate, and encompasses too many issues for a tenant to understand how to assert her rights in a small claims matter arising from unpaid rent.</p> <p>We also suggest, on the second page of the SC-110-INFO, in addition to the Small Claims Advisors, there be provided a link or other information so that defendants can contact their local legal services organizations for assistance. Whether that is through lawhelpca.org or some other mechanism, it is incredibly important to ensure that these defendants have access to specialized guidance from housing and consumer attorneys at local legal services organizations. Legal services organizations throughout California are collaborating on informational presentations and resources that can help defendants navigate this process. It would be helpful to connect defendants with these resources.</p>	See response to comments by Asian Americans Advancing Justice – Asian Law Caucus on this issue.

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SP20-10 (November 2020)

Small Claims: Forms for COVID-19 Rental Debt Cases (Revise form SC-100 and approve form SC-110)

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7. Additional Resources and Local Procedures		
Commenter	Comment	Committee Response
	Form SC-100 As described above, in addition to the contact information for the county Small Claims Advisor, this section should include contact information for the local legal aid office or at least a link to lawhelpca.org, which can help defendants access assistance from the legal aid organizations that are available to provide individualized assistance to tenants preparing for small claims hearings.	

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SP20-10 (November 2020)

Small Claims: Forms for COVID-19 Rental Debt Cases (Revise form SC-100 and approve form SC-110)

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8. Distinguishing Small Claims from Eviction Proceedings		
Commenter	Comment	Committee Response
Asian Americans Advancing Justice – Asian Law Caucus San Francisco, CA by Arianna Cook-Thajudeen, Esq. Housing Rights Program	5. Clarify that appearing in the small claims case, and raising defenses, is not a legal basis for eviction or retaliation. Typically, an action seeking rental debt also implicates possession and eviction. Self-represented tenants may be concerned when served with form SC-100 “Plaintiff’s Claim and ORDER to Go to Small Claims Court” seeking rental debt as potentially relating to eviction. The forms should make clear that eviction and possession are not at issue in the small claims court case and should clarify that any acts of retaliation by a landlord for raising defenses to nonpayment of rent is illegal.	In response to this and other comments on this point, information is included in new form SC-500, in both the “Notice to the person being sued” on page 1, and the “Let the case ‘default’” item on page 5, to make clear that these are not eviction cases. Additionally, the introduction to form SC-500-INFO states that a small claims court cannot evict a tenant from property and the “What arguments can you make?” item on page 2 of that form notes that it is illegal to retaliate against a tenant for raising defenses.
Bay Area Legal Aid Oakland, CA by David Canela Hilda Chan Lisa Greif Kari Rudd	<i>Clearly Distinguish from Unlawful Detainer</i> Because an action alleging nonpayment of rent normally involves eviction, we recommend that the form clearly state that the defendant cannot be evicted or otherwise lose their rental housing if they lose a small claims case. We recommend that the form also make clear that the law prohibits retaliation against tenants for exercising their rights to raise defenses to the nonpayment of rent.	See response to comments by Asian Americans Advancing Justice – Asian Law Caucus on this issue.
Bet Tzedek Legal Services Los Angeles, CA by Jenna Miara Directing Attorney, Impact Litigation & Policy	<ul style="list-style-type: none"> • No evictions [form SC-100] SC-100 should clearly and conspicuously advise defendants that they cannot be evicted or otherwise lose their rental housing if they lose a small claims case for the collection of COVID-19 rental debt. This includes changing the language on page 1 in the section titled “Notice to the person being sued” regarding losing “property” and on page 4 in the “Let the case ‘default’” bullet point. • No evictions and no retaliation [form SC-100-INFO] As stated above with regard to SC-100, language should be added to SC-110 to ensure tenants understand that losing their small claims case and having a judgment entered against them for their COVID-19 rent debt does not permit their landlord to 	See response to comments by Asian Americans Advancing Justice – Asian Law Caucus on this issue.

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SP20-10 (November 2020)

Small Claims: Forms for COVID-19 Rental Debt Cases (Revise form SC-100 and approve form SC-110)

All comments are verbatim unless indicated by an asterisk (*).

8. Distinguishing Small Claims from Eviction Proceedings		
Commenter	Comment	Committee Response
	evict them. It should also be clearly stated that retaliation for raising defenses to nonpayment of rent is illegal. These suggestions are consistent with the overall purpose of AB 3088 to prevent evictions.	
California Access to Justice Commission Oakland, CA by Hon. Mark Juhas Chair	5. Clarify that appearing in the small claims case, and raising defenses, is not a legal basis for eviction or retaliation. Typically, an action seeking rental debt also implicates possession and eviction. Self-represented tenants may be concerned when served with form SC-100 “Plaintiff’s Claim and ORDER to Go to Small Claims Court” seeking rental debt as potentially relating to eviction. The forms should make clear that eviction and possession are not at issue in the small claims court case. Also, retaliation for raising defenses to nonpayment of rent is illegal.	See response to comments by Asian Americans Advancing Justice – Asian Law Caucus on this issue.
California Apartment Association Sacramento, CA by Whitney Prout Policy and Compliance Counsel	Second, CAA recommends clarifying in the second question on the form (“What is small claims court?”) that small claims court does not hear unlawful detainer cases. While those familiar with the courts know this, it may not be immediately apparent to a tenant being sued for back rent who may believe the case may result in their eviction.	See response to comments by Asian Americans Advancing Justice – Asian Law Caucus on this issue.
Eviction Defense Network Los Angeles, CA by Stephano Medina Skadden Fellow	It is imperative that these forms clearly and comprehensively inform tenants that (1) they cannot be evicted for unpaid COVID rent,	See response to comments by Asian Americans Advancing Justice – Asian Law Caucus on this issue.
Law Foundation of Silicon Valley San Jose, CA by Nadia Aziz, Esq. Directing Attorney, Housing	The language on the form says, “.... the plaintiff can legally take your...property to pay your judgment.” This language should be clarified. There should be a statement on page 4 that explains to defendants that they cannot lose their housing or be evicted even if they lose their case and get a judgment against them for their COVID-19 rent debt.	See response to comments by Asian Americans Advancing Justice – Asian Law Caucus on this issue.

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SP20-10 (November 2020)

Small Claims: Forms for COVID-19 Rental Debt Cases (Revise form SC-100 and approve form SC-110)

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8. Distinguishing Small Claims from Eviction Proceedings		
Commenter	Comment	Committee Response
Public Counsel Los Angeles, CA by Amanda K. Pertusati Supervising Staff Attorney	<u>No Evictions</u> : Page 8 of SC-100 should clearly and conspicuously advise defendants that they cannot be evicted or otherwise lose their rental housing if they lose a case for the collection of COVID-19 rental debt.	See response to comments by Asian Americans Advancing Justice – Asian Law Caucus on this issue.
Public Law Center Santa Ana, CA by Leigh E. Ferrin Director of Litigation and Pro Bono	On Page 4, in the “Information for the defendant” section, one of the bullet points says “Let the case ‘default.’” In that section, there is language that says that if the defendant loses the case, “the plaintiff can legally take your money, wages, and property,” which could be misleading to defendants of COVID-19 back rent cases, as they may interpret “property” to mean that they can be evicted. We suggest that the Judicial Council add a sentence that, in a COVID-19 back rent case, a tenant’s rental housing is not at risk if a judgment is entered against them in this case.	See response to comments by Asian Americans Advancing Justice – Asian Law Caucus on this issue.
University of California, Irvine School of Law UCI Law Clinics by Claire Johnson Raba Clinical Teaching Fellow	SC-100 In the “Information for the defendant” section, one of the bullet points says “Let the case ‘default.’” In that section, there is language that says that if the defendant loses the case, “the plaintiff can legally take your money, wages, and property,” which could be misleading to defendants of COVID-19 back rent cases, as they may interpret “property” to mean that they can be evicted. SC-100 should clearly and conspicuously advise defendants that they cannot be evicted or otherwise lose their rental housing if they lose a case for the collection of COVID-19 rental debt.	See response to comments by Asian Americans Advancing Justice – Asian Law Caucus on this issue.

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SP20-10 (November 2020)

Small Claims: Forms for COVID-19 Rental Debt Cases (Revise form SC-100 and approve form SC-110)

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9. Language Access		
Commenter	Comment	Committee Response
Asian Americans Advancing Justice – Asian Law Caucus San Francisco, CA by Arianna Cook-Thajudeen, Esq. Housing Rights Program	2. Provide the SC-100 and SC-110-INFO forms in languages other than English. Under the new checkbox on the revised form SC-100 the form instructs, in Spanish, “view the form SC-110-INFO, COVID-19 Rental Debt in Small Claims Court (in English) for more information.” (translated, emphasis added). To promote language access, it is important that the SC-110 and SC-110-INFO forms be provided in at least the most common non-English languages in California: Spanish, Chinese, Vietnamese, and Tagalog. At the very least, if full translation of the information forms cannot be completed at this time, we urge the Council to provide the limited instructions and information about requesting an interpreter in the most common non-English languages spoken in California.	Certain parts of the claim forms (form SC-100 and new SC-500) are bilingual, with Spanish along with English on the forms. The translated sections include the beginning of the forms (which act as a summons) and the “Information for the defendant” pages. The Spanish text on those forms has been updated to match the proposed English text. The committee has been informed that form SC-500-INFO will be translated into Spanish as soon as possible following its adoption by the Judicial Council, and that translation into the other most common languages in the state will also be requested by staff under the Judicial Council translation protocol.
Bay Area Legal Aid Oakland, CA by David Canela Hilda Chan Lisa Greif Kari Rudd	<i>Language Access</i> It appears that form SC-110-INFO will only be available in English. The information contained in this form should be available in a wider range of languages to promote more equitable access to the courts. We recommend translating this form into Spanish, Traditional Chinese, Simplified Chinese, Vietnamese, Punjabi, Farsi, Tagalog, Korean, and Russian.	See response to comments by Asian Americans Advancing Justice – Asian Law Caucus on this issue.
Bet Tzedek Legal Services Los Angeles, CA by Jenna Miara Directing Attorney, Impact Litigation & Policy	• Language Access Most importantly, SC-110 should be provided in Spanish and other common languages, such as Vietnamese, Tagalog, and Korean, in order to ensure that all tenants have access to this important information. Language access is particularly essential here because attorneys are not allowed to represent litigants in small claims court.	See response to comments by Asian Americans Advancing Justice – Asian Law Caucus on this issue.
California Access to Justice Commission Oakland, CA by Hon. Mark Juhas	2. Provide the SC-110-INFO form in languages other than English Under the new checkbox on the revised form SC-100, the form provides, in Spanish, to “view the form SC-110-INFO, COVID-	See response to comments by Asian Americans Advancing Justice – Asian Law Caucus on this issue.

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Small Claims: Forms for COVID-19 Rental Debt Cases (Revise form SC-100 and approve form SC-110)

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9. Language Access		
Commenter	Comment	Committee Response
Chair	19 Rental Debt in Small Claims Court (in English) for more information.” (emphasis added). To promote language access, it is important that the information in the SC-110-INFO form be provided in languages other than English.	
California Association of Judgment Professionals Oxnard, CA by Gretchen D. Lichtenberger Legislative Chairperson	Suggestions for the new SC-110-INFO form: 1) We suggest this form also be created in Spanish.	See response to comments by Asian Americans Advancing Justice – Asian Law Caucus on this issue.
Community Legal Aid SoCal Santa Ana, CA by Kate Marr Executive Director	I. PROVIDE SC-110 INFORMATION SHEET IN MULTIPLE LANGUAGES The proposed information sheet SC-110 is written only in English. By providing the SC-110 in only English many litigants will potentially miss vital information concerning COVID-19 rental debt cases. It is especially concerning for tenants and low-income litigants who have fewer available resources and may be facing judgments of amounts of money not typically seen in small claims court. Further, the current general small claims information for defendants provided on pages 4 and 5 of the SC-100 is provided in Spanish as well as English. The SC-110 information page pertaining to COVID-19 rental debt cases should at least be available in Spanish, if not other languages as well.	See response to comments by Asian Americans Advancing Justice – Asian Law Caucus on this issue.
Law Foundation of Silicon Valley San Jose, CA by Nadia Aziz, Esq. Directing Attorney, Housing	o The SC-110-Info form should also be available in Spanish and other commonly used languages.	See response to comments by Asian Americans Advancing Justice – Asian Law Caucus on this issue.
Oakland City Attorney’s Office by Braz Shabrell Deputy City Attorney	3) Finally, we assume that the information sheet will be translated to Spanish and support the council in doing so.	See response to comments by Asian Americans Advancing Justice – Asian Law Caucus on this issue.

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9. Language Access		
Commenter	Comment	Committee Response
Public Counsel Los Angeles, CA by Amanda K. Pertusati Supervising Staff Attorney	<u>Language Access</u> : The Judicial Council must provide all of the above referenced forms and resources in Spanish and multiple languages.	See response to comments by Asian Americans Advancing Justice – Asian Law Caucus on this issue.
Public Law Center Santa Ana, CA by Leigh E. Ferrin Director of Litigation and Pro Bono	<p>Form SC-100 PLC believes that the additional checkbox on the first page is incredibly helpful, for the court, advocates who will provide assistance to defendants, and to the defendants themselves. We will address this further in the comment below on form SC-110, but we believe that the link needs to be in more than just English; Spanish at a minimum, but possibly also Vietnamese, Korean, Tagalog, and other common languages in California.</p> <p>Form SC-110-INFO The first and foremost issue is that Form SC-110 is in English only. We could not tell, either from the form or from the Invitation to Comment, whether the Judicial Council plans to translate this form into other languages. More than half of PLC’s tenant clients speak a language other than English, and this form will be useless to those litigants without translation.</p> <p>We recognize that this is a difficult undertaking, but in this situation, particularly because attorneys are not allowed to provide representation to these defendants, it is all the more important that the forms are accessible and understandable to the individuals who use them.</p>	See response to comments by Asian Americans Advancing Justice – Asian Law Caucus on this issue.
University of California, Irvine School of Law UCI Law Clinics by Claire Johnson Raba Clinical Teaching Fellow	<p>Language Access: We appreciate attention to the important procedural circumstances that place defendants in small claims court without a need to file anything before appearing in court. We are concerned that defendants will appear at small claims hearings unprepared to assert defenses to collection and offset of rental</p>	See response to comments by Asian Americans Advancing Justice – Asian Law Caucus on this issue.

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9. Language Access		
Commenter	Comment	Committee Response
	<p>arrearrages, and we acknowledge the significant value in the provision of a new information sheet, SC-110-INFO to provide information in advance of the court appearance. However, Form SC-110-INFO is in English only. It is unclear from the form and the Invitation to Comment if the Judicial Council plans to translate this form into other languages. As this form is directed at self-represented litigants, we strongly encourage translation of the SC-110-INFO form into at least the languages recognized by the Legislature as spoken by the majority of Californians who speak a language other than English at home: Spanish, Chinese, Tagalog, Vietnamese, and Korean. [FN 1 These five languages are spoken at home by approximately 3.5 million of the 3.8 million Californians with limited or no English proficiency, who speak a language other than English at home. (Cal. Civ. Code §1632(a)(3)).] As attorneys are not allowed to provide full representation to these defendants, it is of particular importance that the forms are accessible and understandable to the individuals who use them.</p> <p>Form SC-100 The CLC believes that the additional checkbox on the first page is incredibly helpful, for the court, advocates who will provide assistance to defendants, and to the defendants themselves; however, it refers in Spanish to SC-110-INFO (and specifies that the document is in English). Please see the concerns raised above as to language access.</p>	

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10. Data Collection		
Commenter	Comment	Committee Response
Bay Area Legal Aid Oakland, CA by David Canela Hilda Chan Lisa Greif Kari Rudd	<p><i>Internal Tracking Mechanism for Court Data</i></p> Because these cases are masked, we recommend that courts add a field to internal case management systems so that court staff and outside parties (such as advocates, elected representatives, and academics) can track the number of small claims cases involving COVID-19 rental debt.	The suggested change is beyond the purview of the committee, but the committee notes that the concern may be addressed by the recommendation for a new claims form that will be used only for COVID-19 rental debt cases, which should make it easier to track such cases.
Bet Tzedek Legal Services Los Angeles, CA by Jenna Miara Directing Attorney, Impact Litigation & Policy	SC-100: Claim Form As a general matter, because these rent debt cases are likely to be sealed, we urge the Court to add a field in their internal case management system so that both the courts and stakeholders can track how many small claims cases are filed to collect COVID-19 rental debt. This will be essential to evaluating the effectiveness of AB 3088 and to considering future policy proposals.	See response to comments by Bay Area Legal Aid on this issue.
Public Law Center Santa Ana, CA by Leigh E. Ferrin Director of Litigation and Pro Bono	Because these cases are likely to be sealed, we urge the Court to add a field in their internal case management system so that both the court and advocates under Public Records Act requests can track how many small claims cases are filed specifically to collect COVID-19 Rental Debt. This data will be incredibly important in understanding the effectiveness of the provision in AB 3088, as well as for future legislative considerations.	See response to comments by Bay Area Legal Aid on this issue.
University of California, Irvine School of Law UCI Law Clinics by Claire Johnson Raba Clinical Teaching Fellow	<p>Case Management:</p> In response to the request for comments on changing docket codes and modifying case management systems, we strongly encourage the addition of a field, or fields, to track information relating to these cases. We encourage that this information be required to be reported to the Judicial Council under JBSIS required annual reporting of aggregate case information data, including filing, disposition, time to disposition, and all other JBSIS fields that currently apply to limited civil matters. We also urge the Judicial Council to clearly identify the name of the suggested field in order to normalize this data across	See response to comments by Bay Area Legal Aid on this issue. That request for comments is to courts, requesting estimates on how much work will be required to implement proposals.

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10. Data Collection		
Commenter	Comment	Committee Response
	diverse case management systems and to facilitate tracking of cases as COVID-19 rent debt small claims matters in internal case management systems. This will ensure that the courts, the JCC, and advocates submitting requests under California Rule of Court 10.500 will be able to track how many small claims cases are filed specifically to collect COVID-19 Rental Debt, and the disposition of those matters. This data will be incredibly important in understanding the effectiveness of the provision in AB 3088, for the provision of the legal aid services, and for future legislative considerations.	

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11. Changes Suggested for Other Forms		
Commenter	Comment	DRAFT Committee Response
California Apartment Association Sacramento, CA by Whitney Prout Policy and Compliance Counsel	Finally, all the changes made to Form SC-100 should also be made to other forms that include the same items, such as Forms SC-100A and SC-120.	To the extent the commenter is seeking to have the revisions relating to the jurisdictional limits in small claims court extended to the other forms, the creation of a new claim form for actions seeking recovery of COVID-19 rental debt, SC-500, and the form attachment for additional litigants in such cases, SC-500A, makes such modifications unnecessary. To the extent the request is for revising forms SC-100A and SC-120 to include email addresses of plaintiffs, revising those forms is outside the scope of this proposal. However, the committee will consider revisions to those forms as time and resources allow.
Superior Court of Los Angeles County by Bryan Borys Director of Research and Data Management	3. Recommendation: Modify the SC-100A Other Plaintiffs and Defendants form to accept an optional email address line, to be consistent with the SC-100 form.	See response to comments by California Apartment Association on this issue.
Superior Court of San Diego County by Mike Roddy Executive Officer	Because a landlord could be seeking damages against more than one tenant and the form has a check-box referencing SC-100A for more than one defendant, it is recommended that SC-100A be amended, so that the #3 in SC-100A also include the same language in #10 of SC-100 that reads as follows: “but this limit does not apply if this action is to recover COVID-19 rental debt.” Finally, it is proposed that the changes included in SC-100 also be applied to the Defendant’s Claim and Order to Go to Small Claims Court (SC-120).	See response to comments by California Apartment Associations on this issue.

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