Judicial Council *of* California

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 23-152
For business meeting on September 19, 2023

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

Rules, Forms, Standards, or Statutes Affected
Approve form UD-110P; revise forms SUM-130, UD-101, UD-105, UD-110, and UD-110S

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

Agenda Item Type
Action Required

Effective Date
January 1, 2024

Date of Report
July 14, 2023

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Executive Summary

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

Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective January 1, 2024:

1. Approve *Judgment—Unlawful Detainer Partial Eviction Attachment* (form UD-110P) for use when a partial eviction is ordered under new Code of Civil Procedure section 1174.27;

2. Revise *Summons—Eviction* (form SUM-130) to reference the additional time that somebody served through the Secretary of State's address confidentiality program has to respond to a summons;

3. Revise *Plaintiff's Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer* (form UD-101) and *Answer—Unlawful Detainer* (form UD-105) to remove COVID-19 tenant protections that no longer apply, update other defenses, and make non-substantive formatting changes; and

4. Revise *Judgment—Unlawful Detainer* (form UD-110) and revise, retitle, and renumber *Judgment—Unlawful Detainer Attachment* (form UD-110S) to *Judgment—Unlawful Detainer Habitable Premises Attachment* (form UD-110H) to reflect the new partial eviction procedure and new form UD-110P and to make non-substantive formatting changes.

The new form and revised forms, with all changes highlighted, are attached at pages 10–22.

Relevant Previous Council Action

Summons—Unlawful Detainer—Eviction (form SUM-130) was initially adopted by the Judicial Council as *Summons—Unlawful Detainer* (form 982(a)(11)) and renumbered in 2004. The form has been revised several times, most recently effective January 1, 2023, to expand use of the mandatory form to expressly include forcible entry and forcible detainer proceedings.

Plaintiff's Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer (form UD-101) was adopted by the council effective October 5, 2020, for courts to determine whether judgments may issue on unlawful detainer cases in light of COVID-19 tenant protections provided by Assembly Bill 3088 (Stats. 2020, ch. 37). At the same time, the council also revised *Answer—Unlawful Detainer* (form UD-105) to aid defendants in responding to the allegations in new form UD-101 and raising new defenses available under AB 3088. The council further revised these forms in December 2020; May, July, and October 2021; and April and July 2022 to reflect further changes to the law regarding COVID-19 tenant protections.

Judgment—Unlawful Detainer (form UD-110) and *Judgment—Unlawful Detainer Attachment* (form UD-110S) were adopted effective January 1, 2003, and have not been revised since.

Analysis/Rationale

This recommendation to revise the council's unlawful detainer forms implements Senate Bill 1017 and Assembly Bill 1726, and reflects changes in the law on COVID-19 rental protections. These new and revised laws are summarized below, followed by an explanation of the form revisions that the committee recommends in response.

Senate Bill 1017

In September 2022, Governor Gavin Newsom signed Senate Bill 1017 (Stats. 2022, ch. 558),[1] which, effective January 1, 2023, made several changes to unlawful detainer actions based on an act of abuse or violence against a tenant.

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

Code of Civil Procedure section 1161.3[2] provides that a landlord cannot terminate a tenancy (or fail to renew a tenancy) based on documented abuse or violence against a tenant unless certain conditions apply. SB 1017 expanded this protection against eviction in several ways. First, the protection now applies to documented abuse against a tenant's immediate family member. (§ 1161.3(b).) Second, SB 1017 provides that a tenant may not be evicted because of acts that are "against a tenant, a tenant's immediate family member, or a tenant's household member" and that constitute certain crimes. (§ 1161.3(b); Civ. Code, § 1946.7(a)(6)–(8).) Third, SB 1017 broadened the definition of "documentation evidencing abuse or violence" in section 1161.3 to allow that "[a]ny other form of documentation or evidence that reasonably verifies that the abuse or violence occurred" is also sufficient. (§ 1161.3(a)(2)(D).)

In addition, SB 1017 created a new partial eviction procedure that applies when the perpetrator and the victim are both tenants in residence of the same unit. In such situations, the court is directed to proceed with a new process laid out in section 1174.27.[3] Importantly, the complaint must include a cause of action based on an act of abuse or violence against a tenant, a tenant's immediate family member, or a tenant's household member, and the tenant must invoke section 1161.3(d)(2) as an affirmative defense in order for the court to grant a partial eviction.

If those prerequisites are met and the court determines that there is documentation evidencing abuse and there is no other basis for the unlawful detainer, then the defendant raising the affirmative defense cannot be found guilty of an unlawful detainer, cannot be named in a judgment in favor of the landlord, and cannot be held liable to the landlord for any amount related to the unlawful detainer.

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

Assembly Bill 1726

In September 2022, the Governor also signed Senate Bill 1726 (Stats. 2022, ch. 686),[4] which, effective January 1, 2023, provides additional time for certain defendants to respond to a summons for unlawful detainer and other summary proceedings for obtaining possession of real

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

[3] When enacting SB 1017, the Legislature inadvertently created an internal inconsistency in statute. Briefly, section 1161.3(d)(2) requires the court to follow the partial eviction procedure if the perpetrator is a tenant in residence of the same dwelling unit as the victim. However, one can only get to section 1161.3(d)(2) if the landlord *violates* section 1161.3(b), and section 1161.3(b)(2)(A) expressly permits a landlord to terminate a tenancy because the perpetrator is a tenant in residence in the same dwelling unit as the victim. Thus, as the statute is currently written, it is not possible for all the section 1174.27 prerequisites to occur. However, because the committee understands that the Legislature will further amend the statutes to address this issue, the committee recommends adopting and revising forms to implement the new procedure.

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

property. Specifically, "[i]f service is completed by mail or in person through the Secretary of State's address confidentiality program . . . the defendant shall have an additional five court days to file a response." (§ 1167(b).)

COVID-19 tenant protections

In response to the COVID-19 pandemic, the Legislature enacted numerous tenant protections and changed court processes for unlawful detainer actions. Those tenant protections, however, are almost exclusively limited to certain time periods when the rent became due, all of which ended before January 1, 2023. Accordingly, nearly all the tenant protections enumerated on two unlawful detainer forms are inapplicable to any unlawful detainer actions filed on or after January 1, 2024, because paragraph (2) of section 1161 prohibits a landlord from serving notice, and consequently bringing an unlawful detainer action, for unpaid rent more than one year after the rent becomes due.

Implementation of SB 1017

The committee recommends the following actions to implement SB 1017:

- Revise item 3k on *Answer—Unlawful Detainer* (form UD-105), in which the tenant indicates which defenses and objections the tenant believes apply to the unlawful detainer action, to include the new applicable provisions of SB 1017, except for the new partial eviction procedure.

- To implement the new partial eviction procedure:

    - Add new subitems to item 3k on form UD-105 to provide an option for the defendant to raise the new affirmative defense in section 1161.3(d) to trigger the partial eviction procedure.

    - Approve new form *Judgment—Unlawful Detainer Partial Eviction Attachment* (form UD-110P), which is an attachment to *Judgment—Unlawful Detainer* (form UD-110). The proposed form closely follows section 1174.27, listing the required findings and orders and providing check boxes to issue optional orders.

    - Revise form UD-110 so the court can check a box for a judgment for partial eviction (item 8) and attach new form UD-110P.

    - Change the title of form UD-110S (renumbered as form UD-110H) from *Judgment—Unlawful Detainer Attachment* to *Judgment—Unlawful Detainer Habitable Premises Attachment* because it would no longer be the only attachment to the unlawful detainer judgment form.

Implementation of AB 1726

To reflect AB 1726's provision of additional time for certain defendants to respond to a summons for unlawful detainer and other summary proceedings for obtaining possession of real property, the committee recommends revising the first page of *Summons—Eviction* (form

SUM-130) to include the following statement in both English and Spanish: "If this summons was served through the Secretary of State's Safe at Home address confidentiality program, you have 10 days from the date of service, not counting Saturdays and Sundays and other judicial holidays, to respond."

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

To reflect the inapplicability of many COVID-19 rental protections to unlawful detainer actions filed on or after January 1, 2024—the date the recommended form revisions will become effective if approved by the council—the committee recommends the following revisions:

- On *Plaintiff's Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer* (form UD-101):
    - Remove items 3 through 10, which concern provisions of the Code of Civil Procedure regarding unpaid rent or other financial obligations due on or before March 31, 2022.
    - Remove item 11, which exists only to confirm that the demand for rent or other financial obligations on which the unlawful detainer complaint is based is a demand for payment of rent due after March 31, 2022—i.e., that none of the provisions covered by items 3 through 10 apply.
    - Retain item 12, "Statements regarding rental assistance," and renumber it as item 3. This item was added to form UD-101 to implement Health and Safety Code section 50897.3(e), which is not limited to any particular time period and could therefore apply to unlawful detainer actions filed on or after January 1, 2024. In addition, the committee has been informed that at least one county in the state is still accepting applications for rental assistance.[5]
- On *Answer—Unlawful Detainer* (form UD-105):
    - Delete item 3*l*, which alleges retaliation for nonpayment of rent between March 1, 2020, and September 30, 2021. A broader retaliation defense is covered by item 3e in the version of form UD-105 currently in use (renumbered to item 3f by this proposal).
    - Delete items 3m, 3n, and 3o, which list defenses and objections that pertain only to unlawful detainer actions based on rent due during specific time periods, all of which ended more than a year before January 1, 2024.
    - Add new item 3d allowing the defendant to allege that the plaintiff's demand for possession is based on nonpayment of rent due more than a year ago, to reflect the section 1161, paragraph (2) prohibition against serving notice, and consequently

[5] For the same reasons, the committee recommends retention of item 3p in form UD-105 and no revision of *Verification by Landlord Regarding Rental Assistance—Unlawful Detainer* (form UD-120).

bringing an unlawful detainer action, for unpaid rent more than one year after the rent becomes due.

Policy implications

The form revisions recommended in this report implement new laws (1) creating a new procedure for partial evictions in situations involving abuse or violence against a tenant and (2) providing additional time for certain defendants to respond to a summons for unlawful detainer. The recommended revisions also update unlawful detainer forms to reflect current law regarding COVID-19 rental protections. Accordingly, the key policy implications are to ensure that council forms reflect the law correctly and are not misleading to parties.

Comments

The new and revised forms were circulated for comments from March 30 to May 12, 2023 as part of the regular spring invitation-to-comment cycle. Ten comments were received: two from superior courts (in Los Angeles and San Diego counties); six from legal aid organizations that advocate for tenants;[6] one from a bar association (in Orange County); and one from the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee. Two commenters agreed with the proposal, two others agreed if modified, and the remaining six commenters did not indicate a position. All commenters agreed that the revisions made by the council were needed and most requested further revisions to the forms.

A chart with the full text of the comments received and the committee's responses is attached beginning at page 23. The principal comments and the committee's responses are summarized below.

Form UD-101

Federal CARES Act Notification: Multiple comments suggested adding a landlord verification that the property is not covered by the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act or that the landlord complied with the provisions of that act. The CARES Act provides that for certain covered properties, a 30-day notice to vacate must be provided to the tenant before a landlord can file an eviction lawsuit based on nonpayment of rent. Although the CARES Act was enacted to address the COVID-19 pandemic, the 30-day notice provision of the act continues indefinitely.

Although the commenters suggested adding this verification to form UD-101,[7] the committee believes that such information may be best suited for *Complaint—Unlawful Detainer* (form

[6] The legal aid organizations that provided comment are Family Violence Appellate Project, Legal Services of Northern California, National Housing Law Project, Neighborhood Services of Los Angeles County, Public Advocates, and Western Center on Law & Poverty.

[7] Form UD-101 implements section 1179.01.5, which provides that "[a] plaintiff in an unlawful detainer action shall file a cover sheet" and that the council "may develop a form for mandatory use that includes the information." Section 1179.01.5 is automatically repealed as of October 1, 2025. (§ 1179.07.) The committee, therefore, does not recommend adding a CARES Act verification to the cover sheet (form UD-101).

UD-100). Specifically, an additional subitem tailored to the federal CARES Act could be added to item 9a, where the plaintiff indicates whether any notices to pay rent or quit were served on the defendant. The committee is unable recommend such a substantive revision postcomment but will consider making such a revision in the future, as time and resources permit.

Rental assistance programs: One commenter also suggested renaming proposed item 3 on form UD-101 from "Statements regarding rental assistance" to "Statements regarding rental assistance, such as COVID rental assistance programs." The committee does not recommend revisions based on this suggestion because item 3 implements Health and Safety Code section 50897.3(e), which refers to "rental assistance or other financial compensation from any other source," and is not limited to COVID-19 rental assistance programs.[8] Including a reference to "COVID rental assistance programs" may inadvertently imply that the item applies only to COVID-19 programs.

Form UD-105

Documentation: Commenters made two suggestions regarding SB 1017's revised definition of documentation required to assert a defense against eviction due to abuse or violence.

First, commenters suggested that form UD-105 provide examples of "any other form of documentation or evidence that reasonably verifies that the abuse or violence occurred." (§ 1161.3(a)(2)(D).) The committee is not recommending revisions to the form in response to this suggestion. Section 1161.3(a)(2)(D) provides no examples or other guidance for how it should be interpreted. Revising the form to include examples that are not statutorily authorized has the dual problem of potentially implying that certain types of documentation are sufficient when a court may find otherwise and, conversely, that any types of documentation not included are insufficient. The examples currently included in proposed item 3k on form UD-105 are expressly provided for in the statute.

Second, commenters suggested that form UD-105 clarify that the requisite documentation can be provided even after the unlawful detainer case is initiated, because defendants could incorrectly believe that documentation cannot be offered in an unlawful detainer case unless it was provided to the landlord before the case is filed. Based on this suggestion, the committee recommends modifying item 3k to add "which may be included with this form" directly after the language stating that documentation of the defense is required.

Just cause: One commenter suggested revising proposed item 3i on form UD-105, which lists the elements of a defense under the Tenant Protection Act of 2019, to explain the meaning of "just cause" in "plaintiff failed to state a just cause for termination of tenancy." The committee does not recommend revisions in response to this suggestion because the definition of "just cause" is too broad to provide on this form. Such information is best left to external resources or

[8] There is a similar suggestion to include a reference to COVID for item 3d on proposed form UD-105. The committee similarly does not recommend revising that form in response to this suggestion as item 3d is not limited to tenants who have received rental assistance due to COVID.

an information sheet to accompany the form, which the committee will work on as time and resources permit.

Form UD-110

Several commenters asserted that items 3 through 7 on form UD-110 are inapplicable to partial eviction orders and should include an instruction to that effect. The committee recommends modifying item 4 on form UD-110 for use in partial eviction cases but does not believe the other suggested modifications are necessary.

Item 4 of form UD-110 provides which party is entitled to possession of the premises. The version of the form circulated for comment listed "plaintiff" and "defendant" as options, which is insufficient for a partial eviction case. The committee recommends adding a third option for the party retaining possession, "Defendant listed on attached form UD-110P in item 8b1 (Code Civ. Proc., § 1174.27)." Form UD-110P is the partial eviction attachment to form UD-110.

Items 3, 6, and 7 can be used in partial eviction cases without modification. Item 3 indicates whether judgment is for the plaintiff or defendant, and if for the plaintiff, which defendant it is against. This item can be used in a partial eviction case because only the abuser-tenant would be listed as the defendant against whom judgment is entered. Item 6 states the amount and terms of judgment, and although many parts of item 6 would not apply to a partial eviction, the damages portion could apply to a partial eviction if the abuser-defendant is required to pay damages to the plaintiff. Item 7, which indicates whether the plaintiff has breached the agreement to provide habitable premises, could also apply to a partial eviction.

Item 5, which states that the judgment applies to all occupants of the premises, would not apply to a partial eviction, but that is obvious on the face of the item and does not require further instruction.

Another commenter suggested adding definitions of "conditional judgment" and "partial eviction" to items 7 and 8, but the committee does not recommend revisions based on this suggestion because form UD-110 is executed by the court, which will not need a definition. If a partial eviction is ordered, form UD-110P will be attached to explain the specifics.

Forms UD-110P and UD-110S

Several commenters suggested revising form UD-110P to include an item indicating the amount of damages (if any) for which the abuser-tenant is liable to the plaintiff. The committee does not recommend revisions based on this suggestion because the amount of damages is already covered by item 6 on form UD-110, to which form UD-110P is attached. Similarly, a commenter suggested providing a definition of "partial eviction" on form UD-110P, but the committee has not included such information in its recommended revisions because the definition is made clear by the existing items on the form, which set out the terms of the partial eviction order.

Finally, a commenter suggested using a different letter suffix on form UD-110S because the letter "S" at the end of a form usually designates a Spanish-language version of the form. The committee agrees with the suggestion and recommends renumbering the form UD-110H.

Form SUM-130

In response to a comment, the committee recommends including the name Safe at Home on form SUM-130. The committee also recommends revising the language on form SUM-130 to specify that the time by which a defendant must respond under AB 1726 is *from the date of service.*

Alternatives Considered

In addition to the alternatives suggested by the commenters and discussed above, the committee considered not recommending any further revisions to these forms. However, because SB 1017 and AB 1726 made significant and substantial changes to the procedures in unlawful detainer actions, the committee determined that taking no action would be inappropriate. The committee also determined it would be inappropriate not to update the forms to remove references to COVID-19 rental protections that no longer apply.

Fiscal and Operational Impacts

The committee anticipates that the new legislation, plus the ending of the COVID-19 related protections will require courts to train court staff and judicial officers on the new law. The new form and form revisions recommended by the committee will also need to be addressed in that training, and may require changes to courts' internal procedures, including case management systems. Courts will also incur costs to incorporate the new and revised forms into their paper or electronic processes.

Attachments and Links

1. Forms SUM-130, UD-101, UD-105, UD-110, UD-110P, and UD-110H, at pages 10–22
2. Chart of comments, at pages 23–69
3. Link A: Senate Bill 1017, *https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB1017*
4. Link B: Assembly Bill 1726, *https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1726*

SUMMONS—EVICTION
(CITACIÓN JUDICIAL—DESALOJO)
UNLAWFUL DETAINER / FORCIBLE DETAINER / FORCIBLE ENTRY
(RETENCIÓN ILÍCITA DE UN INMUEBLE / RETENCIÓN FORZOSA / ENTRADA FORZOSA)

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

DRAFT
5.26.2023
NOT APPROVED BY THE JUDICIAL COUNCIL

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

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

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 5 days. You have 5 DAYS, not counting Saturdays and Sundays and other judicial holidays, after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. If this summons was served through the Secretary of State's Safe at Home address confidentiality program, you have 10 days from the date of service, not counting Saturdays and Sundays and other judicial holidays, to respond. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (*www.courts.ca.gov/selfhelp*), your county law library, or the courthouse nearest you. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court. There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services website (*www.lawhelpca.org*), the California Courts Online Self-Help Center (*www.courts.ca.gov/selfhelp*), or by contacting your local court or county bar association.	*¡AVISO! Usted ha sido demandado. Si no responde dentro de 5 días, el tribunal puede emitir un fallo en su contra sin una audiencia. Una vez que le entreguen esta citación y papeles legales, solo tiene 5 DÍAS, sin contar sábado y domingo y otros días feriados del tribunal, para presentar una respuesta por escrito en este tribunal y hacer que se entregue una copia al demandante. Si la presente citación le ha sido entregado a través del programa de dirección confidencial del Secretario del Estado Seguro en Casa, tiene 10 días después de la fecha de entrega, sin contar sábado y domingo y otros días feriados del tribunal, para responder.* *Una carta o una llamada telefónica no lo protege. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no presenta su respuesta a tiempo, puede perder el caso por falta de comparecencia y se le podrá quitar su sueldo, dinero y bienes sin más advertencia.* *Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpca.org/es), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados local.*
FEE WAIVER: If you cannot pay the filing fee, ask the clerk for a fee waiver form. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of $10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.	***EXENCIÓN DE CUOTAS:*** *Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas.* ***AVISO:*** *Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos con un gravamen sobre cualquier monto de $10,000 ó más recibido mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desestimar el caso.*

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

CASE NUMBER *(número de caso):*

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

Form Adopted for Mandatory Use
Judicial Council of California
SUM-130 [Rev. January 1, 2024]

Code of Civil Procedure, §§ 412.20, 415.45, 1167
www.courts.ca.gov

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

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

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

   a. Assistant's name:

   b. Telephone no.:

   c. Street address, city, and zip:

   d. County of registration:

   e. Registration no.:

   f. Registration expires on *(date)* :

Date: *(Fecha)* | Clerk, by *(Secretario)* | , Deputy *(Adjunto)*

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

[SEAL]

5. **NOTICE TO THE PERSON SERVED:** You are served
   a. ☐ as an individual defendant.
   b. ☐ as the person sued under the fictitious name of *(specify):*
   c. ☐ as an occupant.
   d. ☐ on behalf of *(specify):*
      under ☐ CCP 416.10 (corporation). ☐ CCP 416.60 (minor).
      ☐ CCP 416.20 (defunct corporation). ☐ CCP 416.70 (conservatee).
      ☐ CCP 416.40 (association or partnership). ☐ CCP 416.90 (authorized person).
      ☐ CCP 415.46 (occupant). ☐ other *(specify):*
   e. ☐ by personal delivery on *(date):*

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

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR *(name)*:	***FOR COURT USE ONLY*** DRAFT 7/11/2023 NOT APPROVED BY THE JUDICIAL COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF: DEFENDANT:	
PLAINTIFF'S MANDATORY COVER SHEET AND SUPPLEMENTAL ALLEGATIONS—UNLAWFUL DETAINER	CASE NUMBER:

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

- *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.*

To obtain a judgment in an unlawful detainer action for nonpayment of rent on a residential property, a plaintiff must verify that no rental assistance or other financial compensation has been received for the amount demanded in the notice or accruing afterward, and that no application is pending for such assistance. To obtain a default judgment, plaintiff must use Verification by Landlord Regarding Rental Assistance—Unlawful Detainer *(form UD-120) to make this verification and provide other information required by statute.*

1. PLAINTIFF *(name each)*:

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

2. **Statutory cover sheet allegations** (Code Civ. Proc., § 1179.01.5(c))
   a. This action seeks possession of real property that is *(check all that apply)* ☐ residential ☐ commercial.
      (If "residential" is checked, complete all remaining items that apply to this action. If only "commercial" is checked, no further items need to be completed except the signature and verification on page 2.)
   b. This action is based, in whole or in part, on an alleged default in payment of rent or other charges. ☐ Yes ☐ No

3. ☐ **Statements regarding rental assistance** (*Required in all actions based on nonpayment of rent or any other financial obligation. Plaintiff must answer all the questions in this item and, if later seeking a default judgment, will also need to file* Verification Regarding Rental Assistance—Unlawful Detainer *(form UD-120).)*
   a. Has plaintiff received rental assistance or other financial compensation from any other source corresponding to the amount demanded in the notice underlying the complaint? ☐ Yes ☐ No
   b. Has plaintiff received rental assistance or other financial compensation from any other source for rent accruing *after* the date of the notice underlying the complaint? ☐ Yes ☐ No
   c. Does plaintiff have any pending application for rental assistance or other financial compensation from any other source corresponding to the amount demanded in the notice underlying the complaint? ☐ Yes ☐ No
   d. Does plaintiff have any pending application for rental assistance or other financial compensation from any other source for rent accruing *after* the date on the notice underlying the complaint? ☐ Yes ☐ No

PLAINTIFF: DEFENDANT:	CASE NUMBER:

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

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

Date:

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

VERIFICATION

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

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

Date:

(TYPE OR PRINT NAME) ▶ (SIGNATURE)

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ATTORNEY OR PARTY WITHOUT ATTORNEY	STATE BAR NUMBER:	*FOR COURT USE ONLY*
NAME:		
FIRM NAME:		DRAFT
STREET ADDRESS:		
CITY:	STATE: ZIP CODE:	5/17/2023
TELEPHONE NO.:	FAX NO.:	
EMAIL ADDRESS:		NOT APPROVED BY THE JUDICIAL COUNCIL
ATTORNEY FOR *(name)*:		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF		
STREET ADDRESS:		
MAILING ADDRESS:		
CITY AND ZIP CODE:		
BRANCH NAME:		
PLAINTIFF:		
DEFENDANT:		
ANSWER—UNLAWFUL DETAINER		CASE NUMBER:

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

answers the complaint as follows.

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

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

(1) **Denial of Allegations in Complaint (form UD-100 or other complaint for unlawful detainer)**

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

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

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

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

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

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

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

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UD-105 [Rev. January 1, 2024]

Civil Code, § 1940 et seq.;
Code of Civil Procedure, §§ 425.12, 1161 et seq., 1179.01 et seq.
www.courts.ca.gov

PLAINTIFF: DEFENDANT:	CASE NUMBER:

2. b. (2) (c) Defendant has no information or belief that the following statements on *Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer* (form UD-101) are true, so defendant denies them *(state paragraph numbers from form UD-101 or explain below or, if more room needed, on form MC-025):*
☐ Explanation is on form MC-025, titled as Attachment 2b(2)(c).

3. **DEFENSES AND OBJECTIONS** (*NOTE: For each box checked, you must state brief facts to support it in item 3t (on page 3) or, if more room is needed, on form MC-025. You can learn more about defenses and objections at www.courts.ca.gov/selfhelp-eviction.htm.*)

a. ☐ *(Nonpayment of rent only)* Plaintiff has breached the warranty to provide habitable premises.

b. ☐ *(Nonpayment of rent only)* Defendant made needed repairs and properly deducted the cost from the rent, and plaintiff did not give proper credit.

c. ☐ *(Nonpayment of rent only)* On *(date):* before the notice to pay or quit expired, defendant offered the rent due but plaintiff would not accept it.

d. ☐ *(Nonpayment of rent only)* Plaintiff's demand for possession is based on nonpayment of rent due more than one year ago.

e. ☐ Plaintiff waived, changed, or canceled the notice to quit.

f. ☐ Plaintiff served defendant with the notice to quit or filed the complaint to retaliate against defendant.

g. ☐ By serving defendant with the notice to quit or filing the complaint, plaintiff is arbitrarily discriminating against the defendant in violation of the Constitution or the laws of the United States or California.

h. ☐ Plaintiff's demand for possession violates the local rent control or eviction control ordinance of *(city or county, title of ordinance, and date of passage)*:
(Also, briefly state in item 3t the facts showing violation of the ordinance.)

i. ☐ Plaintiff's demand for possession is subject to the Tenant Protection Act of 2019, Civil Code section 1946.2 or 1947.12, and is not in compliance with the act. *(Check all that apply and briefly state in item 3t the facts that support each.)*

(1) ☐ Plaintiff failed to state a just cause for termination of tenancy in the written notice to terminate.

(2) ☐ Plaintiff failed to provide an opportunity to cure any alleged violations of terms and conditions of the lease (other than payment of rent) as required under Civil Code section 1946.2(c).

(3) ☐ Plaintiff failed to comply with the relocation assistance requirements of Civil Code section 1946.2(d).

(4) ☐ Plaintiff has raised the rent more than the amount allowed under Civil Code section 1947.12, and the only unpaid rent is the unauthorized amount.

(5) ☐ Plaintiff violated the Tenant Protection Act in another manner that defeats the complaint.

j. ☐ Plaintiff accepted rent from defendant to cover a period of time after the date the notice to quit expired.

k. ☐ Plaintiff seeks to evict defendant based on an act—against defendant, defendant's immediate family member, or a member of defendant's household—that constitutes domestic violence, sexual assault, stalking, human trafficking, abuse of an elder or a dependent adult, or a crime that caused bodily injury, involved a deadly weapon, or used force or threat of force. *(This defense requires one of the following, which may be included with this form: (1)* ***a temporary restraining order, protective order, or police report*** *that is not more than 180 days old; (2)* ***a signed statement from a qualified third party*** *(e.g., a doctor, domestic violence or sexual assault counselor, human trafficking caseworker, psychologist, or a victim of violent crime advocate concerning the injuries or abuse resulting from these acts); or (3) another form of documentation or evidence that verifies that the abuse or violence occurred.)*

(1) ☐ The abuse or violence was committed by a person who does not live in the dwelling unit.

(2) ☐ The abuse or violence was committed by a person who lives in the dwelling unit and defendant claims protection from eviction under Code of Civil Procedure section 1161.3(d)(2).

l. ☐ Plaintiff seeks to evict defendant based on defendant or another person calling the police or emergency assistance (e.g., ambulance) by or on behalf of a victim of abuse, a victim of crime, or an individual in an emergency when defendant or the other person believed that assistance was necessary.

m. ☐ Plaintiff's demand for possession of a residential property is based on nonpayment of rent or other financial obligations and *(check all that apply)*

(1) ☐ plaintiff received or has a pending application for rental assistance from a governmental rental assistance program or some other source relating to the amount claimed in the notice to pay rent or quit. (Health & Saf. Code, §§ 50897.1(d)(2)(B) and 50897.3(e)(2).)

PLAINTIFF: DEFENDANT:	CASE NUMBER:

3. m. (2) ☐ plaintiff received or has a pending application for rental assistance from a governmental rental assistance program or some other source for rent accruing since the notice to pay rent or quit. (Health & Saf. Code, §§ 50897.1(d)(2)(B) and 50897.3(e)(2).)

(3) ☐ plaintiff's demand for possession is based only on late fees for defendant's failure to provide landlord payment within 15 days of receiving governmental rental assistance. (Health & Saf. Code, § 50897.1(e)(2)(B).)

n. ☐ Plaintiff violated the COVID-19 Tenant Relief Act (Code Civ. Proc., § 1179.01 et seq.) or a local COVID-19–related ordinance regarding evictions in some other way *(briefly state facts describing this in item 3t)*.

o. ☐ The property is covered by the federal CARES Act and the plaintiff did not provide 30 days' notice to vacate.
(Property covered by the CARES Act means property where the landlord
• is participating in a covered housing program as defined by the Violence Against Women Act;
• is participating in the rural housing voucher program under section 542 of the Housing Act of 1949; or
• has a federally backed mortgage loan or a federally backed multifamily mortgage loan.)

p. ☐ Plaintiff improperly applied payments made by defendant in a tenancy that was in existence between March 1, 2020, and September 30, 2021 (Code Civ. Proc., § 1179.04.5), as follows *(check all that apply):*

(1) ☐ Plaintiff applied a security deposit to rent, or other financial obligations due, without tenant's written agreement.

(2) ☐ Plaintiff applied a monthly rental payment to rent or other financial obligations that were due between March 1, 2020, and September 30, 2021, other than to the prospective month's rent, without tenant's written agreement.

q. ☐ Plaintiff refused to accept payment from a third party for rent due. (Civ. Code, § 1947.3; Gov. Code, § 12955.)

r. ☐ Defendant has a disability and plaintiff refused to provide a reasonable accommodation that was requested. (Cal. Code Regs., tit. 2, § 12176(c).)

s. ☐ Other defenses and objections are stated in item 3t.

t. *(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 3t.

4. OTHER STATEMENTS

a. ☐ Defendant vacated the premises on *(date)*:

b. ☐ The fair rental value of the premises alleged in the complaint is excessive *(explain below or, if more room needed, on form MC-025).*
☐ Explanation is on form MC-025, titled as Attachment 4b.

c. ☐ Other *(specify below or, if more room needed, on form MC-025):*
☐ Other statements are on form MC-025, titled as Attachment 4c.

5. DEFENDANT REQUESTS

a. that plaintiff take nothing requested in the complaint.

b. costs incurred in this proceeding.

c. ☐ reasonable attorney fees.

PLAINTIFF: DEFENDANT:	CASE NUMBER:

5. d. ☐ that plaintiff be ordered to (1) make repairs and correct the conditions that constitute a breach of the warranty to provide habitable premises and (2) reduce the monthly rent to a reasonable rental value until the conditions are corrected.

e. ☐ Other *(specify below or on form MC-025):*

☐ All other requests are stated on form MC-025, titled as Attachment 5e.

6. Number of pages attached: _____

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

7. *(Must be completed in all cases.)* An **unlawful detainer assistant** ☐ did not ☐ did for compensation give advice or assistance with this form. If defendant has received **any** help or advice for pay from an unlawful detainer assistant, state

a. assistant's name:

b. telephone number:

c. street address, city, and zip code:

d. county of registration:

e. registration number:

f. expiration date:

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

_____ (TYPE OR PRINT NAME)

▶ _____ (SIGNATURE OF DEFENDANT OR ATTORNEY)

_____ (TYPE OR PRINT NAME)

▶ _____ (SIGNATURE OF DEFENDANT OR ATTORNEY)

_____ (TYPE OR PRINT NAME)

▶ _____ (SIGNATURE OF DEFENDANT OR ATTORNEY)

VERIFICATION

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

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

Date:

_____ (TYPE OR PRINT NAME)

▶ _____ (SIGNATURE OF DEFENDANT)

Date:

_____ (TYPE OR PRINT NAME)

▶ _____ (SIGNATURE OF DEFENDANT)

Date:

_____ (TYPE OR PRINT NAME)

▶ _____ (SIGNATURE OF DEFENDANT)

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ATTORNEY OR PARTY WITHOUT ATTORNEY *(name, state bar number, and address):*	*FOR COURT USE ONLY*
TELEPHONE NO.: FAX NO. *(optional):* EMAIL ADDRESS: ATTORNEY FOR *(name):*	DRAFT 5/26/2023 NOT APPROVED BY THE JUDICIAL COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF: DEFENDANT:	
JUDGMENT—UNLAWFUL DETAINER ☐ **By Clerk** ☐ **By Default** ☐ **After Court Trial** ☐ **By Court** ☐ **Possession Only** ☐ **Defendant Did Not Appear at Trial**	CASE NUMBER:

JUDGMENT

1. ☐ **BY DEFAULT**
   a. Defendant was properly served with a copy of the summons and complaint.
   b. Defendant failed to answer the complaint or appear and defend the action within the time allowed by law.
   c. Defendant's default was entered by the clerk upon plaintiff's application.
   d. ☐ **Clerk's Judgment** (Code Civ. Proc., § 1169). For possession only of the premises described on page 2 (item 4).
   e. ☐ **Court Judgment** (Code Civ. Proc., § 585(b)). The court considered
      (1) ☐ plaintiff's testimony and other evidence.
      (2) ☐ plaintiff's or others' written declaration and evidence (Code Civ. Proc., § 585(d)).
2. ☐ **AFTER COURT TRIAL.** The jury was waived. The court considered the evidence.
   a. The case was tried on *(date and time):*
      before *(name of judicial officer):*
   b. Appearances by
      ☐ plaintiff *(name each):*
      ☐ plaintiff's attorney *(name each):*
      (1)
      (2)
      ☐ Continued on *Attachment* 2b (form MC-025).
      ☐ defendant *(name each):*
      ☐ defendant 's attorney *(name each):*
      (1)
      (2)
      ☐ Continued on *Attachment* 2b (form MC-025).
   c. ☐ Defendant did not appear at trial. Defendant was properly served with notice of trial.
   d. ☐ A statement of decision (Code Civ. Proc., § 632) ☐ was not ☐ was requested.

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Judicial Council of California
UD-110 [Rev. January 1, 2024]

Code of Civil Procedure, §§ 415.46, 585(d), 664.6, 1169

PLAINTIFF: DEFENDANT:	CASE NUMBER:

JUDGMENT IS ENTERED AS FOLLOWS BY: ☐ **THE COURT** ☐ **THE CLERK**

3. **Parties.** Judgment is
   a. ☐ for plaintiff *(name each):*

      and against defendant *(name each):*

      ☐ Continued on *Attachment* 3a (form MC-025).
   b. ☐ for defendant *(name each):*

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

   is

   ☐ plaintiff named in item 3a ☐ defendant named in item 3b ☐ defendant listed on attached form UD-110P in item 8b1 (Code Civ. Proc. § 1174.27).

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

6. **Amount and terms of judgment**
   a. ☐ Defendant named in item 3a above must pay plaintiff on the complaint

(1) ☐ Past-due rent	$
(2) ☐ Holdover damages	$
(3) ☐ Attorney fees	$
(4) ☐ Costs	$
(5) ☐ Other *(specify):*	$
(6) **TOTAL JUDGMENT**	$

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

      ☐ Defendant named in item 3b is to recover costs: $

      ☐ and attorney fees: $

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

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

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

9. ☐ Other *(specify):*

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

Date: ☐ _____
JUDICIAL OFFICER

Date: ☐ Clerk, by _____ , Deputy

(SEAL)

CLERK'S CERTIFICATE *(Optional)*

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

Date:

Clerk, by _____ , Deputy

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PLAINTIFF: DEFENDANT:	CASE NUMBER:

JUDGMENT—UNLAWFUL DETAINER HABITABLE PREMISES ATTACHMENT

7. ☐ **Conditional judgment.** Plaintiff breached the covenant to provide habitable premises to defendant.

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

Month and year defect existed	Defect	Reasonable rental value is reduced by *(specify percentage)* or *(specify amount)*	Reduced monthly rent due
(1)		% $	$
(2)		% $	$
(3)		% $	$
(4)		% $	$
(5)		% $	$
☐ Continued on *Attachment* 7a (form MC-025).			
		Total rent due in the 3-day notice is now *(specify):*	$

b. ☐ Defendant is entitled to attorney fees *(specify):* $ and costs *(specify):* $.

c. ☐ Defendant is the prevailing party if defendant pays plaintiff *(specify total rent in item 7a, less any attorney fees and costs in item 7b):* $ by p.m. on *(date):* at *(address):*

d. ☐ Judgment will be entered for defendant when defendant has complied with item 7c shown ☐ by defendant's filing of a declaration under penalty of perjury (see form MC-030), with proof of service on the plaintiff, OR ☐ at a hearing that has been set in this court as follows:

Date:	Time:	Dept.:	Room:

(1) ☐ Defendant must continue to pay rent after expiration of the 3-day notice if the defendant continues in possession of the premises in the amount of: $ per month. The total rent at item 7a is the corrected amount under the 3-day notice.

(2) ☐ Plaintiff must repair the defects described in item 7a. The court retains jurisdiction over the case until those repairs are made. Rent remains reduced in the amount of *(specify monthly rent):* $ until the repairs are made.

(3) ☐ Rent will increase to *(specify monthly rent):* $ the day after ☐ plaintiff files a declaration under penalty of perjury (see form MC-030), with proof of service on the defendant, stating that all the repairs have been made OR ☐ it is established that all the repairs have been made at a hearing set in this court as follows:

Date:	Time:	Dept.:	Room:

PLAINTIFF: DEFENDANT:	CASE NUMBER:

7. e. ☐ Plaintiff is the prevailing party if defendant fails to comply with items 7c and 7d.

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

Date:	Time:	Dept.:	Room:

(1) ☐ Past-due rent *(item 7a)*	$
(2) ☐ Holdover damages*	$
(3) ☐ Attorney fees *(item 7b)*	$
(4) ☐ Costs *(item 7b)*	$
(5) ☐ Other *(specify):*	$
(6) **TOTAL JUDGMENT**	$

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

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

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

= Total holdover damages

g. ☐ Plaintiff is awarded possession of the premises located at *(street address, apartment, city, and county):*

h. ☐ The rental agreement is canceled. ☐ The lease is forfeited.

8. ☐ **Other** *(specify):*

DRAFT

6/22/2023

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PLAINTIFF: DEFENDANT:	CASE NUMBER:

JUDGMENT—UNLAWFUL DETAINER PARTIAL EVICTION ATTACHMENT

8. ☐ **Partial eviction.** A partial eviction is issued.

a. ☐ The court finds the following:

(1) The proceeding involves a residential premises.

(2) The complaint includes a cause of action based on an act of abuse or violence against a tenant, a tenant's immediate family member, or a tenant's household member.

(3) Defendant *(name each):*

has invoked Code of Civil Procedure section 1161.3(d)(2) as an affirmative defense.

(4) There is documentation evidencing abuse or violence against defendant *(name each):*

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

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

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

is not guilty of an unlawful detainer and is not liable to landlord for any amount related to the unlawful detainer.

(2) ☐ To remain in the tenancy, the defendants must not permit or invite the perpetrator of abuse or violence to live in the dwelling unit.

c. ☐ Defendant *(name each):*

is guilty of an unlawful detainer and is

(1) ordered to be immediately removed and barred from the dwelling unit.

(2) ☐ liable for damages, including holdover damages, court costs, lease termination fees, or attorney's fees, as provided in item 6.

(3) ☐ permanently barred from entering any portion of the residential premises.

d. The plaintiff is ordered to change the locks and to provide the remaining occupants with the new key.

DRAFT
5/17/2023

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Unlawful Detainer: Forms to Reflect Existing Law and Implement Senate Bill 1017 and Assembly Bill 1726 (Approve form UD-110P; revise forms SUM-130, UD-101, UD-105, UD-110, and UD-110S (renumbered UD-110H))
All comments are verbatim unless indicated by an asterisk (*)

	Commenter	Position	Comment	Committee Response
1.	Family Violence Appellate Project by Taylor Campion, Senior Managing Attorney Housing and Employment Justice Program	NI	The following comments are submitted by Family Violence Appellate Project (FVAP) regarding the Judicial Council's (Council) Invitation to Comment concerning proposed changes to forms UD-105 and UD-110 and approval of form UD-110P to implement Senate Bill 1017 (SB 1017). Family Violence Appellate Project ("FVAP") is the only nonprofit organization in California dedicated to representing domestic violence survivors in civil appeals for free. FVAP's goal is to empower abuse survivors through the court system and ensure that they and their children can live in safe and healthy environments, free from abuse. This includes a commitment to increasing survivors' access to secure and safe housing. Our connection to the domestic violence community and position as a Co-Sponsor of SB 1017 makes FVAP uniquely situated to assess the impact of the Judicial Council's proposed form changes on survivors, including its accessibility to survivors. We greatly appreciate the Council's work to update these important forms. We submit the following comments to ensure these forms serve their crucial function of accurately conveying information that court users – particularly tenants who lack legal representation – can understand.	The committee appreciates the information provided.
			<u>Form UD-105</u> **A. Comments Regarding Items 3k and 3s** ***1. Item 3k comments*** The Council should revise the language of Item 3k, so that court users, particularly those who are not	

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

	Commenter	Position	Comment	Committee Response
			represented by counsel, can better understand the defense as well as the documentation options and when to present them. We include recommended revisions to Item 3k in the next section.	
			Statute also includes acts of violence. California law, per SB 1017, now protects tenants from being evicted or not having their tenancies renewed based upon an act or acts against a tenant, a tenant's immediate family member, or a tenant's household member that constitute "[a] crime that caused bodily injury or death", "[a] crime that included the exhibition, drawing, brandishing or use of a firearm or other deadly weapon or instrument", or "[a] crime that included the use of force against the victim or a threat of force against the victim." (Code Civ. Proc. § 1161.3 (a), Civ. Code § 1946.7(a)(6)-(8).) Currently, Item 3k only references acts of "domestic violence, sexual assault, stalking, human trafficking, or abuse of an elder or a defendant adult." Thus, Item 3k should be amended to include the acts of violence as now stated in Code of Civil Procedure section 1161.3(a).	In light of this comment and others, the committee is recommending adding language to item 3k on form UD-105 to include the criminal acts of violence listed in Civil Code section 1946.7(a)(6)-(8).
			Clarification regarding additional form of documentation or evidence. Many users of Form UD-105 are individuals who lack legal representation, so proposed use of the term "another form of documentation or evidence that verifies that the abuse or violence occurred," while reflective of the statutory language, is not a commonly used term that would be familiar to those unrepresented litigants. Therefore, it is important for Item 3k to, at minimum, provide examples of what these other forms of	The committee does not recommend revisions in response to this suggestion as the statute does not specify examples of such documentation and including certain examples on the form may imply that other types of documentation are not sufficient or that the court must accept certain types of documentation even if they do not "reasonably verify that the abuse or violence occurred." (Code Civ. Proc.,

	Commenter	Position	Comment	Committee Response
			documentation or evidence may include. In the recommended text below, we include examples of the additional documentation or evidence to reference in Form UD-105. *Clarification regarding when documentation of abuse or violence can be presented*. Currently the language of item 3k does not clarify that a defendant can present the required documentation of abuse or violence to avail themselves of this defense either before or after the start of the unlawful detainer. To remove the ambiguity of the current language in 3k, we suggest the addition of language that clarifies a defendant may provide the necessary documentation before or after the commencement of the unlawful detainer. The statute's text, legislative history and intent together make clear that a tenant may provide documentation evidencing abuse or violence after the filing of the unlawful detainer. Code of Civil Procedure sections 1161.3 and 1174.27 do not require a tenant to give their landlord documentation evidencing abuse or violence before the landlord files an unlawful detainer in order to receive the survivors' affirmative defense. Additionally, Code of Civil Procedure Section § 1174.27(c) notes that "[t]he *court* shall determine whether there is documentation evidencing abuse or violence…" (italics added). Thus, Code of Civil Procedure section 1174.27(c) makes it clear that the court, and not the plaintiff landlord, makes the determination of whether proper documentation exists to assert this affirmative defense.	§ 1161.3(a)(2)(D).) In light of this comment and others, the committee recommends adding the clause "which may be included with this form" to the form directly after the language stating that documentation of the defense is required.

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

	Commenter	Position	Comment	Committee Response
			Further, legislative history confirms tenants can provide their documentation evidencing abuse or violence after an unlawful detainer is filed. When enacting Code of Civil Procedure section 1161.3, the legislature specifically stated that the tenant would "most likely in his or her answer to the unlawful detainer [present the] evidence that he or she is a victim." (Assemb. Comm. On Judiciary, Analysis of Sen. Bill No. 782 (2009-2010 Reg. Sess.) as amended June 10, 2010, p.4.) Lastly, by detailing that survivors can provide evidence of abuse or violence after the unlawful detainer is filed, the Court upholds the legislature's intent to provide survivors' access to the survivors' affirmative defense. The survivors' affirmative defense became law to "protect [survivors] from being evicted from their housing based on crimes committed against them." (Sen. Comm. on Judiciary, Analysis of Sen. Bill No. 782 (2009-2010 Reg. Sess.) as amended March 31, 2010, p.4.) The survivors' affirmative defense is meant to *"provide…survivors of abuse and violence protection against being evicted on account of the very abuse or violence which they endured."* (Sen. Com. On Judiciary, Analysis of Sen. Bill No. 1017 (2021-2022 Reg. Sess.) as amended Mar. 31, 2022, p.7.) Many survivors are not aware of this eviction defense until after an unlawful detainer is filed and likely will not disclose the abuse until they become aware of the requirement to provide documentation to avail themselves of this defense. Thus, clarifying when the documentation can be provided is	

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	Commenter	Position	Comment	Committee Response
			necessary to uphold the legislative intent of the eviction defense. Therefore, the inclusion of language clarifying when a survivor can provide this documentation will greatly support the purpose and intent of this eviction defense.	
			2. Item 3s comments Item 3s highlights that a defendant may claim protection from eviction under Code of Civil Procedure section 1161.3(d) if they, a member of their household or family, is a victim of abuse or violence. However, the placement of Item 3s makes the use of this defense confusing. Although Item 3k and Item 3s are related to the same unlawful detainer defense through Code of Civil Procedure sections 1161.3 and 1174.27, they appear separate from one another on form UD-105, and on completely different pages. We suggest that Item 3s be moved as subsection parts (1)(a) and (1)(b) of item 3k in order to make the defense more clear in general, and specifically for tenants not represented by counsel. Each subsection would detail the following scenarios under Code of Civil Procedure section 1161.3(d): (1) when the perpetrator of abuse or violence is *not* a tenant in residence and (2) when the perpetrator of abuse or violence *is* a tenant in residence. In the recommended text below, we detail the language of these two subsections. **B. Recommended Language** Based on the reasons outlined in section A, we	In light of this comment and others, in lieu of item 3s the committee recommends adding the following to item 3k: (1) The abuse or violence was committed by a person who does not live in the dwelling unit. (2) The abuse or violence was committed by a person who lives in the dwelling unit and defendant claims protection from eviction under Code of Civil Procedure section 1161.3(d)(2).

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	Commenter	Position	Comment	Committee Response
			recommend the following text for the combination of Items 3k and 3s. For the ease of the reader, we also recommend the use of simple language, bolded text, italics and breaking up larger blocks of text. k.) ☐ **Eviction because of abuse or violence**: Plaintiff seeks to evict defendant based on an act against defendant, defendant's family member or a member of their household that constitutes domestic violence, sexual assault, stalking, human trafficking, abuse of an elder or a dependent adult, or a crime that caused bodily injury, involved a deadly weapon or used force or threat of force. This defense requires one of the following forms of documentation: (1) **a temporary restraining order, protective order, or police report that is not more than 180 days old**; (2**) a signed statement from a qualified third party** (e.g., a doctor, domestic violence or sexual assault counselor, human trafficking caseworker, psychologist, or a victim of violent crime advocate concerning the injuries or abuse resulting from these acts); or (3) **another form of documentation or evidence that verifies that the abuse or violence occurred** (e.g., texts, emails or videos showing threats from the abuser.) *Tenants can turn in this documentation before or after the unlawful detainer case is filed.* **(1) Who committed the abuse or violence?** (Code Civ. Proc., § 1161.3(d))**:** (a) ☐ A person who **does not** live in the dwelling	

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	Commenter	Position	Comment	Committee Response
			unit. (b) ☐ A person who **does** live in the dwelling unit.	
			<u>Form UD-110</u> **A. Comments Regarding Items 3 through 7** The Council should further revise form UD-110 to prevent confusion and ensure partial evictions are properly executed. The current language of Items 3, 4 and 6 do not allow for valid interpretation of partial eviction judgments outlined in Code of Civil Procedure section 1174.27. A partial eviction is a judgment entered against one or more defendant(s) and for plaintiff and the other defendant(s). The defendant(s) who have judgment entered for them retain possession of the dwelling unit. For courts to order a partial eviction they must modify the proposed UD-110 form. Because the proposed UD-110 form must be modified to order a partial eviction correctly, the court may be more likely to inadvertently issue judgements that are contrary to law or difficult to implement. To ensure UD-110 is, without modifications, usable for partial evictions we make the below recommendations. First, we recommend updating Item 3. Parties to reflect that judgment is entered for the plaintiff and some defendants in partial evictions. We further recommend that Item 3 direct the court to not fill out items 4-7 in the case of a partial eviction. We believe that directing the court to skip items 4-7 will help ensure the judgment is easily understood	In light of this comment and others, the committee recommends revising item 4 on form UD-110 to include the option of possession being awarded to "defendant listed on attached form UD-110P in item 8b1 (Code Civ. Proc. § 1174.27)." The committee does not recommend revisions based on the suggestions regarding the other items on form UD-110. Item 3 can properly be used in a partial eviction case. The abuser-tenant would be listed in item 3a and the abusee-tenant would not be listed in that item pursuant to Code of Civil Procedure section 1174.27(e)(1). Similarly, item 6 on this form can be used to order damages from the abuser-tenant to the landlord. It is not clear to the committee that item 7 would never apply to a partial eviction case. While item 5 would not apply to a partial eviction case, this seems apparent within the item and an instruction to not check it for such a case seems unnecessary.

	Commenter	Position	Comment	Committee Response
			and compliant with Civil Code of Procedure section 1174.27. Item 4 must be left blank because it does not correctly capture possession after a partial eviction order. Also, possession of the premises is addressed in UD-110P. Item 5 must be left blank because partial evictions prohibit the judgment from applying to all occupants. Item 6 should be left blank and the damage liabilities from this item should be included on form UD-110P. We believe including the damage liabilities in UD-110P will ensure that only the defendant found guilty of unlawful detainer is responsible for damages, costs and fees. We also believe instructing the court to skip Item 6 will ensure the plaintiff is not mistakenly marked as liable to the defendant(s) not found guilty of unlawful detainer and that the defendant's lease is not mistakenly canceled or forfeited. Item 7 must be left blank because it is not applicable to partial evictions. We recommend these changes to UD-110 because we feel they are necessary for assuring compliance with SB 1017.	
			B. Recommended Language Based on the reasons outlined above, we recommend the following text for Item 3. 3. Parties. Judgment is a. ☐ for plaintiff (name each): and against defendant (name each): ☐ Continued on Attachment 3a	The committee does not recommend revisions based on this suggestion as no modification is needed to item 3 in order for it to be used in a partial eviction case.

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	Commenter	Position	Comment	Committee Response
			(form MC-025). b. ☐ for defendant (name each): c. ☐ a partial eviction for plaintiff and defendant (name each then **Skip to 8**):	
			Form UD- 110P **A. Comments Regarding Item 8(c)(2)** We appreciate the creation of the UD-110P form and recommend changes that we believe will further increase its effectiveness. Specifically, as explained above, we recommend giving space on UD-110P to include the financial liabilities for the defendant(s) found guilty of unlawful detainer. We believe including the liabilities in UD-110P will ensure that only the defendant found guilty of unlawful detainer is liable for damages, costs and fees. Also, by moving the liabilities to the UD-110P form, the listed liabilities can be tailored to those applicable to partial evictions. This will help guild the court in entering judgements consistent with Code of Civil Procedure section 1174.27.	The committee does not recommend revisions based on this suggestion. Code of Civil Procedure section 1174.27(e)(1) prohibits an abusee-tenant from being named in an unlawful detainer judgment, thus existing item 6 on form UD-110 can be used to order an abuser-tenant to pay damages to landlord.
			B. Recommended Language Based on the reasons outlined above, we recommend the following text for Item 8c. c. ☐ Defendant (name each): is guilty of an unlawful detainer and is: // (2) □ Liable to plaintiff on the complaint for:	The committee does not recommend revisions based on this suggestion for the reasons explained above.

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	Commenter	Position	Comment	Committee Response
			(2) □ Liable to plaintiff on the complaint for: (1) ☐ Holdover damages (2) ☐ Costs (3) ☐ Lease termination fees (4) ☐ Attorney's fees (5) ☐ Other (specify): (6) TOTAL JUDGMENT $ $ $ $ $ $	
			Form UD-101 **A. Comments Regarding CARES Act Certification Requirements** As you are aware, subsection (c) of the Coronavirus Aid, Relief, and Economic Security (CARES) Act requires landlords of covered properties to provide 30 days' notice to tenants in eviction cases. See 15 U.S.C. § 9058(c). There is no sunset for this 30-day notice requirement. This ongoing 30-day notice requirement is reflected in the UD-105 form, section 3(o), which allows the tenant to assert the CARES Act as a defense to eviction. We recommend that the CARES Act requirement be added to the UD-101 form to address the unfairness	The committee does not recommend revisions based on this suggestion as the council's authority to require form UD-101 is repealed as of October 1, 2025. Instead, the committee will consider recommending the addition of a new item in item 9a of form UD-100, to cover the required notice under the federal CARES Act as time and resources permit.

	Commenter	Position	Comment	Committee Response
			of the current scheme, which burdens the tenant with the responsibility of filing an answer based on information that is largely outside of their knowledge. Today, when a landlord files an unlawful detainer, they do not have to aver whether the unit at issue is a covered property under the CARES Act. It is left up to the tenant to discover whether the property is covered, something they cannot know from the eviction filing alone (and, in some cases, may only be able to find out from the landlord). While tenants living in HUD-subsidized properties or multifamily housing with a federally-backed mortgage may be able to find out that their unit is covered on their own, tenants living in 1-4 unit, unsubsidized properties with a federally-backed mortgage have no way of learning this information without the last four digits of their landlord's social security number. If the landlord refuses to provide information about the mortgage, the tenant would have a difficult time determining whether the property is covered, and may be unfairly deprived of the opportunity to plead this vital affirmative defense, especially if proceeding as a self-represented litigant, which the vast majority of tenants are doing in eviction courts across the state. Landlords are in a much better position to know whether the unit is in a covered property, and certification to that end would not create a significant burden. In fact, it is in the interest of landlords, especially unrepresented landlords, to ensure that they have given the tenant the correct notice before filing the complaint. To address this imbalance, we	

	Commenter	Position	Comment	Committee Response
			request that the Judicial Council add a CARES Act certification requirement to form UD-101.	
			General Changes to All Forms We also recommend making some further changes to all three forms to increase their readability and accessibility for litigants with limited English proficiency and limited literacy skills. We recommend the following: Avoid long sentences with many clauses separated by commas. Although this type of sentence structure is common in legal writing, it often leads to confusion and misunderstanding for people without a legal background. These sentences should be broken down into separate, shorter sentences. Break up long paragraphs of dense text into smaller sections. Individuals with limited English proficiency and limited literacy skills often struggle to read and comprehend long sections of prolix text. Use a variety of text formatting options throughout the forms. Individuals with limited English proficiency or limited literacy skills would be able to understand and appropriately utilize the forms if the key words/phrases and instructions stood out from the rest of the text using *italics*, **bold font**, underlining, larger font size, ALL CAPS, and creative combinations thereof. We also encourage the Council to entirely revise UD-105 to make it more accessible in form and content to pro per litigants. UD-105 should be drafted in a	The committee appreciates the information provided and will work to increase the readability and accessibility of the unlawful detainer forms as time and resources permit.

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	Commenter	Position	Comment	Committee Response
			manner similar to the forms used in Small Claims cases and petitions for Restraining Orders. Those forms use simple language that a party with limited formal education is likely to understand. The language should be accessible for a party with a 7th or 8th grade reading level to understand. Visually, UD-105 should be structured to support reading comprehension for those with limited literacy skills. It should contain ample blank spaces for parties to fill in facts necessary to support their defenses. Nationwide and California-specific statistics show that landlord/tenant matters are one of the most common legal substantive areas to have self-represented litigants. (The Self-Help Center Census: A National Survey, American Bar Association Standing Committee on the Delivery of Legal Services (August 2014); California Courts Self-Help Centers Report to the California Legislature (June 2007) (available at: www.courts.ca.gov/documents/rpt_leg_self_help.pdf).) While self-help centers and legal services are able to assist some of these litigants, lack of resources and capacity (and the expedited timeline of eviction proceedings) leave many tenants in the position of preparing answers to unlawful detainers on their own. This leaves these litigants vulnerable to making procedural mistakes that could unnecessarily lead to the loss of a place to live. Accordingly, we strongly urge the Council to create an information sheet as a companion to UD-105, in order to assist tenants in the preparation, filing, and service of unlawful detainer answers. Similar information sheets are already available for other substantive areas with	

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			large volumes of pro se litigants such as family law matters. (*See e.g.,* DV-505-INFO; DV-520-INFO; FL-300-INFO). It is our hope that this is the beginning of a longer dialogue about ways the California courts can be more accessible to tenants, particularly survivors of domestic violence and tenants representing themselves.	
			In conclusion, we express our appreciation for the Judicial Council's work on updating these important forms to reflect new protections for tenants under state law, and for the Council's consideration of these comments. Should you wish to discuss these comments further, please contact Taylor Campion [].	The committee appreciates the information provided.
2.	Legal Services of Northern California by Karen Kontz Regional Counsel – Housing	NI	The following comments are submitted by Legal Services of Northern California (LSNC) regarding the Judicial Council's Invitation to Comment SPR23-10, which concerns revisions to the unlawful detainer forms. LSNC is the federally-funded civil legal aid organization for most of the counties in California north of the San Francisco Bay. In 2022, LSNC provided legal advice, advocacy, and representation for nearly 10,000 low-income Californians. Eviction defense is the single greatest need of LSNC's clients, representing 63% of the total client cases from 2022.	The committee appreciates the information provided.
			Implementation of Senate Bill 1017 **1. Form UD-105**	In light of this comment and others, the committee recommends that item 3k on form UD-105 be modified to contain subparts, including one where defendants may claim

	Commenter	Position	Comment	Committee Response
			a) Combine all SB 1017 defenses into one Item under Section 3 Item 3s highlights that a defendant may claim protection from eviction under Code of Civil Procedure section 1161.3(d) if they, a member of their household or family, is a victim of abuse or violence. However, the placement of Item 3s makes the use of this defense confusing, because it is related to 3k but is separated on the form and is on an entirely different page. The placement of Item 3s makes it very unlikely that pro per defendants will locate it and raise it when appropriate. We suggest that Item 3s be moved so that it is a subpart of Item 3k in order to make the defense easier to assert and less confusing.	protections under Code of Civil Procedure section 1161.3(d)(2). Item 3s has been removed from the form.
			b) Language to cover tenants impacts by all criminal acts of violence listed in CCP §1161.3(a) SB 1017 protects tenants from being evicted based upon an act or acts against a tenant, a tenant's immediate family member, or a tenant's household member that constitute "[a] crime that caused bodily injury or death", "[a] crime that included the exhibition, drawing, brandishing or use of a firearm or other deadly weapon or instrument", or "[a] crime that included the use of force against the victim or a threat of force against the victim". [FN 1 Code Civ. Proc. § 1161.3 (a), Civ. Code § 1946.7(a)(6)-(8).] On the proposed forms, Item 3k has not been updated to reflect the new statutory language, and only references acts of "domestic violence, sexual assault, stalking, human trafficking, or abuse of an elder or a	In light of this comment and others, the committee recommends adding language to item 3k on form UD-105 to include the criminal acts of violence listed in Civil Code section 1946.7(a)(6)-(8).

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			defendant adult." Item 3k should be amended to include all of the acts of violence as now covered by Code of Civil Procedure section 1161.3(a).	
			c) Clarifications regarding documentation The proposed language in Item 3k describing the expanded types of documents tenants can use to prove the abuse mirrors the statutory language, but this language may be hard for unrepresented tenants to understand. Many tenants may not know what "another form of documentation or evidence that verifies that the abuse or violence occurred" refers to. We suggest the addition of a parenthetical stating "for example, texts, emails or videos showing threats from the abuser." In addition, to ensure that survivors are able to use these new defenses, the form should make clear that they can provide the required documentation with the Answer form and need not have provided it the landlord or their agent at an earlier time.	The committee does not recommend revisions based on this suggestion as the statute does not specify examples of such documentation and including certain examples on the form may imply that other types of documentation are not sufficient or that the court must accept certain types of documentation even if they do not "reasonably verify that the abuse or violence occurred." (Code Civ. Proc., § 1161.3(a)(2)(D).) In light of this comment and others, the committee recommends including the clause, "which may be included with this form" on the form directly after the language stating that documentation of the defense is required.
			2. Form UD-110 As drafted, proposed Form UD-110 could lead to judgments where a survivor claiming protection is evicted or ordered to pay damages when the Court intends to order a partial eviction. The current language of Items 3, 4 and 6 does not allow the Court to make for the orders associated with partial eviction judgments outlined in Code of Civil Procedure	The committee does not recommend revisions based on this suggestion with respect to items 3 and 6 on form UD-110. In a partial eviction the court could still use form UD-110 to issue a judgment in favor of plaintiff and against defendant who perpetrated the abuse or violence by listing only that defendant in item 3a. Similarly item 6 could be used to order damages paid by the

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			section 1174.27, and the form language does not alert the Court that these items should not be completed in a partial eviction. To address this issue, we recommend amending Item 3 "Parties" to add an option (c) to allow the Court to order judgment for the plaintiff and *some* defendants in partial evictions. We further recommend that Item 3 direct the court to not fill out items 4-7 in the case of a partial eviction, because as written these items do not allow the Court to make the orders required in a partial eviction. In lieu of completing items 4-7 on the main judgment form, the damage liabilities table in item 6 should be added to the UD-110P form to ensure that only the defendant found guilty of unlawful detainer is responsible for damages, costs and fees. We recommend these changes to UD-110 and UD-110P because they are necessary to allow Courts to make the required orders for a partial eviction as set out in SB 1017.	abuser-defendant to plaintiff. In light of this comment and other, item 4 on form UD-110 has been modified to include the possibility of possession by a defendant listed on attached form UD-110P.
			The Judicial Council should add a CARES Act certification requirement to the UD - 101- Plaintiffs' Mandatory Cover Sheet In addition to removing reference to COVID eviction protections that no longer apply and adding Item 3d, we suggest amending the UD-101 form to ensure compliance with existing federal law, the CARES Act. Subsection (c) of the Coronavirus Aid, Relief, and Economic Security (CARES) Act requires landlords of covered properties to provide 30 days'	The committee does not recommend revisions based on this suggestion as the council's authority to require form UD-101 is repealed as of October 1, 2025. Instead, the committee will consider recommending the addition of a new item in item 9a of form UD-100, to cover the required notice under the federal CARES Act as time and resources permit.

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			notice to tenants in eviction cases. See 15 U.S.C. § 9058(c). This ongoing 30-day notice requirement is reflected in the UD-105 form, section 3(o), which allows the tenant to assert the CARES Act as a defense to eviction. While tenants living in federally subsidized housing may be able to determine whether they live in a covered property, most tenants living in 1-4 unit, unsubsidized properties with a federally-backed mortgage have no way of learning this information without the last four digits of their landlord's social security number. Landlords are in a much better position to know whether the unit is in a covered property, and certification to that end would not create a significant burden. In fact, it is in the interest of landlords, especially unrepresented landlords, to ensure that they have given the tenant the correct notice before filing the complaint. In order to address this imbalance, we request that the Judicial Council add a CARES Act certification requirement to form UD-101.	
			General changes to Form UD-105 LSNC encourages the Judicial Council to examine the readability of the UD-105 form and revise it completely to make it accessible to pro per litigants. Because of the short timelines and nature of evictions in California, defendants in unlawful detainer proceedings are often completing the UD-105 form in pro per and without the assistance of counsel. The	The committee appreciates the information provided and will work to increase the readability and accessibility of the unlawful detainer forms as time and resources permit.

Unlawful Detainer: Forms to Reflect Existing Law and Implement Senate Bill 1017 and Assembly Bill 1726 (Approve form UD-110P; revise forms SUM-130, UD-101, UD-105, UD-110, and UD-110S (renumbered UD-110H))
All comments are verbatim unless indicated by an asterisk (*)

	Commenter	Position	Comment	Committee Response
			form should include simple language to be accessible to individuals with a seventh grade reading level and individuals with limited English proficiency. LSNC hopes to open a conversation around larger changes to the form to ensure access to justice for all Californians facing eviction.	
			Conclusion Thank you for your work on the unlawful detainer forms and for considering these comments. If you wish to discuss this letter, please feel free to contact me [].	The committee appreciates the information provided.
3.	National Housing Law Project by Deborah Thrope Deputy Director	NI	National Housing Law Project (NHLP) submits the following comments regarding the Judicial Council's (Council) Invitation to Comment SPR23-10, which concerns revisions to the unlawful detainer forms. NHLP is a legal advocacy center focused on increasing, preserving, and improving affordable housing; expanding and enforcing rights of low-income residents and homeowners; and increasing housing opportunities for underserved communities. Our organization provides technical assistance and policy support on a range of housing issues to legal services and other advocates nationwide. NHLP hosts the national Housing Justice Network (HJN), a vast field network of over 2,000 community-level housing advocates and resident leaders. HJN member organizations are committed to protecting affordable housing and residents' rights for low-income families. HJN has many members in California and NHLP plays a critical role in the state as an IOLTA-	The committee appreciates the information provided.

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	Commenter	Position	Comment	Committee Response
			funded support center. NHLP's California advocacy reflects our national initiatives and focuses on tenants' rights, eviction prevention, and affordable housing preservation. We commend the Council's work updating these important forms. We submit our comments with the goal of ensuring that these forms further access to justice in housing court proceedings, particularly for low-income tenants who too often go unrepresented.	
			The Judicial Council should add a CARES Act certification requirement for landlord/plaintiffs Subsection (c) of the Coronavirus Aid, Relief, and Economic Security (CARES) Act requires landlords of covered properties to provide 30 days' notice to tenants in eviction cases. *See* 15 U.S.C. § 9058(c). There is no sunset on this 30-day notice requirement. While the 30-day notice requirement is reflected on form UD-105, section 3r, as a defense to eviction, we recommend adding a certification requirement to the UD complaint and/or cover sheet. Having the CARES Act certification appear only on the answer form burdens the tenant/defendant with the responsibility of filing an answer with information that is largely outside of their knowledge. Today, when a landlord files an unlawful detainer, they do not have to aver whether the unit at issue is a covered property under the CARES Act. It is, unfairly, left up to the tenant to discover whether the property is covered, something they cannot know from the eviction filing alone (and, in some cases, may only be able to find out by asking the landlord).	The committee does not recommend revisions based on this suggestion as the council's authority to require form UD-101 is repealed as of October 1, 2025. Instead, the committee will consider recommending the addition of a new item in item 9a of form UD-100, to cover the required notice under the federal CARES Act as time and resources permit.

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			For example, covered properties under the CARES Act include housing with federally-backed mortgages. It can be challenging, let alone impossible, for a tenant to know whether they are living in such a property. Tenants living in HUD-subsidized properties or multifamily housing with a federally-backed mortgage may be able to find out that their unit is covered on their own through publicly-available databases, but this is not always a straightforward process. Even worse, tenants living in 1-4-unit, unsubsidized properties with federally-backed mortgages have no publicly-accessible means of identifying their unit's covered status without personal information about the property owner, typically the last four digits of their social security number. If the landlord refuses to provide information about the mortgage, the tenant cannot determine whether the property is covered, and may be deprived of the opportunity to plead this vital affirmative defense. All of these challenges are further exacerbated for self-represented litigants, who represent the vast majority of tenants in eviction courts across the state. Landlord/plaintiffs are in a much better position to know their status as a covered property, and certification to that end would not create a significant burden for them. In fact, it is in the interest of landlords, especially unrepresented landlords, to ensure that they have given the tenant the correct notice before filing the complaint. Other courts have amended their eviction process to reflect that the burden of certifying whether or not	

	Commenter	Position	Comment	Committee Response
			the CARES Act applies must be on the landlord. For example, Vermont courts adopted a court rule requiring every landlord filing an eviction to submit a declaration showing either compliance with the CARES Act 30-day notice provision or that their property is not covered under the CARES Act. [FN 1 Vt. R. Civ. P. 9.2(b).] This process provides greater transparency into the rights of both parties and helps to ensure fairness for tenants. In order to address California's imbalanced process, we ask that the Judicial Council add a certification requirement to forms UD 101, as well as UD 100. Please see below for suggested language for each form.	
			UD 101 We suggest restoring question 3 on the cover sheet of form UD 101 asking the landlord to confirm whether or not they provided 30 days' notice and certifying as to their CARES Act covered status if they did not. Our suggested language for the new question is: 3a. I gave the tenants notice to vacate at least 30 days before the termination date stated in the Notice to Vacate. *15 U.S.C. § 9058(c)* □ Yes □ No (*if checked, fill out 3b*) 3b. *fill out if checked "No" for part (a)* □ I certify that the dwelling unit involved in this matter is *not* located in a property that participates in any of the following programs, receives any of the following	The committee does not recommend revisions based on this suggestion as the council's authority to require form UD-101 is repealed as of October 1, 2025. Instead, the committee will consider recommending the addition of a new item in item 9a of form UD-100, to cover the required notice under the federal CARES Act as time and resources permit.

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			government subsidies, or has received a mortgage backed by any of the following entities: o Public housing o Section 8 Housing Choice Voucher program o Project Based Section 8 housing o Section 202 supportive housing for the elderly o Section 202 Direct Loan program o Section 811 supportive housing for persons with disabilities o Section 236 multifamily rental housing o Section 221(d)(3) Below Market Interest Rate housing (BMIR) o HOME Investment Partnership program o Housing Opportunities for Persons with AIDS (HOPWA) Program o McKinney-Vento Act programs o Transitional Housing Assistance for Homeless Veterans o Grant programs for homeless veterans with special needs o Supportive Services for Veteran Families (SSVF) o Veterans Affairs Supportive Housing (VASH) o National Housing Trust Fund o Transitional Housing Assistance Grants for victims of domestic violence, dating violence, sexual assault, and stalking	

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	Commenter	Position	Comment	Committee Response
			o Rural Development (RD) multifamily housing programs, including the Rural Development Voucher program (514, 515, 516, 533, 538, and 542 of the Housing Act of 1949 (42 U.S.C. §§ 1484, 1485, 1486, 1490p-2, 1490r) o Low-Income Housing Tax Credit program (LIHTC) o Federal Housing Administration (FHA) o Veterans Administration (VA) o United States Department of Agriculture (USDA) direct loan o USDA guaranteed loan o Government Sponsored Enterprises (GSE) such as Fannie Mae or Freddie Mac	
			UD 100 We also suggest adding an additional subpart on to question 9 in form UD 100, ideally as a new part (b), that requires landlords to certify as to their CARES Act covered status if they *did not* indicate that they provided 30 days' notice in 9(a). Our suggested language for that new subpart is: 9b. *fill out if checked any box other than 9a(2)* □ I certify that the dwelling unit involved in this matter is *not* located in a property that participates in any of the following programs, receives any of the following government subsidies, or has received a	In light of this comment and others, the committee will consider recommending the addition of a new item in item 9a of form UD-100, to cover the required notice under the federal CARES Act as time and resources permit. Such a revision is beyond the scope of this proposal and would benefit from public comment.

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			mortgage backed by any of the following entities: o Public housing o Section 8 Housing Choice Voucher program o Project Based Section 8 housing o Section 202 supportive housing for the elderly o Section 202 Direct Loan program o Section 811 supportive housing for persons with disabilities o Section 236 multifamily rental housing o Section 221(d)(3) Below Market Interest Rate housing (BMIR) o HOME Investment Partnership program o Housing Opportunities for Persons with AIDS (HOPWA) Program o McKinney-Vento Act programs o Transitional Housing Assistance for Homeless Veterans o Grant programs for homeless veterans with special needs o Supportive Services for Veteran Families (SSVF) o Veterans Affairs Supportive Housing (VASH) o National Housing Trust Fund o Transitional Housing Assistance Grants for victims of domestic violence, dating violence, sexual assault, and stalking o Rural Development (RD)	

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	Commenter	Position	Comment	Committee Response
			multifamily housing programs, including the Rural Development Voucher program (514, 515, 516, 533, 538, and 542 of the Housing Act of 1949 (42 U.S.C. §§ 1484, 1485, 1486, 1490p-2, 1490r) o Low-Income Housing Tax Credit program (LIHTC) o Federal Housing Administration (FHA) o Veterans Administration (VA) o United States Department of Agriculture (USDA) direct loan o USDA guaranteed loan o Government Sponsored Enterprises (GSE) such as Fannie Mae or Freddie Mac	
			NHLP also incorporates by reference the comments submitted by Family Violence Appellate Project, particularly their recommendations related to protections for survivors of domestic violence.	The committee appreciates the information provided. Responses to the comments of the Family and Violence Appellate Project are provided above.
			In conclusion, we express our appreciation for the Judicial Council's efforts updating these important forms, and for the Council's consideration of these comments. Should you have any questions or wish to discuss these comments further, please contact [us].	The committee appreciates the information provided.
4.	Neighborhood Legal Services of Los Angeles County by William Simonsick Registered Legal Services Attorney	NI	Neighborhood Legal Services of Los Angeles County (NLSLA) appreciates this opportunity to comment on the proposed form changes in SPR23-10. NLSLA is a 501(c)(3) Legal Services Corporation, providing	The committee appreciates the information provided.

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	Commenter	Position	Comment	Committee Response
			free legal services to indigent individuals in the Antelope, San Fernando, and San Gabriel Valleys of Los Angeles County, California. Through a combination of direct client representation, self-help centers, and systemic advocacy, NLSLA assists hundreds of thousands of low-income and vulnerable individuals and families with their legal needs every year. Assisting in a variety of civil legal fields including family law, worker's rights, healthcare, and housing, NLSLA is uniquely positioned at the front lines of California's housing crisis. Like the proverbial 'canary in a coal mine', staff at NLSLA see the impediments that low-income self-represented litigants (SRLs) face when trying to fight an eviction, as well as the long-term consequences of subsequent housing insecurity. Considering the above experience, NLSLA is pleased to see the Judicial Council taking action to improve the clarity of court forms in the state of California.	
			Due to the legal needs crisis, a staggering number of litigants are unrepresented. Estimated from anywhere from 60-95% of all legal needs are unmet in the United States, forcing individuals – especially vulnerable or indigent – to rely on sparse resources to fight cases themselves. [FN 1 Legal Service Corporation Justice Gap 2022 Report. See also R. Sandefur, 'What We Know and Need to Know about the Legal Needs of the Public', 67(2) South Carolina Law Review (2016); Y. Cannon, 'Unmet Legal Needs as Health Injustice', 56 University of Richmond Law Review (2022) 801-877.] This is especially true in housing cases, despite radically improved outcomes when litigants are represented.	The committee appreciates the information provided.

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	Commenter	Position	Comment	Committee Response
			[FN 2 See I. Ellen, K. O'Regan, S. House, R. Brenner, 'Do Lawyers Matter? Early Evidence on Eviction Patterns After the Rollout of Universal Access to Counsel in New York City', 31(3) Housing Policy Debate (2021). See also E. Petersen, 'Building a House for Gideon: The Right to Counsel in Evictions', 14 Stanford Journal of Civil Rights & Civil Liberties (2020) 63-112.] Housing cases are notorious for their complexity and short timeframes. [FN 3 3 Litigants may only have 5 days to respond to their case to risk a default judgment. Cal. Civ. 1167.3.] The stakes could not be higher; the long term health and financial consequences of homelessness and housing insecurity are severe. [FN 4 As of 2017, over two-thousand publications linked evictions to negative mental and physical health outcomes, see H. Vasquez-Vera, L. Palencia, I. Magna, C. Mena, J. Neira, C. Borrell, 'The threat of home eviction and its effects on health through the equity lens: A systematic review', 175 Social Science & Medicine (2017) .] These consequences are felt most heavily on the most vulnerable individuals, such as elderly or disabled individuals, and are negative for anyone subject to them. [FN 5 Cost-related moves in itself are statistically-proven to result in increased unmet medical needs, see K. Chen, L. Wisk, T. Nuckols, J. Elmore, W. Steers, F. Zimmerman, 'Unmet Medical Needs Among Adults Who Move due to Unaffordable Housing: California Health Interview Survey, 2011-2017', 36 Journal of General Internal Medicine 2259-2266 (2021).] Therefore, it is imperative to make the form-filing process as smooth and accessible as possible to reduce the number of improper evictions.	

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			Accessibility of the court process to SRLs begins with the court forms they file. Plain language and visual distinction is crucial for readability, [FN 6 See J. Griener, D. Jimenez, L. Lupica, 'Self-Help, Reimagined', 92 Indiana Law Journal 3 (2017).] especially for less sophisticated litigants. Best practices indicate that practices such as bolding terms of art, defining all terms of art subsequent to their usage, using text boxes to separate definitions, and ensuring a good mixture of terms of art and colloquial language results in improved readability for SRLs. [FN 7 Id at 1156-1160.] When done correctly, SRLs can successfully complete their forms and potentially avoid losing eviction cases based on a lack of legal sophistication alone. NLSLA has a number of textual suggestions that would increase readability and reduce confusion, especially for the most vulnerable SRLs who would be most at risk of the consequences of housing insecurity. Eviction notices know no limits of sophistication of defendants; among those who are evicted are the elderly, mentally and physically disabled, and individuals of limited English proficiency. These suggestions would help prevent misunderstanding of the forms by these individuals, and therefore assist in the alleviation of the disproportionate burden of evictions on those who simply struggle with the court process as opposed to being at fault for their eviction. As these edits are pointed and numerous, they are included in the table below. It is worth reiterating that the proposed forms represent a significant improvement over the current forms, and NLSLA is thankful of the Judicial	The committee appreciates the information provided and will work to increase the readability and accessibility of the unlawful detainer forms as time and resources permit.

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	Commenter	Position	Comment	Committee Response
			Council's efforts so far. In general, NLSLA would suggest that all of these forms are ultimately made accessible for individuals with a screen reader, and plain language used throughout. [FN 8 Suffolk Law School recently released an automated tool called RateMyPDF that checks court forms for readability and provides suggestions for increasing accessibility (https://ratemypdf.com). The proposed forms were analyzed by this tool during the preparation for this comment letter.]	
			Outside of general language level suggestions, NLSLA has the following suggestions included in the table below:	The committee appreciates the information provided.
			SUM-130 The "address confidentiality program" needs to also be referred to as the 'Safe at Home' program, as not all program participants may be able to identify the program through the current description placing emphasis on the constitution of the program by the Secretary of State.	In light of this comment, the committee recommends adding the program's name, "Safe at Home," to form SUM-130.
			UD-101 Question 3 should explicitly mention COVID somewhere to make sure that SRLs understand that this rental assistance includes COVID programs. Something like "Statements regarding rental assistance, such as COVID rental assistance programs" would make sure that this box is not accidentally overlooked.	The subcommittee does not recommend revisions based on this suggestion as including a reference to "COVID rental assistance programs" may inadvertently imply that the item only applies to COVID programs, as opposed to "rental assistance or other financial compensation from any other source" as provided in Health and Safety Code section 50897.3(e).

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Unlawful Detainer: Forms to Reflect Existing Law and Implement Senate Bill 1017 and Assembly Bill 1726 (Approve form UD-110P; revise forms SUM-130, UD-101, UD-105, UD-110, and UD-110S (renumbered UD-110H))
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			UD-105 Question 3(d) should include some mention of COVID so SRLs who received rental assistance due to COVID programs know to check this box.	The subcommittee does not recommend revisions based on this suggestion as including a reference to "COVID" may inadvertently imply that the defense for this item is limited to those who received rental assistance due to COVID, when it is applicable to any unlawful detainer initiated more than a year after rent was due.
			Question 3(i)(1) should provide at least a cursory explanation for what "just cause" is (and subsequently use bolding). SRLs who come to our self-help centers rarely know what this is or what protections are granted.	Given the various reasons for eviction that amount to just cause, the committee does not recommend revisions based on this suggestion as it is infeasible to provide an explanation within the subitem. The committee will work on providing such information in a separate information sheet as time and resources permit.
			UD-110 Question 7 should provide a cursory explanation of what a conditional judgment is. This would not need to be lengthy as the text refers to the other form.	The committee does not recommend revisions based on this suggestion. Form UD-110 is executed by the court, who would know what a conditional judgment is, and if one is ordered, the other form will be attached.
			Question 8 should provide a cursory explanation of what a partial eviction (ie; "an eviction of less than all of the tenants") is. This does not need to be lengthy as the text refers to the applicable form.	The committee does not recommend revisions based on this suggestion. Form UD-110 is executed by the court, who would know what a partial eviction is, and if one is ordered, the other form will be attached.
			UD-110P Question 8 should define partial eviction at	The committee does not recommend

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			the onset. This definition should mention that only the specific household member is evicted, NOT the remaining tenant.	revisions based on this suggestion given that form UD-110P contains the orders that result from a partial eviction.
			UD-110S Ideally, there would be at least 5 spaces for defects before requiring form MC-025. Additionally, the 'month defect existed' should be changed to reflect month and years, as we see defects in this situation lasting for years.	In light of this comment, the committee recommends additional space and a reference to years on item 7a on form UD-110s, (renumbered UD-110H).
5.	Orange County Bar Association by Michael A. Gregg President	A		
6.	Public Advocates by Suzanne Dershowitz Staff Attorney	NI	The following comments are submitted by Public Advocates regarding the Judicial Council's Invitation to Comment SPR23-10, which concerns revisions to the unlawful detainer forms. Public Advocates is a nonprofit law firm and advocacy organization that challenges the systemic causes of poverty and racial discrimination by strengthening community voices in public policy and achieving tangible legal victories advancing education, housing, transportation equity, and climate justice. We have co-sponsored legislation to strengthen tenant protections and worked on implementation of those laws. Public Advocates also works closely with tenant counseling organizations throughout the state of California to provide trainings and technical assistance.	The committee appreciates the information provided.
			I. Implementation of Senate Bill 1017 **A. Form UD-105**	

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Unlawful Detainer: Forms to Reflect Existing Law and Implement Senate Bill 1017 and Assembly Bill 1726 (Approve form UD-110P; revise forms SUM-130, UD-101, UD-105, UD-110, and UD-110S (renumbered UD-110H))
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	Commenter	Position	Comment	Committee Response
			1) Language to cover tenants impacts by all criminal acts of violence listed in CCP §1161.3(a) SB 1017 protects tenants from being evicted based upon an act or acts against a tenant, a tenant's immediate family member, or a tenant's household member that constitute "[a] crime that caused bodily injury or death", "[a] crime that included the exhibition, drawing, brandishing or use of a firearm or other deadly weapon or instrument", or "[a] crime that included the use of force against the victim or a threat of force against the victim". [FN 1 Code Civ. Proc. § 1161.3 (a), Civ. Code § 1946.7(a)(6)-(8).] On the proposed forms, Item 3k only references acts of "domestic violence, sexual assault, stalking, human trafficking, or abuse of an elder or a defendant adult." Item 3k should be amended to include all of the acts of violence as now covered by Code of Civil Procedure section 1161.3(a).	In light of this comment and others, the committee recommends adding language to item 3k on form UD-105 to include the criminal acts of violence listed in Civil Code section 1946.7(a)(6)-(8).
			2) Clarifications regarding documentation The proposed language in Item 3k describing the expanded types of documents tenants can use to prove the abuse mirrors the statutory language, but this language may be hard for unrepresented tenants to understand. Many tenants may not know what "another form of documentation or evidence that verifies that the abuse or violence occurred" refers to. We suggest the addition of a parenthetical stating "for example, texts, emails or videos showing threats from the abuser." In addition, to ensure that survivors are able to use	The committee does not recommend revisions based on this suggestion as the statute does not specify examples of such documentation and including certain examples on the form may imply that other types of documentation are not sufficient or that the court must accept certain types of documentation even if they do not "reasonably verify that the abuse or violence occurred." (Code Civ. Proc., § 1161.3(a)(2)(D).) In light of this comment and others, the

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			these new defenses, the form should make clear that they can provide the required documentation with the Answer form and need not have provided it the landlord or their agent at an earlier time.	committee recommends adding the clause, "which may be included with this form" to the form directly after the language stating that documentation of the defense is required.
			3) Combine all SB 1017 defenses into one Item under Section 3 Items 3k and Item 3s are related to the same unlawful detainer defense under Code of Civil Procedure sections 1161.3 and 1174.27, so it is confusing to separate the defenses from one another on form UD-105, especially where they are appear on different pages. We suggest that Item 3s be moved so that it is a subpart of Item 3k in order to make the defense easier to assert and less confusing.	In light of this comment and others, the committee recommends adding the following to item 3k in lieu of item 3s: (1) The abuse or violence was committed by a person who does not live in the dwelling unit. (2) The abuse or violence was committed by a person who lives in the dwelling unit and defendant claims protection from eviction under Code of Civil Procedure section 1161.3(d)(2).
			B. Form UD-110 As drafted, proposed Form UD-110 could lead to confusing judgments where a survivor is evicted or ordered to pay damages even where the Court intends to order a partial eviction where the survivor retains housing. The current language of Items 3, 4 and 6 do not allow the Court to make for the orders associated with partial eviction judgments outlined in Code of Civil Procedure section 1174.27, and the form language does not alert the Court that these items should not be completed in a partial eviction. To address this issue, we recommend amending Item 3 "Parties" to add an option (c) to allow the Court to order judgment for the plaintiff and *some* defendants in partial evictions. We further recommend that Item 3 direct the court to not fill out items 4-7 in the case	In light of this comment and others, the committee recommends modification to item 4 on form UD-110 to include the option of possession being awarded to "defendant listed on attached form UD-110P in item 8b1 (Code Civ. Proc. § 1174.27)." The committee does not recommend revisions for the other items on form UD-110 based on this suggestion. Item 3 can properly be used in a partial eviction case. The abuser-tenant would be listed in item 3a and the abusee-tenant would not be listed in that item pursuant to Code of Civil Procedure section 1174.27(e)(1). Similarly, item 6 on this form can be used to order damages from the abuser-tenant to the landlord. It is not clear to the committee that item 7 would never apply

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			of a partial eviction, because as written these items do not allow the Court to make the orders required in a partial eviction. In lieu of completing items 4-7 on the main judgment form, the damage liabilities table in item 6 should be added to the UD-110P form to ensure that only the defendant found guilty of unlawful detainer is responsible for damages, costs and fees. We recommend these changes to UD-110 and UD-110P because they are necessary for ensuring that Courts can make the required orders for a partial eviction as set out in SB 1017.	to a partial eviction case. While item 5 would not apply to a partial eviction case, this seems apparent within the item and an instruction to not check it for such a case seems unnecessary.
			II. The Judicial Council should add a CARES Act certification requirement to the UD -101- Plaintiffs' Mandatory Cover Sheet In addition to removing reference to COVID eviction protections that no longer apply, we suggest amending the UD-101 form to ensure compliance with existing federal law, the CARES Act. Subsection (c) of the Coronavirus Aid, Relief, and Economic Security (CARES) Act requires landlords of covered properties to provide 30 days' notice to tenants in eviction cases. See 15 U.S.C. § 9058(c). There is no sunset for this 30-day notice requirement. This ongoing 30-day notice requirement is reflected in the UD-105 form, section 3(r), which allows the tenant to assert the CARES Act as a defense to eviction. While tenants living in HUD-subsidized properties or multifamily housing with a federally-backed	The committee does not recommend revisions based on this suggestion as the council's authority to require form UD-101 is repealed as of October 1, 2025. Instead, the committee will consider recommending the addition of a new item in item 9a of form UD-100, to cover the required notice under the federal CARES Act as time and resources permit.

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			mortgage may be able to find out that their unit is covered on their own, tenants living in 1-4 unit, unsubsidized properties with a federally-backed mortgage have no way of learning this information without the last four digits of their landlord's social security number. If the landlord refuses to provide information about the mortgage, the tenant would have a difficult time determining whether the property is covered, and may be unfairly deprived of the opportunity to plead this vital affirmative defense, especially if proceeding as a self-represented litigant, which the vast majority of tenants are doing in eviction courts across the state. Landlords are in a much better position to know whether the unit is in a covered property, and certification to that end would not create a significant burden. In fact, it is in the interest of landlords, especially unrepresented landlords, to ensure that they have given the tenant the correct notice before filing the complaint. In order to address this imbalance, we request that the Judicial Council add a CARES Act certification requirement to form UD-101.	
			III. Conclusion We appreciate your work on the unlawful detainer forms. Thank you for considering these comments. If you wish to discuss this letter, please feel free to contact me [].	The committee appreciates the information provided.
7.	Superior Court of California, County of Los Angeles by Bryan Borys	AM	The following comments are submitted on behalf of the Los Angeles Superior Court.	

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Unlawful Detainer: Forms to Reflect Existing Law and Implement Senate Bill 1017 and Assembly Bill 1726 (Approve form UD-110P; revise forms SUM-130, UD-101, UD-105, UD-110, and UD-110S (renumbered UD-110H))
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	Commenter	Position	Comment	Committee Response
	Director of Research and Data Management		Regarding SUM-130, Summons-Eviction form: o Page 1, 1st paragraph: "If this summons was provided to you through the Secretary of State's address confidentiality program..," it is unclear when the 10 days begin. Is additional time given if served by mail, per Code of Civil Procedure 1013?	The committee agrees and recommends that the sentence be revised to read, "If this summons was served through the Secretary of State's Safe at Home address confidentiality program, you have 10 days from the date of service, not counting Saturdays and Sundays and other judicial holidays, to respond." The committee notes that service for unlawful detainer cases is governed by Code of Civil Procedure section 1162 and 1167 and Code of Civil Procedure section 1013 do not apply.
			o Page 1, 3rd paragraph: The www.lawhelpca.org website is not listed in UD-105, Section 3 (although the www.courts.ca.gov/selfhelp website is)	The committee notes that forms UD-105 and SUM-130 provide different linked resources for litigants as the forms serve different purposes and are required at different stages of the unlawful detainer process. The committee further notes that the California Courts Self-Help Guide at https://selfhelp.courts.ca.gov/eviction-resources has a link to lawhelp.ca.org.
			o Page 2, Section 3: Spanish translation is not provided	The committee appreciates the information provided and will work to include a Spanish translation of item 3 on form SUM-130 as time and resources permit.
			Regarding UD-110, Judgment-Unlawful Detainer form: o In the header of the document, "Email Address" field is listed as optional, although it is not an optional field in UD-101 and UD-105	In light of this comment, the committee recommends that the parenthetical "optional" following "Email Address" on form UD-110 be removed.
			o Page 2, Section 7: Is the conditional	The committee notes that item 7 on form

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			judgment per Code of Civil Procedure 664.6? If a hearing date is set, would the time be tolled per California Rules of Court 3.1385?	UD-110 is used when the court finds that plaintiff breached the warranty of habitability and is issuing a conditional judgment for defendant or plaintiff, which will become final depending on whether defendant makes required payments. Code of Civil Procedure section 664.6 applies when the parties have agreed to settle the case and wish for the court to retain jurisdiction. It is not contemplated that form UD-110S (renumbered UD-110H) would be used in such a scenario. The tolling in California Rules of Court, Rule 3.1385 would apply in the latter situation, but not the former.
			Regarding UD-110P, Judgment-Unlawful Detainer Partial Eviction Attachment form: o What is the suggested practice if named defendant does not answer and is not a perpetrator of abuse or violence?	The committee is not suggesting a practice in such a scenario but notes that Code of Civil Procedure section1174.27(a)(3) requires the tenant who is the victim of violence or abuse "invoke[] paragraph (2) of subdivision (d) of Section 1161.3 as an affirmative defense" in order for a partial eviction to be ordered.
			Regarding UD-110S, Judgment-Habitable form: o Suggest renaming the form to "UD-110H," as many Judicial Council forms use "S" to indicate the Spanish translation of the form	In light of this comment, the committee recommends that this form be renumbered UD-110H.
8.	Superior Court of California, County of San Diego by Mike Roddy Executive Officer	A	**Request for Specific Comments** Does the proposal appropriately address the stated purpose? **Yes.**	The committee appreciates the information provided.

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			Would the proposal provide cost savings? If so, please quantify. **No.**	The committee appreciates the information provided.
			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? **Updating the court's internal procedures and packets, notifying and training court staff.**	The committee appreciates the information provided.
			Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? **Yes, provided the final versions of the forms are provided to the court at that time. This will ensure that the court is able to provide training to staff, update its internal procedures, modify local packets, and obtain printed stock.**	The committee appreciates the information provided.
			How well would this proposal work in courts of different sizes? **It appears the proposal would work for courts of various sizes.** No additional Comments.	The committee appreciates the information provided.
9.	Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) (TCPJAC/CEAC Joint Rules	AM	The JRS notes the following impact to court operations: • *Impact on existing automated systems*: Changes to	The committee appreciates the information provided.

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	Subcommittee)		court's automated case management system, will require staff time. • *Increases staff workload*: Increase in staff workload will include processing the additional judgment form for partial eviction, UD-110P; time spent by self-help staff and attorneys advising public regarding new laws/forms; and time spent by judicial officers in examining documentary evidence and ensuring other components of partial eviction law are followed before entering judgment on that basis. • *Results in additional training, which requires the commitment of staff time and court resources*: Court staff and judiciary training will be required to implement the changes including, for example, training about the new partial eviction procedure and the parts of that law that are mandatory and those that are permissive, and the new attachment, UD-110P. The JRS also notes that the proposal is required to conform to a change of law.	
			Suggested modifications: (1) On existing form UD-105 (Answer – Unlawful Detainer): • Add the word "immediate" before "family" in items 3.k. and 3.s. (Reason: the term used in CCP section 1161.3(b) is "immediate family member," not just "family member." The term "immediate family member" is a specifically defined term-of-art in the statute, i.e., "[i]mmediate family	In light of this comment, the committee recommends that "immediate" be added before "family" on form UD-105.

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			member" has "the same meaning as defined in Section 1946.7 of the Civil Code." (CCP § 1161.3(a)(4).) Civil Code section 1946.7(h)(3) defines "[i]mmediate family member" as "the parent, stepparent, spouse, child, child-in-law, stepchild, or sibling of the tenant, or any person living in the tenant's household at the time the crime or act listed in subdivision (a) [relating to domestic violence] occurred who has a relationship with the tenant that is substantially similar to that of a family member.") • Add reference to paragraph (2) of CCP § 1161.3(d) in item 3.s. (Reason: CCP § 1174.27(a)(3) specifically requires a tenant-defendant to "invoke[] paragraph (2) of subdivision (d) of Section 1161.3 as an affirmative defense to the cause of action" for UD based on an act of abuse or violence against a tenant, a tenant's immediate family member, or a tenant's household member as one of the requirements for a partial eviction. The currently proposed change on UD-105 item 3.s. does not include the reference to paragraph (2) as required by the statute.) (2) On new proposed form UD-110P (Judgment—Unlawful Detainer Partial Eviction Attachment): • add reference to paragraph (2) of CCP § 1161.3(d) in item 8.a.(3) (for the same reason explained in (1)b., above.)	In light of this comment, the committee recommends that a pin citation to paragraph 2 of Code of Civil Procedure section 1161.3(d) be added to form UD-105, in item 3k2. In light of this comment, the committee recommends that a pin citation to paragraph 2 of Code of Civil Procedure section 1161.3(d) be added to form UD-110P in item 8a3.
10.	Western Center on Law & Poverty by Madeline Howard Senior Attorney	NI	We write in response to the Judicial Council's Invitation to Comment SPR23-10, "Unlawful Detainer: Forms to Reflect Existing Law and Implement Senate Bill 1017 and Assembly Bill	The committee appreciates the information provided.

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Unlawful Detainer: Forms to Reflect Existing Law and Implement Senate Bill 1017 and Assembly Bill 1726 (Approve form UD-110P; revise forms SUM-130, UD-101, UD-105, UD-110, and UD-110S (renumbered UD-110H))
All comments are verbatim unless indicated by an asterisk (*)

	Commenter	Position	Comment	Committee Response
			1726." Thank you for the opportunity to provide comment on these forms. Western Center represents low-income Californians in securing housing, health care, public benefits and access to justice. We engage in all of our work with a racial justice lens, and our housing advocacy involves promoting affordable and equitable housing development, protecting tenants' rights, and preventing displacement of low-income communities and communities of color. We also work to ensure equal access to courts for people with disabilities, people with limited English proficiency, low-income people and other groups. Because Western Center is a statewide support center for legal services programs, attorneys representing tenants in unlawful detainers contact us for assistance when their clients experience barriers to court access or other harms. Western Center is therefore uniquely positioned to assess the impact of the Judicial Council's proposed changes to the court forms. The unlawful detainer forms are particularly important because most tenants are not represented by counsel, and rely on these forms to learn about their legal rights and defenses when they are facing eviction. As one of the co-sponsors of Senate Bill (SB) 1017, it is critically important to us that unrepresented tenants be able to use the new protections for survivors of abuse and violence and that the forms facilitate a clear understanding of the law. Thank you for considering our comments on this proposal.	

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			I. Implementation of Senate Bill 1017 Western Center supports the recommendations of Family Violence Appellate Project (FVAP), whose comments on these forms are submitted via separate letter. As explained in FVAP's comment letter, changes to the forms are necessary so that unrepresented tenants who are survivors of violence and abuse have a fair opportunity to use the new protections created by SB 1017. The current proposed language could lead to confusion for survivors, landlords, and for courts, and the amendments to the forms that FVAP proposes will provide clarity for all parties and better effectuate the new partial eviction procedure.	The committee appreciates the information provided.
			A. Form UD-105 **1) The Council should amend form language to cover tenants impacted by all criminal acts of violence listed in CCP §1161.3(a)** SB 1017 protects tenants from being evicted based upon an act or acts against a tenant, a tenant's immediate family member, or a tenant's household member that constitute "[a] crime that caused bodily injury or death", "[a] crime that included the exhibition, drawing, brandishing or use of a firearm or other deadly weapon or instrument", or "[a] crime that included the use of force against the victim or a threat of force against the victim". [FN 1 Code Civ. Proc. § 1161.3 (a), Civ. Code § 1946.7(a)(6)-(8).] Currently, Item 3k on the proposed form only references acts of "domestic violence, sexual assault, stalking, human trafficking, or abuse of an elder or a	In light of this comment and others, the committee recommends that language be added to item 3k on form UD-105 to include the criminal acts of violence listed in Civil Code section 1946.7(a)(6)-(8).

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			defendant adult." Thus, Item 3k should be amended to include all of the acts of violence now included under Civil Code section 1946.7(a).	
			2) The Council should add examples to clarify the documentation requirement The proposed language in Item 3k describing the expanded types of documents tenants can use to prove the abuse mirrors the statutory language, but this language will be difficult for unrepresented tenants to understand. Many tenants may not know what "another form of documentation or evidence that verifies that the abuse or violence occurred" refers to, so we support FVAP's suggestion to provide examples in the form to help tenants who are completing it without the assistance of an attorney. We suggest the addition of a parenthetical stating "for example, texts, emails or videos showing threats from the abuser." In addition, to ensure that survivors are able to use these new defenses, the form should make clear that they can provide the required documentation with the Answer form and need not have provided it the landlord or their agent at an earlier time.	The committee does not recommend revisions based on this suggestion as the statute does not specify examples of such documentation and including certain examples on the form may imply that other types of documentation are not sufficient or that the court must accept certain types of documentation even if they do not "reasonably verify that the abuse or violence occurred." (Code Civ. Proc., § 1161.3(a)(2)(D).) In light of this comment and others, the committee recommends that the clause "which may be included with this form" be added to the form directly after the language stating that documentation of the defense is required.
			3) The Council should combine all SB 1017 defenses into one Item under Section 3 to avoid confusion Items 3k and Item 3s are related to the same unlawful detainer defense under Code of Civil Procedure sections 1161.3 and 1174.27, so it is confusing to list the defenses separately on form UD-105. We suggest	In light of this comment and others, the committee recommend that the following be added to item 3k in lieu of item 3s: (1) The abuse or violence was committed by a person who does not live in the dwelling unit. (2) The abuse or violence was committed by a person who lives in the dwelling unit and

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			moving Item 3s so that it is a subpart of Item 3k in order to make the defense easier to assert and less confusing. Western Center supports FVAP's recommended form language combining the defenses.	defendant claims protection from eviction under Code of Civil Procedure section 1161.3(d)(2).
			B. Form UD-110 We support FVAP's proposed revisions to Form UD-110, to ensure that partial eviction judgments will be correctly executed. As drafted, proposed Form UD-110 could lead to internally inconsistent judgments where a survivor ends up being evicted or ordered to pay damages even where the Court intends to order a partial eviction where the survivor retains housing. The current Items 3, 4 and 6 do not allow the Court to make the orders associated with partial eviction judgments outlined in Code of Civil Procedure section 1174.27, and the form language does not alert the Court that these items should not be completed in a partial eviction. To address this issue, we recommend amending Item 3 "Parties" to add an option (c) to allow the Court to order judgment for the plaintiff and *some* defendants in partial evictions. We further recommend that Item 3 direct the Court to not fill out items 4-7 in the case of a partial eviction, because as written these items do not allow the Court to make the orders required in a partial eviction. In lieu of completing items 4-7 on the main judgment form, the damage liabilities table in item 6 should be added to the UD-110P form to ensure that only the	In light of this comments and other, the committee recommends that item 4 on form UD-110 be modified to include the option of possession being awarded to "defendant listed on attached form UD-110P in item 8b1 (Code Civ. Proc. § 1174.27)." The committee does not recommend revisions based on the suggestions regarding the other items on form UD-110. Item 3 can properly be used in a partial eviction case. The abuser-tenant would be listed in item 3a and the abusee-tenant would not be listed in that item pursuant to Code of Civil Procedure section 1174.27(e)(1). Similarly, item 6 on this form can be used to order damages from the abuser-tenant to the landlord. It is not clear to the committee that item 7 would never apply to a partial eviction case. While item 5 would not apply to a partial eviction case, this seems apparent within the item and an instruction to not check it for such a case seems unnecessary.

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			defendant found guilty of unlawful detainer is responsible for damages, costs and fees. We recommend these changes to UD-110 and UD-110P because they are necessary for ensuring that Courts can make the required orders for a partial eviction as set out in SB 1017.	
			II. The Judicial Council should add a CARES Act certification requirement to the UD -101- Plaintiffs' Mandatory Cover Sheet In addition to removing reference to COVID eviction protections that no longer apply, we suggest amending the UD-101 form to ensure compliance with existing federal law. Subsection (c) of the Coronavirus Aid, Relief, and Economic Security (CARES) Act requires landlords of covered properties to provide 30 days' notice to tenants in eviction cases. See 15 U.S.C. § 9058(c). There is no sunset for this 30-day notice requirement. This ongoing 30-day notice requirement is reflected in the UD-105 form, section 3(o), which allows the tenant to assert the CARES Act as a defense to eviction. We recommend that the CARES Act requirement be added to the UD-101 form to address the unfairness of the current scheme, which burdens the tenant with the responsibility of filing an answer based on information that is largely outside of their knowledge. Today, when a landlord files an unlawful detainer, they do not have to aver whether the unit at issue is a covered property under the CARES Act. It is left up to the tenant to discover whether the property is covered, something they cannot know from the eviction filing alone (and may only be able	The committee does not recommend revisions based on this suggestion as the council's authority to require form UD-101 is repealed as of October 1, 2025. Instead, the committee will consider recommending the addition of a new item in item 9a of form UD-100, to cover the required notice under the federal CARES Act as time and resources permit.

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			to find out from the landlord). While tenants living in HUD-subsidized properties or multifamily housing with a federally-backed mortgage may be able to find out that their unit is covered on their own, tenants living in 1-4 unit, unsubsidized properties with a federally-backed mortgage have no way of learning this information without their landlord's cooperation. If the landlord refuses to provide information about the mortgage, the tenant would have a difficult time determining whether the property is covered, and may be unfairly deprived of the opportunity to plead this vital affirmative defense, especially if proceeding as a self-represented litigant, which the vast majority of tenants are forced to do. Landlords are in a much better position to know whether the unit is in a covered property, and certification to that end would not create a significant burden. In fact, it is in the interest of landlords to ensure that they have given the tenant the correct notice before filing the complaint. In order to address this imbalance, we request that the Judicial Council add a CARES Act certification requirement to form UD-101.	
			III. Conclusion Thank you for your work on these forms, and thank you for considering these comments. If you have any questions or wish to discuss these comments, please feel free to contact me [].	The committee appreciates the information provided.

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