

RULES COMMITTEE ACTION REQUEST FORM

Rules Committee Meeting Date: April 8, 2022

Rules Committee action requested [Choose from drop down menu below]:
Submit to JC (without circulating for comment)

Title of proposal: Unlawful Detainer: Form Revisions to Implement Assembly Bill 2179

Proposed rules, forms, or standards (include amend/revise/adopt/approve):
Revise forms UD-101, UD-105, and UD-120

Committee or other entity submitting the proposal:
Civil and Small Claims Advisory Committee

Staff contact (name, phone and e-mail): James Barolo, 415-865-8928, james.barolo@jud.ca.gov

Identify project(s) on the committee's annual agenda that is the basis for this item:
Annual agenda approved by Rules Committee on (date): November 2, 2021; amended on November 16, 2021 and March 21, 2022

Project description from annual agenda: Develop form recommendations as appropriate. The enactments of the Tenant, Homeowner, and Small Landlord Relief and Stabilization Act of 2020 (Assem. Bill 3088, modified by Sen. Bill 91, Assem. Bill 81, and Assem. Bill 832) and COVID19 Rental Housing Recovery Act (Assem. Bill 832) changed the practice and procedures relating to all residential unlawful detainer actions, currently through March 31, 2022. The laws also raise the jurisdictional limit of small claims cases for recovery of unpaid rents due between March 1, 2020 and September 30, 2021. The committee has developed several new and revised forms to help implement these laws and will develop more as appropriate to implement the new laws and any further legislation in this area.

Out of Cycle: *If requesting September 1 effective date or out of cycle, explain why:*

The Legislature enacted AB 2179 on March 31, 2022, to take effect immediately. AB 2179 extended and modified the prohibition on the issuance of summons and judgments in unlawful detainer actions unless certain statement were verified and certain findings were made. Such amendments to the statutory provisions regarding unlawful detainer procedures necessitate the immediate revision of certain forms so that the forms contain accurate statements of the law as soon as possible.

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

Additional Information for JC Staff (provide with reports to be submitted to JC):

- **Form Translations** (check all that apply)

This proposal:

- includes forms that have been translated.
- includes forms or content that are required by statute to be translated. Provide the code section that mandates translation: [Click or tap here to enter text.](#)
- includes forms that staff will request be translated.

- **Form Descriptions** (for any proposal with new or revised forms)

The forms in this proposal will require new or revised form descriptions on the JC forms webpage. (If this is checked, the form descriptions should be approved by a supervisor before submitting this RAR.)

- **Self-Help Website** (check if applicable)

This proposal may require changes or additions to self-help web content.



JUDICIAL COUNCIL OF CALIFORNIA

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CIRCULATING ORDER MEMORANDUM TO THE JUDICIAL COUNCIL

Circulating Order Number: CO-22-01

Title

Unlawful Detainer: Form Revisions to
Implement Assembly Bill 2179

Action Requested

VOTING MEMBERS ONLY: Submit votes
by responding to the transmittal e-mail.

Rules, Forms, Standards, or Statutes Affected

Revise forms UD-101, UD-105, and UD-120

Please Respond By

Noon on April 13, 2022

Recommended by

Civil and Small Claims Advisory Committee
Hon. Tamara Wood, Chair
Hon. Donald Proietti, Vice-Chair

Date of Report

April 6, 2022

Contact

James Barolo
james.barolo@jud.ca.gov
Anne Ronan
anne.ronan@jud.ca.gov

California Rules of Court, rules 10.5(h) and 10.13(d) allow the Judicial Council to act on business between meetings, including urgent matters, by circulating order. This memorandum is not a Judicial Council meeting, circulating orders are conducted via electronic communications. Prior public notice of a proposed circulating order is not required.

Executive Summary

The Civil and Small Claims Advisory Committee recommends revisions to three Judicial Council unlawful detainer forms to implement Assembly Bill 2179 (Stats. 2022, ch. 13), which was enacted on March 31, 2022, to take effect immediately. The new law amends statutory provisions governing unlawful detainer procedures and thus necessitates revision of certain unlawful detainer forms. Action must be taken between the Judicial Council's regularly scheduled meetings to ensure that council forms contain accurate statements of law as soon as possible. *[If approved: On April 8, 2022, the Rules Committee reviewed the proposal in this circulating order memorandum under California Rules of Court, rule 10.13(d), and approved its circulation to the council.]*

Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective April 14, 2022, revise the following forms to implement AB 2179:

- *Plaintiff's Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer* (form UD-101);
- *Answer—Unlawful Detainer* (form UD-105); and
- *Verification by Landlord Regarding Rental Assistance—Unlawful Detainer* (form UD-120).

The proposed revised forms are attached at pages 6–17, with all changes highlighted.

Relevant Previous Council Action

To implement legislative enactments responding to the COVID-19 pandemic, the council has acted several times over the past two years with regard to Judicial Council unlawful detainer forms. First, the council adopted *Plaintiff's Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer* (form UD-101), effective October 5, 2020, for courts to determine whether judgments may issue on unlawful detainer cases in light of new tenant protections provided by Assembly Bill 3088 (Stats. 2020, ch. 37). The council also revised *Answer—Unlawful Detainer* (form UD-105) to aid defendants in responding to the allegations in new form UD-101 and raising new defenses available under AB 3088. The answer form was further revised in December 2020, following a post-approval circulation for public comment.

Next, the council revised forms UD-101 and UD-105, effective February 16, 2021, to implement the provisions of Senate Bill 91 (Stats. 2021, ch. 2) shortly after it took effect. SB 91 extended the time period of the protections in AB 3088 to June 30, 2021, added some further protections, and established an emergency rental assistance program. The council also adopted *Verification by Landlord Regarding Rental Assistance—Unlawful Detainer* (form UD-120) to facilitate compliance with a new statutory requirement for certain verifications by a landlord. Based on comments received after the forms were circulated for public comment, the council further revised all three forms at its May 2021 meeting.

The council twice further revised unlawful detainer forms to implement Assembly Bill 832 (Stats. 2021, ch. 27). Because the new law immediately extended the time period for the tenant protections enacted through AB 3088 and SB 91 to September 30, 2021, the council revised unlawful detainer forms to change the end dates of the covered periods at its July 2021 meeting. And most recently, the council revised unlawful detainer forms, effective October 1, 2021, to implement new procedures in AB 832 involving the emergency rental assistance program that affect the ability to bring, and offer additional defenses to, unlawful detainer actions.

Analysis/Rationale

Change in laws

Prior to the enactment of AB 2179 (Link A), Code of Civil Procedure section 1179.11(a)¹ provided that before March 31, 2022, courts could not issue a summons for an unlawful detainer action based on nonpayment of rent due between March 1, 2020, and March 31, 2022, unless the landlord verified that they had applied for rental assistance and the application had been denied or the tenant had failed to complete their part of the application within a certain time frame. In addition, under section 1179.11(c), if a summons was issued and an action commenced in such a case, courts could not issue a judgment in favor of the plaintiff before March 31, 2022, unless the court found that, before filing the complaint, the plaintiff had completed an application for rental assistance that was denied due to lack of eligibility, lack of funding, or the tenant's failure to complete the application in a certain period of time.² AB 2179 extends and modifies those limitations on court action for certain unlawful detainer cases. The bill also amends the notices that landlords must provide prior to initiating an action for unlawful detainer.

Specifically, effective March 31, 2022, AB 2179 makes the following statutory changes to procedures for unlawful detainer actions based in whole or in part on nonpayment of rent due between March 1, 2020, and March 31, 2022:

- Extends to June 30, 2022, the prohibition on a court issuing a summons unless the landlord verifies certain statements. (§ 1179.11(a).)
- Adds an additional option to the statements that landlords may verify in order for a summons to issue—that there is no determination pending on an application for government rental assistance filed before April 1, 2022, to cover any part of the rental debt demanded. (§ 1179.11(a)(4).)
- Extends the application of existing section 1179.11(c)(1) (requiring certain findings before judgment may be issued)³ to all cases *filed* before April 1, 2022.⁴
- Adds similar provisions requiring certain findings before judgment may be issued to cases filed between April 1, 2022, and June 30, 2022, but includes an alternative finding: that a determination is not pending on an application for rental assistance filed before April 1, 2022. (§ 1179.11(c)(2).)

¹ All further citations are to the Code of Civil Procedure unless otherwise noted.

² These requirements did not apply if the tenancy was initially established after October 1, 2021. This limited application to tenancies established before October 1 continues in the amended law.

³ The required factual findings are that the plaintiff completed an application for rental assistance before filing the complaint and that the application was denied due to lack of eligibility, lack of funding, or the tenant's failure to complete the application in a certain period of time.

⁴ Before the law was amended, it was limited to *judgments* issued before March 31, 2022.

- Amends the content of termination notices landlords must serve between April 1, 2022, and June 30, 2022, requiring a statement about possible protections if an application for rental assistance was submitted prior to April 1, 2022.⁵

Revisions to forms

The Civil and Small Claims Advisory Committee recommends the following revisions to implement the statutory amendments in AB 2179:

- On *Plaintiff's Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer* (form UD-101):
 - Revise the instructions in the box on page 1 to refer to the dates rent is due (as opposed to the date the action is filed) and include the new possible verification;
 - Add to item 3c a new subitem (1) allowing the plaintiff to provide that new verification; and
 - Revise item 10 to capture the new information required to be in notices served under section 1179.10(b).⁶
- On *Answer—Unlawful Detainer* (form UD-105):
 - Revise item 3n to reflect that section 1179.10 now requires that notices to pay rent or quit contain different information depending on whether the notice is served before or on or after April 1, 2022;⁷ and
 - Revise item 3o to allow a defendant tenant to plead as an affirmative defense that the determination on an application for rental assistance filed before April 1, 2022, is still pending.
- On *Verification by Landlord Regarding Rental Assistance—Unlawful Detainer* (form UD-120), add to item 3 a statement that there is no determination pending on an application filed before April 1, 2022, for government rental assistance, with an

⁵ These changes are relevant to the court because the law continues to provide that notices that do not meet the requirements of these sections are not sufficient to establish a cause of action for unlawful detainer or a basis for default judgment. (§§ 1179.03(a)(1), 1179.10(c).) The new statement must be included in termination notices served between April 1, 2022, and June 30, 2022, that include a demand for rent due between September 1, 2020, and September 30, 2021 (§ 1179.03(c)(7)) or between October 1, 2021, and March 31, 2022 (§ 1179.10(b)).

⁶ No parallel revision is needed to reflect the amendments relating to notices based on earlier rent due, as item 7b allows plaintiff to allege that a notice was served “with the content required in Code of Civil Procedure section 1179.03(c) and (d).”

To improve usability, item 10b was also revised to state “the tenancy was not initially established before October 1, 2021,” instead of referring filers back to a check box in item 3b.

⁷ No revision to the form is needed to include the amendments to section 1179.03(c), as item 3m(2) allows defendant to plead, “Plaintiff did not serve the required 15-day notice. (Code Civ. Proc., § 1179.03(b) or (c).)”

instruction limiting it to cases filed on or after April 1, 2022. (A court may consider this statement when making the new alternative finding before issuing a judgment for plaintiff. (§ 1179.11(c)(2).))

Policy implications

There are no policy implications beyond ensuring that the council forms reflect the law correctly and do not impede access to justice by misleading parties or courts.

Comments

The proposed unlawful detainer form revisions are minor substantive changes that are unlikely to create controversy, because they do not do more than implement statutory amendments. For that reason, they have not been circulated for comment. (See Cal. Rules of Court, rule 10.22(d)(2).)

Alternatives considered

The committee did not consider taking no action because without the proposed revisions three unlawful detainer forms would no longer reflect current law.

Fiscal and Operational Impacts

The numerous legislative enactments regarding unlawful detainers in response to the COVID-19 pandemic will continue to have significant impacts on court operations. The revised forms are intended to assist courts by ensuring the forms reflect current law. Court staff, judicial officers, and self-help center staff may need to be trained on the revised forms.

Attachments and Links

1. Forms UD-101, UD-105, and UD-120, at pages 6–17
2. Link A: Assembly Bill 2179,
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB2179
3. Voting instructions
4. Vote and signature pages

Author

James Barolo
Attorney, Legal Services

Anne Ronan
Supervising Attorney, Legal Services

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NUMBER: STATE: ZIP CODE: FAX NO.:	FOR COURT USE ONLY <p style="text-align: center;">DRAFT</p> <p style="text-align: center;">4/6/2022</p> <p style="text-align: center;">Not approved by the Judicial Council</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PLAINTIFF: DEFENDANT:		
PLAINTIFF'S MANDATORY COVER SHEET AND SUPPLEMENTAL ALLEGATIONS—UNLAWFUL DETAINER		CASE NUMBER:
<p>All plaintiffs in unlawful detainer proceedings must file and serve this form. Filing this form complies with the requirement in Code of Civil Procedure section 1179.01.5(c).</p> <ul style="list-style-type: none"> • Serve this form and any attachments to it with the summons. • If a summons has already been served without this form, then serve it by mail or any other means of service authorized by law. • If defendant has answered prior to service of this form, there is no requirement for defendant to respond to the supplemental allegations before trial. <p>To obtain a summons in an unlawful detainer action for nonpayment of rent due between March 1, 2020, and March 31, 2022, on a residential property, a plaintiff must verify that they applied for governmental rental assistance that was not granted, that no application for governmental rental assistance is pending, or that the tenancy began after September 30, 2021. (See item 3.)</p> <p>To obtain a judgment in an unlawful detainer action for nonpayment of rent on a residential property, a plaintiff must verify that no rental assistance or other financial compensation has been received for the amount demanded in the notice or accruing afterward, and that no application is pending for such assistance. To obtain a default judgment, plaintiff must use Verification by Landlord Regarding Rental Assistance—Unlawful Detainer (form UD-120) to make this verification and provide other information required by statute.</p>		

1. PLAINTIFF (name each):

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

2. **Statutory cover sheet allegations** (Code Civ. Proc., § 1179.01.5(c))

- a. This action seeks possession of real property that is (check all that apply): Residential Commercial
 (If "residential" is checked, complete items 3 and 4 and all remaining items that apply to this action. If only "commercial" is checked, no further items need to be completed except the signature and verification on page 5; a summons may be issued.)
- b. This action is based, in whole or in part, on an alleged default in payment of rent or other charges. Yes No

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

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

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3. c. If you answered yes to questions 3a and 3b above, check and **complete (1), (2), or (3) below**, or a summons may not be issued.

(1) There is no determination pending on an application filed before April 1, 2022, for governmental rental assistance to cover any part of the rental debt demanded from the defendant in this action.

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

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

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

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

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

and

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

and

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

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

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

(2) Identify any defendant not a natural person:

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

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

(2) Identify any defendant who does not:

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

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

The unlawful detainer complaint in this action is based solely on a notice to quit, to pay or quit, or to perform covenants or quit, in which the time period specified in the notice expired before March 1, 2020. *(If this is the only basis for the action, no further items need to be completed except the signature and verification on page 5. (Code Civ. Proc., § 1179.03.5(a)(1).))*

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

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

a. Defendant (*name each*):

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

b. Defendant (*name each*):

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

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

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

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

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

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

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

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

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

- a.
-
- Defendant (
- name each*
-):

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

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

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

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

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

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

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

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

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

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

d. Rent or other financial obligations due:

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

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

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

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

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

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

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8. a. (3) By some other method of service described in Code of Civil Procedure section 1162. *(If this box is checked, describe the method and date of service on an attached page (you can use form MC-025) and title it Attachment 8a.)*
- (4) In different ways for different defendants. *(If this box is checked, describe the method and date of service for each defendant on an attached page (you can use form MC-025) and title it Attachment 8a.)*
- (5) Plaintiff was not required to serve the September 2020 notice on the named defendants.
- b. **February 2021 Notice.** Plaintiff provided the required notice for tenants who as of February 1, 2021, had unpaid rent or other financial obligations due any time after March 1, 2020, (Code Civ. Proc., § 1179.04(b)) to defendants identified in 6a and 7a as follows:
- (1) By sending a copy by mail addressed to each named defendant on *(date)*:
- (2) By personally handing a copy to each named defendant on *(date)*:
- (3) By some other method of service described in Code of Civil Procedure section 1162. *(If this box is checked, describe the method and date of service on an attached page (you can use form MC-025) and title it Attachment 8b.)*
- (4) In different ways for different defendants. *(If this box is checked, describe the method and date of service for each defendant on an attached page (you can use form MC-025) and title it Attachment 8b.)*
- (5) Plaintiff was not required to serve the February 2021 notice on the named defendants.
- c. **July 2021 Notice.** Plaintiff provided the required notice for tenants who as of July 1, 2021, had unpaid rent or other financial obligations due any time after March 1, 2020, (Code Civ. Proc., § 1179.04(c)) to defendants identified in 6a and 7a as follows:
- (1) By sending a copy by mail addressed to each named defendant on *(date)*:
- (2) By personally handing a copy to each named defendant on *(date)*:
- (3) By some other method of service described in Code of Civil Procedure section 1162. *(If this box is checked, describe the method and date of service on an attached page (you can use form MC-025) and title it Attachment 8c.)*
- (4) In different ways for different defendants. *(If this box is checked, describe the method and date of service for each defendant on an attached page (you can use form MC-025) and title it Attachment 8c.)*
- (5) Plaintiff was not required to serve the July 2021 notice on the named defendants.
9. **High-income tenant.** The 15-day notice in item 6b or 7b above identified defendant as a high-income tenant and requested submission of documentation supporting the tenant's claim that tenant had suffered COVID-19–related financial distress. Plaintiff had proof before serving that notice that the tenant has an annual income that is at least 130 percent of the median income for the county the rental property is located in and not less than \$100,000. (Code Civ. Proc., § 1179.02.5.)
- a. The tenant did not deliver a declaration of COVID-19–related financial distress within the required time. (Code Civ. Proc., § 1179.03(f).)
- b. The tenant did not deliver documentation within the required time supporting that the tenant had suffered COVID-19–related financial distress as asserted in the declaration. (Code Civ. Proc., § 1179.02.5(c).)
10. **Rent or other financial obligations due between October 1, 2021, and March 31, 2022 (recovery period rental debt).** The unlawful detainer complaint in this action is based, at least in part, on a demand for payment of rent or other financial obligations due during the recovery period. *(Check a or b.)*
- a. Defendant *(name each)*:
- was served with at least 3 days' notice to pay rent or other financial obligations or quit, in a notice that included the information about the government rental assistance program and possible protections, as required by Code of Civil Procedure section 1179.10.
- (If filing form UD-100 with this form and this item is checked, specify this notice in item 9a(7) on form UD-100, attach a copy of the notice to that complaint form, and provide all requested information about service on that form.)*
- b. The tenancy was not initially established before October 1, 2021, and the special notice to quit required by Code of Civil Procedure section 1179.10 does not apply in this action.

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11. **Rent or other financial obligations due after March 31, 2022.** (Only applicable if action is filed on or after April 1, 2022.)
The only demand for rent or other financial obligations on which the unlawful detainer complaint in this action is based is a demand for payment of rent due after March 31, 2022.
12. **Statements regarding rental assistance** (Required in all actions based on nonpayment of rent or any other financial obligation. Plaintiff must answer all the questions in this item and, if later seeking a default judgment, will also need to file Verification Regarding Rental Assistance—Unlawful Detainer (form UD-120).)
- a. Has plaintiff received rental assistance or other financial compensation from any other source corresponding to the amount demanded in the notice underlying the complaint? Yes No
- b. Has plaintiff received rental assistance or other financial compensation from any other source for rent accruing *after* the date of the notice underlying the complaint? Yes No
- c. Does plaintiff have any pending application for rental assistance or other financial compensation from any other source corresponding to the amount demanded in the notice underlying the complaint? Yes No
- d. Does plaintiff have any pending application for rental assistance or other financial compensation from any other source for rent accruing *after* the date on the notice underlying the complaint? Yes No
13. **Other allegations** Plaintiff makes the following additional allegations: (State any additional allegations below, with each allegation lettered in order, starting with (a), (b), (c), etc. If there is not enough space below, check the box below and use form MC-025, title it Attachment 13, and letter each allegation in order.) Other allegations are on form MC-025.

14. Number of pages attached (specify):

Date: _____

(TYPE OR PRINT NAME)



(SIGNATURE OF PLAINTIFF OR ATTORNEY)

VERIFICATION

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

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

Date: _____

(TYPE OR PRINT NAME)



(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NUMBER: STATE: ZIP CODE: FAX NO.:	FOR COURT USE ONLY <p style="text-align: center;">DRAFT</p> <p style="text-align: center;">4/6/2022</p> <p style="text-align: center;">Not approved by the Judicial Council</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PLAINTIFF: DEFENDANT:		
ANSWER—UNLAWFUL DETAINER		CASE NUMBER:

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

answers the complaint as follows:

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

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

b. **Specific Denials** (*Check this box and complete (1) and (2) below if complaint demands more than \$1,000.*)
 Defendant admits that all of the statements of the complaint and of the *Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer* (form UD-101) are true EXCEPT:

(1) **Denial of Allegations in Complaint (Form UD-100 or Other Complaint for Unlawful Detainer)**

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

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

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

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

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

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

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

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

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2. b. (2) (d) Defendant has no information or belief that the following statements on the *Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer* (form UD-101) are true, so defendant denies them (*state paragraph numbers from form UD-101 or explain below or, if more room needed, on form MC-025*):
- Explanation is on form MC-025, titled as Attachment 2b(2)(d).
3. **DEFENSES AND OBJECTIONS** (*NOTE: For each box checked, you must state brief facts to support it in item 3w (on page 4) or, if more room is needed, on form MC-025. You can learn more about defenses and objections at www.courts.ca.gov/selfhelp-eviction.htm.)*)
- a. (*Nonpayment of rent only*) Plaintiff has breached the warranty to provide habitable premises.
- b. (*Nonpayment of rent only*) Defendant made needed repairs and properly deducted the cost from the rent, and plaintiff did not give proper credit.
- c. (*Nonpayment of rent only*) On (*date*): _____ before the notice to pay or quit expired, defendant offered the rent due but plaintiff would not accept it.
- d. Plaintiff waived, changed, or canceled the notice to quit.
- e. Plaintiff served defendant with the notice to quit or filed the complaint to retaliate against defendant.
- f. By serving defendant with the notice to quit or filing the complaint, plaintiff is arbitrarily discriminating against the defendant in violation of the Constitution or the laws of the United States or California.
- g. Plaintiff's demand for possession violates the local rent control or eviction control ordinance of (*city or county, title of ordinance, and date of passage*):
(*Also, briefly state in item 3w the facts showing violation of the ordinance.*)
- h. Plaintiff's demand for possession is subject to the Tenant Protection Act of 2019, Civil Code section 1946.2 or 1947.12, and is not in compliance with the act. (*Check all that apply and briefly state in item 3w the facts that support each.*)
- (1) Plaintiff failed to state a just cause for termination of tenancy in the written notice to terminate.
- (2) Plaintiff failed to provide an opportunity to cure any alleged violations of terms and conditions of the lease (other than payment of rent) as required under Civil Code section 1946.2(c).
- (3) Plaintiff failed to comply with the relocation assistance requirements of Civil Code section 1946.2(d).
- (4) Plaintiff has raised the rent more than the amount allowed under Civil Code section 1947.12, and the only unpaid rent is the unauthorized amount.
- (5) Plaintiff violated the Tenant Protection Act in another manner that defeats the complaint.
- i. Plaintiff accepted rent from defendant to cover a period of time after the date the notice to quit expired.
- j. Plaintiff seeks to evict defendant based on an act against defendant or a member of defendant's household that constitutes domestic violence, sexual assault, stalking, human trafficking, or abuse of an elder or a dependent adult. (*This defense requires one of the following: (1) a temporary restraining order, protective order, or police report that is not more than 180 days old; OR (2) a signed statement from a qualified third party (e.g., a doctor, domestic violence or sexual assault counselor, human trafficking caseworker, or psychologist) concerning the injuries or abuse resulting from these acts.*)
- k. Plaintiff seeks to evict defendant based on defendant or another person calling the police or emergency assistance (e.g., ambulance) by or on behalf of a victim of abuse, a victim of crime, or an individual in an emergency when defendant or the other person believed that assistance was necessary.
- l. Plaintiff's demand for possession of a residential property is in retaliation for nonpayment of rent or other financial obligations due between March 1, 2020, and September 30, 2021, even though alleged to be based on other reasons. (Civ. Code, § 1942.5(d); Gov. Code, § 12955.)
- m. Plaintiff's demand for possession of a residential property is based on nonpayment of rent or other financial obligations due between March 1, 2020, and September 30, 2021, and (*check all that apply*):
- (1) Plaintiff did not serve the general notice or notices of rights under the COVID-19 Tenant Relief Act as required by Code of Civil Procedure section 1179.04.
- (2) Plaintiff did not serve the required 15-day notice. (Code Civ. Proc., § 1179.03(b) or (c).)

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3. m. (3) Plaintiff did not provide an unsigned declaration of COVID-19–related financial distress with the 15-day notice. (Code Civ. Proc., § 1179.03(d).)
- (4) Plaintiff did not provide an unsigned declaration of COVID-19–related financial distress in the language in which the landlord was required to provide a translation of the rental agreement. (Code Civ. Proc., § 1179.03(d).)
- (5) Plaintiff identified defendant as a “high-income tenant” in the 15-day notice, but plaintiff did not possess proof at the time the notice was served establishing that defendant met the definition of high-income tenant. (Code Civ. Proc., § 1179.02.5(b).)
- (6) Defendant delivered to plaintiff one or more declarations of COVID-19–related financial distress and, if required as a “high-income tenant,” documentation in support. (Code Civ. Proc., §§ 1179.03(f) and 1179.02.5.)
(Describe when and how delivered and check all other items below that apply):
- (a) Plaintiff's demand for payment includes late fees on rent or other financial obligations due between March 1, 2020, and September 30, 2021.
- (b) Plaintiff's demand for payment includes fees for services that were increased or not previously charged.
- (c) Defendant, on or before September 30, 2021, paid or offered plaintiff payment of at least 25% of the total rental payments that were due between September 1, 2020, and September 30, 2021, and that were demanded in the termination notices for which defendant delivered the declarations described in (a). (Code Civ. Proc., § 1179.03(g)(2).)
- (7) Defendant is currently filing or has already filed a declaration of COVID-19–related financial distress with the court. (Code Civ. Proc., § 1179.03(h).)
- n. Plaintiff's demand for possession of a residential property is based on nonpayment of rent or other financial obligations due between October 1, 2021, and March 31, 2022, and (check all that apply):
- (1) Plaintiff's notice to quit was served before April 1, 2022, and
- (a) Did not contain the required contact information for the pertinent governmental rental assistance program, or the other content required by Code of Civil Procedure section 1179.10(a).
- (b) Did not include a translation of the statutorily required notice. (Code Civ. Proc., § 1179.10(a)(2) and Civ. Code, § 1632.)
- (2) Plaintiff's notice to quit was served between April 1, 2022, and June 30, 2022, and did not contain the required information about the government rental assistance program and possible protections, as required by Code of Civil Procedure section 1179.10(b).
- o. For a tenancy initially established before October 1, 2021, plaintiff's demand for possession of a residential property is based on nonpayment of rent or other financial obligations due between March 1, 2020, and March 31, 2022, and (check all that apply):
- (1) Plaintiff did not complete an application for rental assistance to cover the rental debt demanded in the complaint before filing the complaint in this action.
- (2) Plaintiff's application for rental assistance was not denied.
- (3) Plaintiff's application for rental assistance was denied for a reason that does not support issuance of a summons or judgment in an unlawful detainer action (check all that apply):
- (a) Plaintiff did not fully or properly complete plaintiff's portion of the application. (Code Civ. Proc., § 1179.09(d)(2)(A).)
- (b) Plaintiff did not apply to the correct rental assistance program. (Code Civ. Proc., § 1179.09(d)(2)(C).)
- (4) An application for rental assistance was filed before April 1, 2022, and the determination is still pending.
- (5) Rental assistance has been approved and tenant is separately filing an application to prevent forfeiture (form UD-125).
- p. Plaintiff's demand for possession of a residential property is based on nonpayment of rent or other financial obligations and (check all that apply):
- (1) Plaintiff received or has a pending application for rental assistance from a governmental rental assistance program or some other source relating to the amount claimed in the notice to pay rent or quit. (Health & Saf. Code, §§ 50897.1(d)(2)(B) and 50897.3(e)(2).)
- (2) Plaintiff received or has a pending application for rental assistance from a governmental rental assistance program or some other source for rent accruing since the notice to pay rent or quit. (Health & Saf. Code, §§ 50897.1(d)(2)(B) and 50897.3(e)(2).)

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3. p. (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).)
- q. Plaintiff violated the COVID-19 Tenant Relief Act (Code Civ. Proc., § 1179.01 et seq.) or a local COVID-19–related ordinance regarding evictions in some other way (*briefly state facts describing this in item 3w*).
- r. The property is covered by the federal CARES Act and the plaintiff did not provide 30 days' notice to vacate.
(*Property covered by the CARES Act means property where the landlord:*
- *is participating in a covered housing program as defined by the Violence Against Women Act;*
 - *is participating in the rural housing voucher program under section 542 of the Housing Act of 1949; or*
 - *has a federally backed mortgage loan or a federally backed multifamily mortgage loan.*)
- s. Plaintiff improperly applied payments made by defendant in a tenancy that was in existence between March 1, 2020, and September 30, 2021 (Code Civ. Proc., § 1179.04.5), as follows (*check all that apply*):
- (1) Plaintiff applied a security deposit to rent, or other financial obligations due, without tenant's written agreement.
- (2) Plaintiff applied a monthly rental payment to rent or other financial obligations that were due between March 1, 2020, and September 30, 2021, other than to the prospective month's rent, without tenant's written agreement.
- t. Plaintiff refused to accept payment from a third party for rent due. (Civ. Code, § 1947.3; Gov. Code, § 12955.)
- u. Defendant has a disability and plaintiff refused to provide a reasonable accommodation that was requested. (Cal. Code Regs., tit. 2, § 12176(c).)
- v. Other defenses and objections are stated in item 3w.
- w. (*Provide facts for each item checked above, either below or, if more room needed, on form MC-025*):
- Description of facts or defenses are on form MC-025, titled as Attachment 3w.

4. OTHER STATEMENTS

- a. Defendant vacated the premises on (*date*):
- b. The fair rental value of the premises alleged in the complaint is excessive (*explain below or, if more room needed, on form MC-025*):
- Explanation is on form MC-025, titled as Attachment 4b.
- c. Other (*specify below or, if more room needed, on form MC-025*):
- Other statements are on form MC-025, titled as Attachment 4c.

5. DEFENDANT REQUESTS

- a. that plaintiff take nothing requested in the complaint.
- b. costs incurred in this proceeding.
- c. reasonable attorney fees.
- d. that plaintiff be ordered to (1) make repairs and correct the conditions that constitute a breach of the warranty to provide habitable premises and (2) reduce the monthly rent to a reasonable rental value until the conditions are corrected.

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5. e. Other (specify below or on form MC-025):
 All other requests are stated on form MC-025, titled as Attachment 5e.

6. Number of pages attached: _____

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

7. (Must be completed in all cases.) An **unlawful detainer assistant** did not did for compensation give advice or assistance with this form. (If defendant has received **any** help or advice for pay from an unlawful detainer assistant, state):
- a. Assistant's name: _____ b. Telephone number: _____
- c. Street address, city, and zip code: _____
- d. County of registration: _____ e. Registration number: _____ f. Expiration date: _____

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

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

VERIFICATION

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

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

Date:		
(TYPE OR PRINT NAME)	▶	(SIGNATURE OF DEFENDANT)
Date:		
(TYPE OR PRINT NAME)	▶	(SIGNATURE OF DEFENDANT)
Date:		
(TYPE OR PRINT NAME)	▶	(SIGNATURE OF DEFENDANT)

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

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

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

d. (Only applies to cases filed on or after April 1, 2022) There is no determination pending on an application filed prior to April 1, 2022, for governmental rental assistance to cover any part of the rental debt demanded.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

 (TYPE OR PRINT NAME)

 (SIGNATURE)

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

Instructions for Review and Action by Circulating Order

Voting members

- Please reply to the email message with “I approve,” “I disapprove,” or “I abstain,” by **April 13, 2022** at noon.
- If you are unable to reply by April 13 at noon, please do so as soon as possible thereafter.

Advisory members

The circulating order is being emailed to you for your information only. There is no need to sign or return any documents.

**CIRCULATING ORDER
Judicial Council of California
Voting and Signature Pages**

Effective April 14, 2022, the Judicial Council revises forms UD-101, UD-105, and UD-120 to implement Assembly Bill 2179.

My vote is as follows:

Approve Disapprove Abstain

Tani G. Cantil-Sakauye, Chair

Marla O. Anderson

Richard Bloom

C. Todd Bottke

Stacy Boulware Eurie

Kevin C. Brazile

Kyle S. Brodie

Jonathan B. Conklin

Carol A. Corrigan

Samuel K. Feng

David D. Fu

Carin T. Fujisaki

Brad R. Hill

Rachel W. Hill

My vote is as follows:

Approve

Disapprove

Abstain

Harold W. Hopp

Dalila Corral Lyons

Gretchen Nelson

Maxwell V. Pritt

David M. Rubin

Marsha G. Slough

Thomas J. Umberg

Date: _____

Attest:

Administrative Director and
Secretary of the Judicial Council