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## INVITATION TO COMMENT

**SP21-05**

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**Title**

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

**Proposed Rules, Forms, Standards, or Statutes**

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

**Proposed by**

Civil and Small Claims Advisory Committee  
Hon. Ann I. Jones, Chair

**Action Requested**

Review and submit comments by August 20, 2021

**Proposed Effective Date**

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

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### Executive Summary and Origin

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.

The council must consider these forms at its October 1, 2021, meeting in order for them to be in effect by October 1, and November 1, 2021, the respective effective dates of the new procedures. To ensure that stakeholders, courts, and the public generally have an opportunity to comment on the forms, they are being posted for public comment even though the normal comment period cannot be provided.

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 It is circulated for comment purposes only.*

## Background

In response to the COVID-19 pandemic, the California Legislature enacted the Tenant, Homeowner, and Small Landlord Relief and Stabilization Act, including the COVID-19 Tenant Relief Act, through AB 3088, which was signed into law and became effective on August 31, 2020. The Legislature amended the act on January 29, 2021, with SB 91.<sup>1</sup> 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 council adopted and approved revisions to several unlawful detainer forms to address the new laws.

Assembly Bill 3088 also provided landlords with the ability to recover COVID-19 rental debt in small claims court, and SB 91 deferred the date for commencing such actions until August 1, 2021. Senate Bill 91 also added a requirement that plaintiffs in all COVID-19 recovery cases attach documentation of their efforts to assist tenants in obtaining rental assistance to their complaints (Code Civ. Proc., § 1179.10(a)) and provide certain verifications regarding rental assistance before a judgment could be issued in their favor (Health & Saf. Code, § 50897.3(e)). Prior to the passage of AB 832, the council and its committees were in the process of revising and developing small claims forms for use in such actions. Council action on those forms was deferred in light of the passage of AB 832.

On June 28, 2021, the Legislature enacted AB 832 (Link A) as urgency legislation. The comprehensive law extended many of the protections in the COVID-19 Tenant Relief Act. The law also enacted the COVID-19 Rental Housing Recovery Act, Code of Civil Procedure section 1179.08<sup>2</sup> et seq., which, for certain unlawful detainer actions based on nonpayment of rent 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. The specific provisions of AB 832 that impact council forms include:

- The extension of tenant protections codified by AB 3088 and SB 91, including the prohibition on initiating an unlawful detainer action based on nonpayment of COVID-19 rental debt<sup>3</sup> under certain circumstances, through September 30, 2021 (e.g., §§ 1179.03(g), 1179.03.5).<sup>4</sup>
- A new general notice requirement to any tenant who has missed a rental payment since March 1, 2020, and a new specific notice requirement to pay or quit if the landlord, on or after July 1, 2021, demands payment of COVID-19 rental debt. (§§ 1179.03, 1179.04.)

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<sup>1</sup> The Legislature made minor clean-up revisions to the provisions of SB 91 in Assembly Bill 81 a month later.

<sup>2</sup> All further statutory citations are to the Code of Civil Procedure unless otherwise stated.

<sup>3</sup> Under AB 832, COVID-19 rental debt means rent and other obligations due between March 1, 2020, and September 30, 2021.

<sup>4</sup> Technical changes to forms UD-101 and UD-105, to update the time frame for the parties' rights and responsibilities under AB 832, were approved by the council on July 9, 2021, and revised versions of those forms became effective on July 12, 2021.

- A new specific notice requirement to pay or quit if the landlord demands payment of rental debt due between October 1, 2021, and March 31, 2022 (“COVID-19 recovery period rental debt”). (§ 1179.10(a).)
- New required verifications regarding a plaintiff applying for rental assistance for tenancies initiated before October 1, 2021, which a plaintiff-landlord must make before a summons may issue in an unlawful detainer action filed between October 1, 2021, and March 31, 2022, and based on nonpayment of rent. (§ 1179.11(a).)
- New required findings a court must make, related to a landlord’s application for rental assistance, before issuing a judgment or default judgment in an unlawful detainer case. (§ 1179.11(c).)
- A new procedure by which tenants in unlawful detainer cases may ask the court to prevent forfeiture of their lease if the tenant has received approval from a rental assistance program. (§ 1179.13.)
- Moving the date on which actions to recover COVID-19 rental debt could commence from August 1, 2021, to November 1, 2021; and mandating that the council develop forms for use in all such actions (both in small claims court and general civil court) (§§ 116.223(b)(3), 871.10(c) & (e), and 1161.2.5(a)(3).)
- The permanent limitation of access to case records for unlawful detainers based on nonpayment of COVID-19 rental debt *and* actions for the recovery of COVID-19 rental debt. (§§ 1161.2, 1161.2.5.)

### **Prior Circulation**

Two of the small claims forms in this proposal previously circulated for comment. Assembly Bill 3088 permitted recovery actions for COVID-19 rental debt to be brought in small claims court, regardless of amount, commencing on March 1, 2021. A revised version of the claim form for small claims actions (form SC-100) and a proposed information sheet about actions to recover COVID-19 rental debt in small claims court (then form SC-110-INFO) both circulated for comment in December 2020. In light of comments received, and because SB 91 moved the date for commencing such actions to August 1, 2021, and added further requirements for such claims, the forms were modified for consideration at the July council meeting, and circulated post-adoption. That consideration was deferred when AB 832 moved the date for commencing such claims to November 1, 2021, and added yet more requirements. The proposed revised and new small claims forms in this proposal address the comments received in December 2020, as well as the new provisions of AB 832.

### **The Proposal**

This proposal recommends the adoption, approval, and revision of certain unlawful detainer, small claims, and pleading forms. The changes are urgently needed for the forms to conform to the provisions of AB 832. The proposed forms are listed below.

For unlawful detainer actions (all proposed as effective October 1, 2021):

- Revised *Plaintiff's Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer* (form UD-101)
- Revised *Answer—Unlawful Detainer* (form UD-105)
- Revised *Verification by Landlord Regarding Rental Assistance—Unlawful Detainer* (form UD-120)
- New *Application to Prevent Forfeiture Due to COVID-19 Rental Debt* (form UD-125)

For actions to recover COVID-19 rental debt in small claims court (proposed effective November 1, 2021, except for the INFO sheet, effective October 15, 2021):

- New *Plaintiff's Claim and ORDER to Go to Small Claims Court (COVID-19 Rental Debt)* (form SC-500)
- New *Other Plaintiffs or Defendants (COVID-19 Rental Debt)* (form SC-500A)
- New *COVID-19 Rental Debt in Small Claims Court* (form SC-500-INFO)
- Revised *Plaintiff's Claim and ORDER to Go to Small Claims Court* (form SC-100)
- Revised *Fictitious Business Name (Small Claims)* (form SC-103)
- Revised *What is Proof of Service? (Small Claims)* (form-104B)

For actions to recover COVID-19 rental debt in civil court (proposed effective November 1, 2021):

- New *Complaint—Recovery of COVID-19 Rental Debt* (form PLD-C-500)
- New *Answer—Recovery of COVID-19 Rental Debt* (form PLD-C-505)
- New *Verification by Plaintiff Regarding Rental Assistance—Recovery of COVID-19 Rental Debt* (form PLD-C-520)

A description of the proposed new forms and revisions are provided below.

## **Unlawful detainer forms**

### ***New requirements for a summons to issue***

Assembly Bill 832 set out the following requirements that must be met for a summons to issue in certain unlawful detainer actions: In actions brought after October 1, 2021 (the effective date of the proposed UD forms), where a residential unlawful detainer action is based on nonpayment of rent between March 1, 2020, and March 31, 2022, and arises from a tenancy that began *before* October 1, 2021, plaintiffs must verify that they applied for rental assistance before filing the complaint and that (1) the application was expressly denied and, if so, attach a copy of the final determination, or (2) plaintiff has not received any information from either the tenant or the rental assistance program that tenant has applied for assistance and at least 20 days have passed since either the date the plaintiff's completed application was submitted or since service of the notice to pay or quit (which provides information to the tenant about where to apply for rental

assistance). (See § 1179.11(a).) Item 3 has been added to *Plaintiff's Mandatory Cover Sheet and Supplemental Allegations* (form UD-101) to set out these statements that 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 applicable), a clerk may issue the summons.

A note has also been added to the instructions at the beginning of the form alerting filers to these new requirements. 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 2b(2)) for defendant to easily assert 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), items 6a and 7a on form UD-101 have been revised to refer to "all required versions" of the notice. Similarly, item 3m(1) on form UD-105 now allows defendant 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 be able 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 3n of form UD-105 has been added to allow defendants to allege that plaintiffs did not provide such notice.

### ***Findings before judgment***

Assembly Bill 832 adds further 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 applied 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. Form UD-105 also now provides defendants an opportunity to allege that plaintiffs cannot support the required findings in item 3o.

### ***Additional defense as to late fees***

Assembly Bill 832 authorizes rental assistance to be paid directly to a tenant, but the tenant must agree to provide the money covering rental arrears to the landlord within a certain period of time. The new law allows a landlord to charge a late fee if that payment is not timely made. (Health & Saf. Code, § 50897.1(e)(2).) That same provision, however, prevents plaintiffs from using defendant's nonpayment of that late fee as a basis for an unlawful detainer action. Item 3p(3) has been added to form UD-105 to allow defendants to raise a defense on that basis.

### ***Deleted items***

On the current form UD-101, item 4 (allowing plaintiffs to allege whether certain federal tenant protections apply) has been deleted, as have several items on current form UD-105: items 3n (a defense based on current law requiring just cause for all unlawful detainers), and items 3p, and 3q (providing defenses based on federal protections). Several federal protections do not apply after July 31, 2021, and the newly extended moratorium order from the Centers for Disease Control is set to end October 3. The requirements of just-cause for termination of a tenancy will, as of October 1, 2021, once again only apply to tenancies subject to the Tenant Protection Act of 2019 or local ordinances.

### ***New form for prevention of forfeiture***

New section 1179.13 establishes a process whereby defendants in an unlawful detainer action can ask the court to “prevent forfeiture of a lease or rental agreement,” either pre- or post-judgment, based on defendants having received notice of approval of government rental assistance. This proposal includes the *Application to Prevent Forfeiture Due to Covid-19 Rental Debt* (form UD-125) to implement this new procedure, as a mandatory form.<sup>5</sup> 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 information that the statute mandates to support such an application.

### **Small claims forms**

#### ***New form SC-500***

The committee initially recommended revisions to the claim form for small claims court (form SC-100) in order for that form to be used in actions to recover COVID-19 rental debt in small claims court. (*See Invitation to Comment SP20-10.*) However, in response to comments received, the committee recommends adoption of a separate mandatory claim form for such cases, *Plaintiff’s Claim and ORDER to Go to Small Claims Court (COVID-19 Rental Debt)* (form SC-500).<sup>6</sup>

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 one to recover COVID-19 rental debt and that access to records in the case is limited. The form’s beginning also alerts parties to the proposed information sheet for such cases.
- 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. In response to

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<sup>5</sup> Section 1179.13(c)(3)(B) authorizes the council to mandate a form for the application to prevent forfeiture, if it “determines that this requirement is necessary to accomplish the purpose of the verification.”

<sup>6</sup> A form specifically for use in such cases is also now a requirement under AB 832. (§ 1161.2.5(a)(3).)

comments received, the committee tailored item 3 in new form SC-500 to request information directly relevant to COVID-19 rental debt actions. Specifically, 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. Also in response to comments received on the originally proposed form SC-100, item 4 has been added to form SC-500, requiring plaintiffs to list any payments made by or on behalf of defendants, and any offsets credited to them. Because there is no discovery allowed in small claims actions, this is the only way to ensure defendants will know what payments plaintiffs acknowledge receiving or how much of an offset they have credited to defendants.

- Item 9 has been included in form SC-500 to instruct plaintiffs to attach documentation showing that they have made a good faith effort to assist defendants in obtaining rental assistance, as required in all actions to recover COVID-19 rental debt. (§ 871.10(a).) If the plaintiffs do not have documentation, they are advised to include a description of their efforts.
- Item 10 addresses verification requirements in Health & Safety Code section 50897.3(e)(1). It notifies plaintiffs that they will be unable to recover COVID-19 rental debt if they have received rental assistance in the amount claimed and provides the required verification.
- To adapt the form for use in COVID-19 rental debt recovery cases, items on form SC-100 that are not applicable in these cases have been eliminated in developing form SC-500. For example, item 1 does not include a checkbox for “deferred deposit originators.” Item 2 does not include information about an agent for service for a business defendant, since by statutory definition only natural persons have COVID-19 rental debt. (§ 1179.02(h).) Item 5 (regarding venue) includes only those venue allegations relevant to claims for recovery of rental debt. An item regarding whether the claim is for more than \$2,500 (item 10 on form SC-100) is unnecessary here since the limitation does not apply to these cases. (§ 116.223(c).)
- There are also minor differences on page 5 of form SC-500 (Information for the defendant), including a note that the jurisdictional limit on small claims cases has been lifted for COVID-19 rental debt recovery cases.

### ***New form SC-500-INFO***

New information sheet *COVID-19 Rental Debt in Small Claims Court* (form SC-500-INFO; previously circulated as form SC-110-INFO) is intended to inform both plaintiffs and defendants 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 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 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. While the committee has attempted to list all major applicable defenses, the form also notes the list is not exhaustive and that there are other laws, including local ordinances, that could affect parties' rights.<sup>7</sup>

Links to sources of assistance, including a publication on residential tenants' and landlords' rights and responsibilities, legal services organizations, and other forms to request interpreters or accommodations for disabilities, are included on the form. The form also makes it clear to plaintiffs that using small claims for a case to recover COVID-19 rental debt is just one option. The form notes that plaintiffs alternatively could go to general civil court with the right to appeal the court's decision and the right to be represented by counsel, and identifies 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 and the form lists who may be granted access.

#### ***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), a form attachment that allows a party to name additional plaintiffs or defendants. This proposed form parallels form SC-100A, used in all other small claims cases, excluding 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 number of small claims cases over \$2,500 that can be filed in a calendar year. (*Cf.* §§ 1179.02(h) and 116.223(c).)

#### ***Revised form SC-100***

The previously proposed revisions included on the *Plaintiff's Claim and ORDER to Go to Small Claims Court* (form SC-100) that circulated for comment in December, which were intended to accommodate the filing of the COVID-19 rental debt claims over the jurisdictional limits, have been removed in light of the recommendation of a separate claim form for those cases. Adoption of recommended form SC-500 will, however, require revising the current form SC-100 to include a warning *not* to use it in COVID-19 rental debt cases. The committee recommends revising form SC-100 to 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 debt and to instead use form

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<sup>7</sup> The list and description of defenses has been modified from the originally circulated form in light of comments received on the 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.

Another recommended revision to form SC-100 the inclusion of the plaintiff's email address in item 1. This is not directly related to AB 3088 but was requested 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 social distancing protocols resulting from the COVID-19 pandemic.<sup>8</sup>

The only other substantive change to form SC-100 proposed by the committee concerns the instructions relating to settlements. On page 5 of current 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. Accordingly, to reflect current practice and eliminate the need to file potentially unnecessary forms, the advisory committee recommends the addition of language 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" on both forms SC-100 and SC-500.

### ***Revised form SC-103***

Current form SC-103, *Fictitious Business Name (Small Claims)*, requires the filer to choose whether the form is attached to "Form SC-100" or "Form SC-120." Given that the new form SC-500 tell plaintiff to attach form SC-103 if a plaintiff is doing business under a fictitious name, this proposal recommends adding a third checkbox option, "Form SC-500" to the top of form SC-103.

### ***Revised form SC-104B***

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

### **Civil pleading forms**

Assembly Bill 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.

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<sup>8</sup> Form SC-100, as originally circulated also requested that the plaintiff provide the defendant's email address, but that proposed revision was deleted in light of substantial opposition. Most of the legal services organizations that commented expressed concern about the inclusion of the defendant's email address stemming from the following issues:

- The plaintiff would be providing the defendant's email address, even though it may not be correct or monitored regularly by the defendant.
- The defendant's email may be used for improper purposes, such as other debt collection.
- Inclusion of the defendant's email address may suggest to the court or plaintiff that electronic service to the defendant is adequate even though it has not been agreed to by defendant.

(§ 1161.2.5(a)(3).) Accordingly, the committee recommends the adoption of a new complaint (form PLD-C-500) and answer (form PLD-C-505) for use in general civil actions. The committee also recommends a new form for the verifications regarding rental assistance required before judgment in such claims (form PLD-C-520).

***New complaint (form PLD-C-500)***

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. Items 1-3 parallel the relevant introduction items in the form contract complaint (form PLD-C-001). Item 4, regarding assignment, has been added because of the presumption 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 as such, and to state who assigned the debt.

The section entitled Allegations About COVID-19 Rental Debt (items 5 and 6) begins with allegations as to the basis for the debt (identifying the tenancy and the amount of rent and any other financial obligations agreed to). There is also an item to describe the total amount owed and to provide details as to what that total is based on.<sup>9</sup>

The proposed complaint form also includes allegations (items 7 and 8) to meet the requirements of section 871.10 (that any claim for recovery must include documentation of plaintiff’s efforts to help defendant obtain rental assistance) and of Health & Safety Code section 50897.3(e) (that the plaintiff must make certain verifications). Item 8, regarding the required verifications, also includes instructions similar to those on form UD-101, that the court cannot enter judgment without these items being verified and that the form verification will be required with a request for a default judgment. Because the verifications must be made by the plaintiff—not necessarily the landlord—an item has been included to allow the 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 there is a note pointing the plaintiff to item 8, which notes that the assertions in that item will need to be verified before judgment can be issued.

This complaint form and answer form are both proposed as mandatory forms, 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. (§ 1161.2.5(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

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<sup>9</sup> This is similar to the item claiming damages on form SC-500, which was developed in light of comments received on the proposal regarding small claims forms for recovery of COVID-19 debt that was circulated for comment in December.

in actions to recover COVID-19 rental debt, that can only be achieved if the forms containing such notation are mandatory.

- A mandatory complaint form ensures that plaintiffs are aware of and comply with the new pleading requirement that any claim have documentation attached supporting the assertion 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 form enables the committee to create an answer form that should be easier for defendants to use, because its denials section can identify specific allegations to which the defendant may respond.

The committee concluded that mandatory pleading forms were appropriate under section 1161.2.5, and would benefit both the parties and the courts.

***New answer (form PLD-C-505)***

The proposed answer form 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 general instructions on the time frame in which the answer must be filed, and notes that there are alternative responses that may be made (demurrer, motion to strike, or motion to quash), and potential cross-complaints, for which seeking legal advice is recommended.

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 in the complaint, allowing the defendant to deny, as appropriate, the specific items in the complaint identified in the heading of the subpart.

Item 4 lays out the 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 impact 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 form PLD-C-520***

Proposed *Verification by Plaintiff Regarding Rental Assistance—Recovery of COVID-19 Rental Debt* (form PLD-C-520)<sup>10</sup> is intended to implement the verification requirement of Health & Safety Code section 50897.3(e)). That section mandates that the court must 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

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<sup>10</sup> This form parallels the *Verification of Plaintiff Regarding Rental Assistance—Unlawful Detainer* (form UD-120) adopted following the enactment of SB 91, and is numbered to match that form.

assistance, and does not have any applications pending for such assistance, corresponding to the amount demanded in the complaint. Because the law requires that the verification be made by the plaintiff (rather than landlord), and because the plaintiff and landlord may not be one and the same, item 1 asks plaintiffs to identify whether they are the landlord or the landlord's assignee or representative (and if the latter, than to identify the landlord and describe the relationship). In addition, in item 2—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 in order to ensure that plaintiffs know that this verification is required for judgments in recovery actions. However, because the landlord must verify that no funds have been received and no application is pending before a judgment may be issued, such verification may be required at the time of the judgment as well, which may be issued weeks or months after the complaint is filed. In cases that go to trial, a court considering issuing a judgment for the plaintiff may be able to 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. In order to ensure 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 that a plaintiff can easily provide the required verification, and ensure that a verification filed with the court meets the statutory requirements. (The form would be optional for other uses, as desired by a party or if requested by a judicial officer.)

### **Alternatives Considered**

The committee did not consider the possibility of making no recommendation, because the passage of AB 832 mandated the creation of the small claims and civil pleading forms for actions to recover COVID-19 rental debt (see § 1161.2.5(a)(3)) and changed the law concerning unlawful detainers so substantially that the existing unlawful detainer forms would be unworkable after October 1, 2021.

With regard to effective dates for the small claims and pleading forms, the committee considered proposing that all the forms be made effective October 1 or October 15, 2021, to give litigants a chance to familiarize themselves with the forms before actions to recover COVID-19 rental debt may commence in small claims court. However, to ensure that claims are not filed before the permissible date, the committee proposes that the revisions to existing SC forms and the new SC and PLD forms be made effective November 1, 2021, except for the information sheet (form SC-500-INFO). The information sheet is proposed to be effective October 15, 2021, so that litigants may, if desired, review that information about litigating actions to recover COVID-19 rental debt in advance, without burdening the court with untimely claims.

Given that under AB 832 unlawful detainer actions for nonpayment of rent may recommence beginning October 1, 2021 (assuming applicable notice has been provided), the unlawful detainer forms are all proposed with that effective date. There was no alternative to consider for those forms.

## Fiscal and Operational Impacts

Assembly Bill 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. All 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 actions 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.

### Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?

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

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?

## Attachments and Links

1. 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, UD-125, at pages 14–56.
2. Link A: AB 832,  
[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220AB832](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  <b>DRAFT</b>  07/27/21
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	<b>NOT APPROVED BY THE JUDICIAL COUNCIL</b>
PLAINTIFF: DEFENDANT:	
<b>COMPLAINT—RECOVERY OF COVID-19 RENTAL DEBT</b>  <input type="checkbox"/> COMPLAINT <input type="checkbox"/> AMENDED COMPLAINT (Number):	
<b>Jurisdiction (check all that apply):</b> <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.**

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.

3. This court is the proper court because:

- a.  a defendant lives here now.
- b.  a defendant entered into the 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):



PLAINTIFF: DEFENDANT:	CASE NUMBER:
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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 of Plaintiff for Recovery of COVID-19 Rental Debt (form PLD-C-510) 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 above.
- 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 above.
- 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*):

**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.

PLAINTIFF: DEFENDANT:	CASE NUMBER:
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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)

**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**

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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  <b>DRAFT</b>  07/27/21  <b>NOT APPROVED BY JUDICIAL COUNCIL</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF: DEFENDANT:	
<b>ANSWER—RECOVERY OF COVID-19 RENTAL DEBT</b> <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 the 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 should consult with an attorney if they want to file a response other than an answer.*

**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 of the complaint.

(This item can only be checked 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 cannot be checked, defendant may make the Specific Denials in item 3.)

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

(Complete this item if defendant disagrees with any statements in the complaint and **either** of the following applies:

- The amount demanded in the complaint is more than \$25,000 and the complaint is verified. (The complaint is verified if the Verification at the end 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 AND the debt has been assigned to someone other than the landlord. (If item 4 on form PLD-C-500 has been checked, this item should be completed if defendant disagrees with any statements in the complaint.)

(continued on next page)

PLAINTIFF: DEFENDANT:	CASE NUMBER:
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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.

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 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 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 letters 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 letters 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 brief facts to support it in item 4l (on page 5) 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/>, in the "Living in the Rental Unit" and "Dealing with Problems" sections.)*

- a.  The amount demanded should be reduced because the landlord breached the warranty to provide habitable premises.
- b.  The amount demanded includes amounts that the defendant spent to make needed repairs and properly deducted from the rent, but for which that the landlord did not give proper credit.
- c.  The amount demanded includes the security deposit that the landlord improperly withheld after the lease or rental agreement was terminated.
- d.  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):*
- e.  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.
  - (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.)
- 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.  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 was eligible. (Code Civ. Proc., § 871.10(b).)
- h.  Defendant has completed an application for government rental assistance for part or all of the amount demanded, which is still pending. *(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)*
- i.  Defendant vacated the premises and does not owe rent after *(date):* \_\_\_\_\_.
- j.  The amount of attorneys' fees requested by plaintiff is more than permitted by law for cases for COVID-19 rental debt. (Code Civ. Proc., § 871.11.)
- k.  Other defenses or objections. *(Describe briefly, and state facts to support them either here or in item l. 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 4k.

PLAINTIFF: DEFENDANT:	CASE NUMBER:
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4. I.  Provide facts supporting each item checked, 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 4I.

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.  other.

*(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**

*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)
----------------------	---	--------------------------

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ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY  <b>DRAFT</b>  07/27/2021  <b>NOT APPROVED BY JUDICIAL COUNCIL</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF: DEFENDANT:	
<b>VERIFICATION BY PLAINTIFF REGARDING RENTAL ASSISTANCE—RECOVERY OF COVID-19 RENTAL DEBT</b>	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 & Safety Code section 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

07/21/2021

**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.)*

<b>Trial Date</b>	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.

**Do not use this form for an action for recovery of COVID-19 rental debt** as defined under Code of Civil Procedure section 1179.02; use form [SC-500, Plaintiff's Claim and ORDER to GO to Small Claims Court \(COVID-19 Rental Debt\)](#).

- **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](http://www.courts.ca.gov/forms).
- 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.
- 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 his or her 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 yes, I have not filed, and understand that I cannot file, more than two small claims cases for more than \$2,500 in California during this calendar year.

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 supports your case. And read "Be Prepared for Your Trial" at [www.courts.ca.gov/smallclaims/prepare](http://www.courts.ca.gov/smallclaims/prepare).

**What if I need an accommodation?** If you have a disability or are hearing impaired, fill out form [MC-410, 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 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](http://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](http://www.courts.ca.gov/smallclaims/appeals).

**Do I have options?** Yes. If you are being sued, you can:

- **Settle your case before the trial.** If you and the plaintiff agree on how to settle the case, the plaintiff must file form [CIV-110, Request for Dismissal](#), or a written and signed settlement agreement with the clerk. Ask the Small Claims Advisor for help.

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

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

**What if I need more time?**

You can change the trial date if:

- You cannot go to court on the scheduled date (you will have to pay a fee to postpone the trial), *or*
- You did not get served (receive this order to go to court) at least 15 days before the trial (or 20 days if you live outside the county).

Ask the Small Claims Clerk about the rules and fees for postponing a trial. Or fill out form [SC-150](#) (or write a letter) and mail it to the court *and* to all other people listed on your court papers before the deadline. Enclose a check for your court fees, unless a fee waiver was granted.



**Need help?**

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

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



La “Corte de reclamos menores” es una corte especial donde se deciden casos por \$10,000 o menos. Los individuos, o sea las “personas físicas” y los propietarios por cuenta propia, pueden reclamar hasta \$10,000. Las corporaciones, asociaciones, entidades públicas y otras empresas solo pueden reclamar hasta \$5,000. (Vea abajo para las excepciones.\*) El proceso es rápido y 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/preparesse](http://www.courts.ca.gov/reclamosmenores/preparesse).

**¿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/forms](http://www.courts.ca.gov/forms) (página está en inglés).

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

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

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

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

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

- **Resolver su caso antes del juicio.** Si usted y el Demandante se ponen de acuerdo en cómo resolver el caso, el Demandante tiene que presentar el formulario CIV-110, *Solicitud de desestimación* (Request for Dismissal) 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](http://www.courts.ca.gov/reclamosmenores/asesores).

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

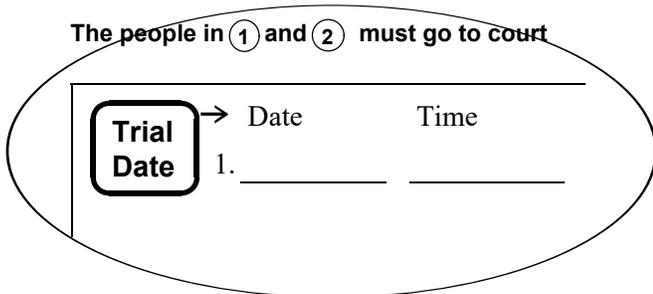
If a friend served the papers, tell him or her to give the completed form back to you. Keep a copy for your records and take the copy with you when you go to court.

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 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](http://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

07/26/2021

NOT APPROVED BY THE JUDICIAL COUNCIL

**THIS IS AN ACTION TO RECOVER COVID-19 RENTAL DEBT AS DEFINED UNDER CODE CIV. PROC., § 1179.02. ACCESS TO RECORDS IN THIS CASE IS LIMITED UNDER CODE CIV. PROC., § 1161.2.5.**

**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-500A](#). 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. (Note: The small claims case cannot result in your eviction.) 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, and read [SC-500-INFO, COVID-19 Rental Debt in Small Claims Court](#) for more information, at [www.courts.ca.gov/forms](http://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: Un 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](http://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.)

<b>Trial Date</b>	→ 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, COVID-19 Rental Debt in Small Claims Court](#), and [SC-100-INFO, Information for the Plaintiff](#), to know your rights. Get the forms at any courthouse or county law library, or go to [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms).
- 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.
- 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, business, or public entity 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 their 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. Include each amount due and the date it came due.

\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

b. Other amounts of COVID-19 rental debt. List all other unpaid financial obligations under the lease or rental agreement that you claim came due during the period in a above. Include each amount, the date it came due, 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 3" at the top.

4 Amounts paid or offsets.

List any amounts you received from defendant or from a third party 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):** \_\_\_\_\_

**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. You must attach documentation of those efforts or, if you do not have documentation, describe your effort below.**

*The law requires anyone filing a case to recover COVID-19 rental debt to attach documentation of good faith efforts to do one or more of the following:*

- 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. (Code Civ. Proc., § 871.10(a).)

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

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**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.**

- 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.
- 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 form [MC-410, Disability Accommodation Request](#). (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 supports your case. And read "Be Prepared for Your Trial" at [www.courts.ca.gov/smallclaims/prepare](http://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](http://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 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](http://www.courts.ca.gov/smallclaims/appeals).

**Do I have options?** Yes. If you are being sued, you can:

- **Settle your case before the trial.** If you and the plaintiff agree on how to settle the case, the plaintiff must file form [CIV-110, Request for Dismissal](#), 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 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* (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](http://www.courts.ca.gov/smallclaims/advisor).

\*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](#).



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](http://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](http://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](http://www.courts.ca.gov/reclamosmenores/apelaciones).

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

- **Resolver su caso antes del juicio.** Si usted y el Demandante se ponen de acuerdo en cómo resolver el caso, el Demandante tiene que presentar el formulario CIV-110, *Solicitud de desestimación* (Request for Dismissal) 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. (Pero no su hogar alquilado; esto no es un caso de desalojo.)

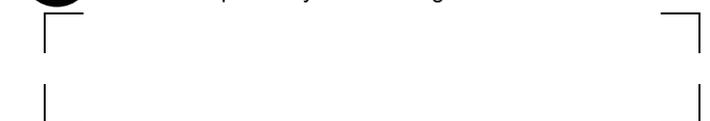
**¿Qué hago si necesito más tiempo?** Puede cambiar la fecha del juicio si:

- 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](http://www.courts.ca.gov/reclamosmenores/asesores).

\*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*.

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 one defendant (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 three 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



\_\_\_\_\_  
Sign your name

Date: \_\_\_\_\_

\_\_\_\_\_  
Type or print 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. A 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 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 plaintiff is a business, an employee, such as a property manager, may go to a small claims trial for the plaintiff (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 unit. Plaintiff may want to name all tenants as defendants.

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

Plaintiff 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 plaintiff's good faith efforts to seek rental assistance. Examples of documentation include emails, texts, and notes from phone calls.
- Serve the form on the defendant. See form [SC-100-INFO, Information for the Small Claims Plaintiff](#).

### How does the defendant respond?

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

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

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

The parties should bring 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 defendant **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 defendant.
- Any evidence of conditions affecting the rental unit, 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 plaintiffs and defendants can make in a small claims court to help the judge determine the amount of COVID-19 rental debt that is owed.

### Can you bring a witness to small claims court?

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

### What arguments can you make?

The plaintiff and defendant 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. 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 plaintiff fail to provide habitable premises? This means that if the housing did not meet certain standards, the amount owed may be reduced.
- Did defendant make needed repairs and properly deduct the cost from the rent? If so, did plaintiff give proper credit?
- 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/1012.htm](http://www.courts.ca.gov/1012.htm).
- Did defendant or a third party offer a rental payment that plaintiff would not accept?
- Did plaintiff improperly raise the rent?
- Does the amount claimed include late fees on rent or other financial obligations?
- Does the amount claimed include fees for services that were increased or not previously charged?
- Did plaintiff improperly apply payments to past-due rent without the tenant's written agreement?
- Did plaintiff receive rental assistance or other financial compensation from any other source corresponding to the amount claimed?
- Is there any pending application for rental assistance or other financial compensation from any other source corresponding to the amount claimed?
- Did plaintiff 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)?

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 defendant file a claim against the plaintiff?

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

### What if you disagree with the judge's decision?

If you are the defendant, you may appeal the decision. More information about appeals is available at [www.courts.ca.gov/smallclaims/appeals](http://www.courts.ca.gov/smallclaims/appeals).

If you are the plaintiff, you cannot appeal a small claims decision on a claim you filed. (Note that a plaintiff has the option of filing a COVID-19 rental debt recovery case in general civil court (use form [PLD-C-500, Complaint—Recovery of COVID-19 Rental Debt](#)). In general civil court, all parties may appeal the judge'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 plaintiff to file a case in small claims court depends on the amount demanded and how many cases are brought by the plaintiff 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](http://www.courts.ca.gov/7646.htm). There is no fee for the defendant to go to the hearing.

### What if you cannot afford the filing fee?

If you want to sue someone in small claims court and you cannot afford to pay court fees and costs, you may not have to pay in order to go to court. 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](http://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 Self-Help Center website: [www.courts.ca.gov/smallclaims](http://www.courts.ca.gov/smallclaims). You can also get forms and help at your county law library, or the courthouse nearest you.
- **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](http://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](http://www.courts.ca.gov/find-my-court.htm).
- **Interpreters.** If you do not speak English well:
  - Ask the court clerk as soon as possible for a court-provided interpreter.
  - You may use form [INT-300, Request for Interpreter \(Civil\)](#), or a local court form to request an interpreter.
  - If a court interpreter is not available at the time of your trial, it may be necessary to reschedule your trial.
  - You cannot bring your own interpreter for the trial unless the interpreter has been approved by the court as a certified, registered, or provisionally qualified interpreter. See Cal. Rules of Court, rule 2.893, and form [INT-140, Temporary Use of a Noncertified or Nonregistered Spoken Language Interpreter](#).

### Who can look at your case file?

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

- The parties (plaintiffs and defendants).
- A person who gives the court clerk the name of at least one plaintiff and one defendant.
- A person who lives at the property 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 a judge 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.:	<b>FOR COURT USE ONLY</b>  <b>DRAFT</b>  <b>07/21/21</b>  <b>NOT APPROVED BY COUNCIL</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PLAINTIFF: DEFENDANT:		
<b>PLAINTIFF'S MANDATORY COVER SHEET AND SUPPLEMENTAL ALLEGATIONS—UNLAWFUL DETAINER</b>		CASE NUMBER:

All plaintiffs in unlawful detainer proceedings must file and serve this form. Filing this form complies with the requirement in Code of Civil Procedure section 1179.01.5(c).

- 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.

Before obtaining a summons in an unlawful detainer action for nonpayment of rent on a residential property filed before March 31, 2022, a plaintiff is required to 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.)

Before obtaining a judgment in an unlawful detainer action for nonpayment of rent on a residential property, a plaintiff will be required to verify that no rental assistance or other financial compensation has been received for the amount in the notice demanding payment or accruing afterward, and no application is pending for such assistance. For 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.

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; a summons may be issued.)
- b. This action is based, in whole or in part, on an alleged default 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, 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, no further items need to be completed except the signature and verification, 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.)

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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 incorrectly, notification that the application is pending further action, or notification that plaintiff or defendants applied to the wrong government agency.)*

**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 to pay rent or quit.

**and**

- (b) Plaintiff has not received a notice from the governmental agency that 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 as described 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 due (*complete only if action filed after September 30, 2021*):

(1) Rent 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 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 31, 2020, and August 30, 2020, (Code Civ. Proc., § 1179.04(a)) to defendants identified in 6a or 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*): \_\_\_\_\_

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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 of service on an attached page (you can use form MC-025) and write "Attachment 8a" at the top.)
- (4)  In different ways for different defendants. (If this box is checked, describe the method of service for each defendant on an attached page (you can use form MC-025) and write "Attachment 8a" at the top.)
- (5)  Plaintiff was not required to serve the September notice on the named defendants.
- b. **February notice.** Plaintiff provided the required notice for tenants who as of February 1, 2021, had unpaid rent or other financial obligations due any time between March 31, 2020, and February 1, 2021, (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 of service on an attached page (you can use form MC-025) and write "Attachment 8b" at the top.)
- (4)  In different ways for different defendants. (If this box is checked, describe the method of service for each defendant on an attached page (you can use form MC-025) and write "Attachment 8b" at the top.)
- (5)  Plaintiff was not required to serve the February notice on the named defendants.
- c. **July notice.** Plaintiff provided the required notice for tenants who as of July 1, 2021, had unpaid rent or other financial obligations due any time between March 31, 2020, and July 1, 2021, (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 of service on an attached page (you can use form MC-025) and write "Attachment 8c" at the top.)
- (4)  In different ways for different defendants. (If this box is checked, describe the method of service for each defendant on an attached page (you can use form MC-025) and write "Attachment 8c" at the top.)
- (5)  Plaintiff was not required to serve the July notice on the named defendants.
9.  **High-income tenant.** The 15-day notice in item 6c or 7c 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 government rental assistance program for the locality in which the property at issue is located, as well as all other content required in Code 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 in Code Civil Procedure section 1179.10 does not apply in this action.

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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.  Number of pages attached (specify):

Date: \_\_\_\_\_

\_\_\_\_\_  
(TYPE OR PRINT NAME)

 \_\_\_\_\_  
(SIGNATURE OF PLAINTIFF OR ATTORNEY)
**VERIFICATION**

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

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

Date: \_\_\_\_\_

\_\_\_\_\_  
(TYPE OR PRINT NAME)

 \_\_\_\_\_  
(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NUMBER:  STATE:                      ZIP CODE: FAX NO.:	FOR COURT USE ONLY  <b>DRAFT</b>  <b>07/19/2021</b>  <b>NOT APPROVED BY JUDICIAL COUNCIL</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PLAINTIFF: DEFENDANT:		
<b>ANSWER—UNLAWFUL DETAINER</b>		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 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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- (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 3v (on page 3) or, if more room is needed, on form MC-025. You can learn more about defenses and objections at [www.courts.ca.gov/selfhelp-eviction.htm](http://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 3v 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 3v 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 Civ. Code, § 1946.2(c).
- (3)  Plaintiff failed to comply with the relocation assistance requirements of Civ. Code, § 1946.2(d).
- (4)  Plaintiff has raised the rent more than the amount allowed under Civ. Code, § 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) or 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.

PLAINTIFF: DEFENDANT:	CASE NUMBER:
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3. m. (2)  Plaintiff did not serve the required 15-day notice. (Code Civ. Proc., § 1179.03(b) or (c).)
- (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 other required content. (Code Civ. Proc., § 1179.10(a).)
- (2)  Plaintiff did not translate the statutorily required notice to quit as required by statute. (Code Civ. Proc., § 1179.10(a)(2)(D).)
- 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).)
- 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 applied for rental assistance from the state rental assistance program or financial compensation from 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 applied for rental assistance from the State Rental Assistance Program for rent accruing since the notice to pay rent or quit. (Health & Saf. Code, §§ 50897.1(d)(2)(B) and 50897.3(e)(2).)

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

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

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY  <b>DRAFT</b>  07/21/2021
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	<b>NOT APPROVED BY JUDICIAL COUNCIL</b>
PLAINTIFF: DEFENDANT:	CASE NUMBER:
<p style="text-align: center;"><b>VERIFICATION BY LANDLORD REGARDING RENTAL ASSISTANCE—UNLAWFUL DETAINER</b></p>	

*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 for 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, 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 a copy of any notice received from the government agency confirming when plaintiff's application was complete, as Exhibit 3b.)

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 plaintiff completed their 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 copy of any notice received confirming that assistance would not be provided, as Exhibit 3c.)

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.: E-MAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NUMBER:  STATE:                      ZIP CODE: FAX NO.:	<b>FOR COURT USE ONLY</b>  <b>DRAFT</b>  <b>07/21/2021</b>  <b>NOT APPROVED BY JUDICIAL COUNCIL</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PLAINTIFF: DEFENDANT:		
<b>APPLICATION TO PREVENT FORFEITURE DUE TO COVID-19 RENTAL DEBT</b>		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 of 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. Note: this application does not take the place of an Answer to the complaint, which should be filed within 5 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.  (This 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 is:
- (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)