



Judicial Council of California

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January 19, 2024

Subject Text

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File #: 19-092, **Version:** 1

Title

Rules and Forms | Civil Practice and Procedure: Unlawful Detainer (Action Required)

Summary

Two recent bills added to and amended the Code of Civil Procedure section regarding unlawful detainer actions to expand affirmative defenses and to clarify that the period of time in which a defendant must respond to a summons excludes Saturdays, Sundays, and other judicial holidays. The Civil and Small Claims Advisory Committee recommends revising two forms, *Answer-Unlawful Detainer* (form UD-105) and *Summons-Unlawful Detainer-Eviction* (form SUM-130), to make them consistent with these statutory changes.

Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective September 1, 2019, revise:

1. *Answer-Unlawful Detainer* (form UD-105) to add a means for a tenant or household member to document acts that constitute domestic violence, sexual assault, stalking, human trafficking, or abuse of an elder or a dependent adult and to add an affirmative defense, both of which are required by recent legislation; and
2. *Summons-Unlawful Detainer-Eviction* (form SUM-130) to change the description of the time period for responding to an unlawful detainer summons, consistent with recent legislation.