

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2485**

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**Introduced by Assembly ~~Member~~ Members Dickinson and  
Ridley-Thomas**

February 21, 2014

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An act to *amend Section 3486 of, and to add and repeal Sections 3485 and Section 3486.5 of the Civil Code, relating to civil law.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2485, as amended, Dickinson. Unlawful detainer: nuisance: ~~unlawful weapons and controlled substances.~~

~~(1) Existing law defines a nuisance and includes within this definition anything which is injurious to health, including the illegal sale of controlled substances, as defined. Existing law provides that a tenant who permits a nuisance to be maintained on leased property is guilty of unlawful detainer and may be evicted. Until January 1, 2014, the law authorized a city prosecutor or city attorney to file, in the name of the people, an action for unlawful detainer to abate the nuisance caused by illegal conduct involving an unlawful weapons or ammunition on real property, as specified.~~

*Existing law establishes the criteria for determining when a tenant is guilty of unlawful detainer, including conduct involving illegally selling a controlled substance, or the commission of an offense involving the unlawful possession or use of illegal weapons or ammunition or the use of the premises to further that purpose. Any of those acts may be deemed to constitute committing a nuisance on the premises. Existing law authorizes, in the County of Los Angeles only, a city prosecutor or city attorney to file an action for unlawful detainer in the name of the*

*people against any person who is in violation of the nuisance or the illegal purpose provisions of the unlawful detainer provision described above, with respect to controlled substances.*

~~This bill would, until January 1, 2019, reenact provisions authorizing a city prosecutor or city attorney in the County of Sacramento to file an action for unlawful detainer, for property located in the City of Sacramento, to abate a nuisance caused by illegal conduct involving an unlawful weapons or ammunition or illegal sales of controlled substances. The bill would require the action to be based on an arrest report or other law enforcement report, as specified. The bill would require prior to filing an action to provide specified notice to the owner of the property, requiring the removal of the person who is violating specified law, and would require notices to be served on both tenant and owner. The bill would require the owner to provide to the city prosecution or city attorney, within 30 calendar days of the mailing of the notice, all relevant information pertaining to the unlawful detainer case, or provide a written explanation regarding safety-related reasons for noncompliance, and an assignment of the right to bring an unlawful detainer action against the tenant. The bill would require the assignment to be on a form provided by the city prosecutor or city attorney and would authorize the form to contain a provision for costs of investigation, discovery, and reasonable attorney's fees, not to exceed \$600. The bill would permit joinder of the owner if the owner fails to respond, as specified, would give the case priority over similar proceedings, and authorize an award of specified costs and fees.~~ *extend the unlawful detainer provisions above regarding illegally selling controlled substances, applicable only to the County of Los Angeles, to also include the County of Sacramento. The bill would also, until January 1, 2019, require the County of Sacramento to comply with specified reporting requirements to the California Research Bureau, on or before January 20 annually, regarding prosecutions and evictions carried out under these provisions.*

~~Among other things, the bill would permit a court to order a partial eviction, as specified, and would define "unlawful weapons or ammunition purpose" for the purposes. The bill would impose reporting requirements regarding the implementation of these provisions upon the city attorney and city prosecutor of the County of Sacramento and would require the California Research Bureau to submit a report to the Senate and Assembly Committees on Judiciary, as specified, summarizing the information collected and evaluating the merits of the~~

~~programs established. The bill would only apply to the County of Sacramento. By imposing new duties on local officials, this bill would create a state-mandated local program.~~

This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Sacramento.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 3485 is added to the Civil Code, to read:~~  
2     ~~3485. (a) To abate the nuisance caused by illegal conduct~~  
3 ~~involving an unlawful weapons or ammunition purpose on real~~  
4 ~~property, the city prosecutor or city attorney may file, in the name~~  
5 ~~of the people, an action for unlawful detainer against any person~~  
6 ~~who is in violation of the nuisance or illegal purpose provisions~~  
7 ~~of subdivision 4 of Section 1161 of the Code of Civil Procedure,~~  
8 ~~with respect to that unlawful weapons or ammunition purpose. In~~  
9 ~~filing this action, which shall be based upon an arrest report or~~  
10 ~~other report by a law enforcement agency, reporting an offense~~  
11 ~~committed on the property and documented by the observations~~  
12 ~~of a police officer, the city prosecutor or city attorney shall use~~  
13 ~~the procedures set forth in Chapter 4 (commencing with Section~~  
14 ~~1159) of Title 3 of Part 3 of the Code of Civil Procedure, except~~  
15 ~~that in cases filed under this section, the following also shall apply:~~  
16     ~~(1) (A) Prior to filing an action pursuant to this section, the city~~  
17 ~~prosecutor or city attorney shall give 30 calendar days' written~~  
18 ~~notice to the owner, requiring the owner to file an action for the~~  
19 ~~removal of the person who is in violation of the nuisance or illegal~~  
20 ~~purpose provisions of subdivision 4 of Section 1161 of the Code~~  
21 ~~of Civil Procedure with respect to an unlawful weapons or~~  
22 ~~ammunition purpose.~~

1     ~~(B) This notice shall include sufficient documentation~~  
 2     ~~establishing a violation of the nuisance or illegal purpose provisions~~  
 3     ~~of subdivision 4 of Section 1161 of the Code of Civil Procedure~~  
 4     ~~and an advisement to the owner of the assignment provision~~  
 5     ~~contained in subparagraph (D). The notice shall be served upon~~  
 6     ~~the owner and the tenant in accordance with subdivision (e).~~

7     ~~(C) The notice to the tenant shall, in at least 14-point bold type,~~  
 8     ~~meet the following requirements:~~

9     ~~(i) The notice shall contain the following language:~~

10    ~~“(Date)~~  
 11    ~~(Name of tenant)~~  
 12    ~~(Address of tenant)~~  
 13    ~~Re: Civil Code Section 3485~~  
 14    ~~Dear (name of tenant):~~

15    ~~This letter is to inform you that an eviction action may soon be~~  
 16    ~~filed in court against you for suspected firearms activity. According~~  
 17    ~~to state law, Civil Code Section 3485 provides for eviction of~~  
 18    ~~persons engaging in such conduct, as described below.~~

19    ~~(Name of police department) records indicate that you, (name~~  
 20    ~~of arrestee), were arrested on (date) for violations of (list violations)~~  
 21    ~~on (address of property):~~

22    ~~A letter has been sent to the property owner(s) advising of your~~  
 23    ~~arrest and the requirements of state law, as well as the landlord’s~~  
 24    ~~option to assign the unlawful detainer action to the (name of city~~  
 25    ~~attorney or prosecutor’s office):~~

26    ~~A list of legal assistance providers is provided below. Please~~  
 27    ~~note, this list is not exclusive and is provided for your information~~  
 28    ~~only; the (name of city attorney or prosecutor’s office) does not~~  
 29    ~~endorse or recommend any of the listed agencies:~~

30    ~~Sincerely,~~  
 31    ~~(Name of deputy city attorney or city prosecutor)~~  
 32    ~~Deputy City (Attorney or Prosecutor)~~

33    ~~Notice to Tenant: This notice is not a notice of eviction. You~~  
 34    ~~should call (name of the city attorney or prosecutor pursuing the~~  
 35    ~~action) at (telephone number) or a legal assistance provider to stop~~  
 36    ~~the eviction action if any of the following is applicable:~~

- 37    ~~(1) You are not the person named in this notice.~~
- 38    ~~(2) The person named in the notice does not live with you.~~
- 39    ~~(3) The person named in the notice has permanently moved.~~
- 40    ~~(4) You do not know the person named in the notice.~~

1 ~~(5) You want to request that only the person involved in the~~  
2 ~~nuisance be evicted, allowing the other residents to stay.~~

3 ~~(6) You have any other legal defense or legal reason to stop the~~  
4 ~~eviction action. A list of legal assistance providers is attached to~~  
5 ~~this notice. Some provide free legal assistance if you are eligible.”~~

6 ~~(ii) The notice shall be provided to the tenant in English and,~~  
7 ~~as translated, in all of the languages identified in subdivision (b)~~  
8 ~~of Section 1632.~~

9 ~~(D) The owner shall, within 30 calendar days of the mailing of~~  
10 ~~the written notice, either provide the city prosecutor or city attorney~~  
11 ~~with all relevant information pertaining to the unlawful detainer~~  
12 ~~case, or provide a written explanation setting forth any~~  
13 ~~safety-related reasons for noncompliance, and an assignment to~~  
14 ~~the city prosecutor or city attorney of the right to bring an unlawful~~  
15 ~~detainer action against the tenant.~~

16 ~~(E) The assignment shall be on a form provided by the city~~  
17 ~~prosecutor or city attorney and may contain a provision for costs~~  
18 ~~of investigation, discovery, and reasonable attorney’s fees, in an~~  
19 ~~amount not to exceed six hundred dollars (\$600).~~

20 ~~(F) If the city prosecutor or city attorney accepts the assignment~~  
21 ~~of the right of the owner to bring the unlawful detainer action, the~~  
22 ~~owner shall retain all other rights and duties, including the handling~~  
23 ~~of the tenant’s personal property, following issuance of the writ~~  
24 ~~of possession and its delivery to and execution by the appropriate~~  
25 ~~agency.~~

26 ~~(2) Upon the failure of the owner to file an action pursuant to~~  
27 ~~this section, or to respond to the city prosecutor or city attorney~~  
28 ~~as provided in paragraph (1), or having filed an action, if the owner~~  
29 ~~fails to prosecute it diligently and in good faith, the city prosecutor~~  
30 ~~or city attorney may file and prosecute the action, and join the~~  
31 ~~owner as a defendant in the action. This action shall have~~  
32 ~~precedence over any similar proceeding thereafter brought by the~~  
33 ~~owner, or to one previously brought by the owner and not~~  
34 ~~prosecuted diligently and in good faith. Service of the summons~~  
35 ~~and complaint upon the defendant owner shall be in accordance~~  
36 ~~with Sections 415.10, 415.20, 415.30, 415.40, and 415.50 of the~~  
37 ~~Code of Civil Procedure.~~

38 ~~(3) If a jury or court finds the defendant tenant guilty of unlawful~~  
39 ~~detainer in a case filed pursuant to paragraph (2), the city~~  
40 ~~prosecutor or city attorney may be awarded costs, including the~~

1 costs of investigation and discovery and reasonable attorney's fees.  
2 These costs shall be assessed against the defendant owner, to whom  
3 notice was directed pursuant to paragraph (1), and once an abstract  
4 of judgment is recorded, it shall constitute a lien on the subject  
5 real property.

6 ~~(4) This section shall not prevent a local governing body from~~  
7 ~~adopting and enforcing laws, consistent with this section, relating~~  
8 ~~to weapons or ammunition abatement. If local laws duplicate or~~  
9 ~~supplement this section, this section shall be construed as providing~~  
10 ~~alternative remedies and not preempting the field.~~

11 ~~(5) This section shall not prevent a tenant from receiving relief~~  
12 ~~against a forfeiture of a lease pursuant to Section 1179 of the Code~~  
13 ~~of Civil Procedure.~~

14 ~~(b) In any proceeding brought under this section, the court may,~~  
15 ~~upon a showing of good cause, issue a partial eviction ordering~~  
16 ~~the removal of any person, including, but not limited to, members~~  
17 ~~of the tenant's household if the court finds that the person has~~  
18 ~~engaged in the activities described in subdivision (a). Persons~~  
19 ~~removed pursuant to this section may be permanently barred from~~  
20 ~~returning to or reentering any portion of the entire premises. The~~  
21 ~~court may further order as an express condition of the tenancy that~~  
22 ~~the remaining tenants shall not give permission to or invite any~~  
23 ~~person who has been removed pursuant to this subdivision to return~~  
24 ~~to or reenter any portion of the entire premises.~~

25 ~~(e) For purposes of this section, "unlawful weapons or~~  
26 ~~ammunition purpose" means the illegal use, manufacture, causing~~  
27 ~~to be manufactured, importation, possession, possession for sale,~~  
28 ~~sale, furnishing, or giving away of any of the following:~~

29 ~~(1) A firearm, as defined in subdivision (a) of Section 16520 of~~  
30 ~~the Penal Code.~~

31 ~~(2) Any ammunition, as defined in subdivision (b) of Section~~  
32 ~~16150 of the Penal Code or in Section 16650 or 16660 of the Penal~~  
33 ~~Code.~~

34 ~~(3) Any assault weapon, as defined in Section 30510 or 30515~~  
35 ~~of the Penal Code.~~

36 ~~(4) Any .50 BMG rifle, as defined in Section 30530 of the Penal~~  
37 ~~Code.~~

38 ~~(5) Any tear gas weapon, as defined in Section 17250 of the~~  
39 ~~Penal Code.~~

1 ~~(d) Notwithstanding subdivision (b) of Section 68097.2 of the~~  
2 ~~Government Code, a public entity may waive all or part of the~~  
3 ~~costs incurred in furnishing the testimony of a peace officer in an~~  
4 ~~unlawful detainer action brought pursuant to this section.~~

5 ~~(e) The notice and documentation described in paragraph (1)~~  
6 ~~of subdivision (a) shall be given in writing and may be given either~~  
7 ~~by personal delivery or by deposit in the United States mail in a~~  
8 ~~sealed envelope, postage prepaid, addressed to the owner at the~~  
9 ~~address known to the public entity giving the notice, or as shown~~  
10 ~~on the last equalized assessment roll, if not known. Separate notice~~  
11 ~~of not less than 30 calendar days and documentation shall be~~  
12 ~~provided to the tenant in accordance with this subdivision. Service~~  
13 ~~by mail shall be deemed to be completed at the time of deposit in~~  
14 ~~the United States mail. Proof of giving the notice may be made by~~  
15 ~~a declaration signed under penalty of perjury by any employee of~~  
16 ~~the public entity which shows service in conformity with this~~  
17 ~~section.~~

18 ~~(f) This section shall apply only in the County of Sacramento~~  
19 ~~to any court with jurisdiction over unlawful detainer cases~~  
20 ~~involving real property situated in the City of Sacramento.~~

21 ~~(g) (1) The city attorney and city prosecutor of the County of~~  
22 ~~Sacramento shall provide to the California Research Bureau the~~  
23 ~~following information:~~

24 ~~(A) The number of notices provided pursuant to paragraph (1)~~  
25 ~~of subdivision (a).~~

26 ~~(B) For each notice provided pursuant to paragraph (1) of~~  
27 ~~subdivision (a), the following information:~~

28 ~~(i) The name and age, as provided by the landlord, of each~~  
29 ~~person residing at the noticed address.~~

30 ~~(ii) Whether the person has previously received a notice pursuant~~  
31 ~~to this section from the reporting city attorney or city prosecutor,~~  
32 ~~and if so, whether the tenant vacated or was evicted as a result.~~

33 ~~(C) For the tenant receiving the notice, whether the tenant has~~  
34 ~~previously been arrested (other than an arrest that is the basis of~~  
35 ~~this notice) for any of the offenses specified in subdivision (e).~~

36 ~~(D) The number of cases filed by an owner, upon notice.~~

37 ~~(E) The number of assignments executed by owners to the city~~  
38 ~~attorney or city prosecutor.~~

39 ~~(F) The number of 3-day, 30-day, or 60-day notices issued by~~  
40 ~~the city attorney or city prosecutor.~~

- 1     ~~(G) The number of cases filed by the city attorney or city~~  
2     ~~prosecutor.~~
- 3     ~~(H) The number of times that an owner is joined as a defendant~~  
4     ~~pursuant to this section.~~
- 5     ~~(I) For the subtotal of cases filed by an owner, the city attorney,~~  
6     ~~or the city prosecutor, the following information:~~
- 7         ~~(i) The number of judgments ordering an eviction or partial~~  
8         ~~eviction, and specifying whether each was a default judgment,~~  
9         ~~stipulated judgment, or judgment following trial.~~
- 10        ~~(ii) The number of cases, listed by separate categories, in which~~  
11        ~~the case was withdrawn or in which the tenant prevailed.~~
- 12        ~~(iii) The number of other dispositions, and specifying the~~  
13        ~~disposition.~~
- 14        ~~(iv) The number of defendants represented by counsel.~~
- 15        ~~(v) Whether the case was a trial by the court or a trial by a jury.~~
- 16        ~~(vi) Whether an appeal was taken, and, if so, the result of the~~  
17        ~~appeal.~~
- 18        ~~(vii) The number of cases in which partial eviction was~~  
19        ~~requested, and the number of cases in which the court ordered a~~  
20        ~~partial eviction.~~
- 21     ~~(J) For the subtotal of cases in which a notice was provided~~  
22     ~~pursuant to subdivision (a), but no case was filed, the following~~  
23     ~~information:~~
- 24         ~~(i) The number of instances in which a tenant voluntarily vacated~~  
25         ~~subsequent to receiving the notice.~~
- 26         ~~(ii) The number of instances in which a tenant vacated a unit~~  
27         ~~prior to the providing of the notice.~~
- 28         ~~(iii) The number of cases in which the notice provided pursuant~~  
29         ~~to subdivision (a) was erroneously sent to the tenant. This shall~~  
30         ~~include a list of the reasons, if known, for the erroneously sent~~  
31         ~~notice, such as reliance on information on the suspected violator's~~  
32         ~~name or address that was incorrect, a clerical error, or any other~~  
33         ~~reason.~~
- 34         ~~(iv) The number of other resolutions, and specifying the type~~  
35         ~~of resolution.~~
- 36     ~~(K) For each case in which a notice was issued and the tenants~~  
37     ~~either vacated the premises before a judgment in the unlawful~~  
38     ~~detainer action or were evicted, the street address, city, and ZIP~~  
39     ~~Code of residence where the tenants relocated, to the extent known.~~

1 ~~(2) (A) Information compiled pursuant to this section shall be~~  
2 ~~reported annually to the California Research Bureau on or before~~  
3 ~~January 20.~~

4 ~~(B) The California Research Bureau shall thereafter submit a~~  
5 ~~brief report to the Senate and Assembly Committees on Judiciary~~  
6 ~~once on or before March 20, 2016, and once on or before March~~  
7 ~~20, 2018, summarizing the information collected pursuant to this~~  
8 ~~section and evaluating the merits of the pilot programs established~~  
9 ~~by this section. The report for this section shall be submitted in~~  
10 ~~compliance with Section 9795 of the Government Code and may~~  
11 ~~be combined with the California Research Bureau report submitted~~  
12 ~~for the pilot program established by Section 3486. The 2018 report~~  
13 ~~shall indicate whether the City of Sacramento has regularly~~  
14 ~~reported to the bureau.~~

15 ~~(3) Personally identifiable information submitted to the~~  
16 ~~California Research Bureau pursuant to this section shall be~~  
17 ~~confidential and shall not be publicly disclosed.~~

18 ~~(h) This section shall remain in effect only until January 1, 2019,~~  
19 ~~and as of that date is repealed, unless a later enacted statute, that~~  
20 ~~is enacted before January 1, 2019, deletes or extends that date.~~

21 ~~(PU Amended by Stats. 2009, Ch. 244, Sec. 1. (AB 530)~~  
22 ~~Effective January 1, 2010. Repealed as of January 1, 2014, by its~~  
23 ~~own provisions.)~~

24 *SECTION 1. Section 3486 of the Civil Code is amended to*  
25 *read:*

26 3486. (a) To abate the nuisance caused by illegal conduct  
27 involving a controlled substance purpose on real property, the city  
28 prosecutor or city attorney may file, in the name of the people, an  
29 action for unlawful detainer against any person who is in violation  
30 of the nuisance or illegal purpose provisions of subdivision 4 of  
31 Section 1161 of the Code of Civil Procedure, with respect to that  
32 controlled substance purpose. In filing this action, which shall be  
33 based upon an arrest report or other report by a law enforcement  
34 agency, reporting an offense committed on the property and  
35 documented by the observations of a police officer, the city  
36 prosecutor or city attorney shall use the procedures set forth in  
37 Chapter 4 (commencing with Section 1159) of Title 3 of Part 3 of  
38 the Code of Civil Procedure, except that in cases filed under this  
39 section, the following also shall apply:

1 (1) (A) Prior to filing an action pursuant to this section, the city  
2 prosecutor or city attorney shall give 30 calendar days' written  
3 notice to the owner, requiring the owner to file an action for the  
4 removal of the person who is in violation of the nuisance or illegal  
5 purpose provisions of subdivision 4 of Section 1161 of the Code  
6 of Civil Procedure with respect to a controlled substance purpose.

7 (B) This notice shall include sufficient documentation  
8 establishing a violation of the nuisance or illegal purpose provisions  
9 of subdivision 4 of Section 1161 of the Code of Civil Procedure  
10 and an advisement to the owner of the assignment provision  
11 contained in subparagraph (D). The notice shall be served upon  
12 the owner and the tenant in accordance with subdivision (e).

13 (C) The notice to the tenant shall, in at least 14-point bold type,  
14 meet the following requirements:

15 (i) The notice shall contain the following language:

16

17 “(Date)

18

19 (Name of tenant)

20 (Address of tenant)

21

22 Re: Civil Code Section 3486

23

24 Dear (name of tenant):

25

26 This letter is to inform you that an eviction action may soon be  
27 filed in court against you for suspected drug activity. According  
28 to state law, Civil Code Section 3486 provides for eviction of  
29 persons engaging in such conduct, as described below.

30

31 (Name of police department) records indicate that you, (name  
32 of arrestee), were arrested on (date) for violations of (list violations)  
33 on (address of property).

34

35 A letter has been sent to the property owner(s) advising of your  
36 arrest and the requirements of state law, as well as the landlord's  
37 option to assign the unlawful detainer action to the (name of city  
38 attorney or prosecutor's office).

39

1 A list of legal assistance providers is provided below. Please  
2 note, this list is not exclusive and is provided for your information  
3 only; the (name of city attorney or prosecutor’s office) does not  
4 endorse or recommend any of the listed agencies.

5  
6 Sincerely,

7  
8 (Name of deputy city attorney or city prosecutor)  
9 Deputy City (Attorney or Prosecutor)

10  
11 Notice to Tenant: This notice is not a notice of eviction. You  
12 should call (name of the city attorney or prosecutor pursuing the  
13 action) at (telephone number) or a legal assistance provider to stop  
14 the eviction action if any of the following is applicable:

- 15 (1) You are not the person named in this notice.
- 16 (2) The person named in the notice does not live with you.
- 17 (3) The person named in the notice has permanently moved.
- 18 (4) You do not know the person named in the notice.
- 19 (5) You want to request that only the person involved in the  
20 nuisance be evicted, allowing the other residents to stay.
- 21 (6) You have any other legal defense or legal reason to stop the  
22 eviction action.

23 A list of legal assistance providers is attached to this notice.  
24 Some provide free legal assistance if you are eligible.”

25  
26 (ii) The notice shall be provided to the tenant in English and,  
27 as translated, in all of the languages identified in subdivision (a)  
28 of Section 1632 of the Civil Code.

29 (D) The owner shall, within 30 calendar days of the mailing of  
30 the written notice, either provide the city prosecutor or city attorney  
31 with all relevant information pertaining to the unlawful detainer  
32 case, or provide a written explanation setting forth any  
33 safety-related reasons for noncompliance, and an assignment to  
34 the city prosecutor or city attorney of the right to bring an unlawful  
35 detainer action against the tenant.

36 (E) The assignment shall be on a form provided by the city  
37 prosecutor or city attorney and may contain a provision for costs  
38 of investigation, discovery, and reasonable attorney’s fees, in an  
39 amount not to exceed six hundred dollars (\$600).

1 (F) If the city prosecutor or city attorney accepts the assignment  
2 of the right of the owner to bring the unlawful detainer action, the  
3 owner shall retain all other rights and duties, including the handling  
4 of the tenant's personal property, following issuance of the writ  
5 of possession and its delivery to and execution by the appropriate  
6 agency.

7 (2) Upon the failure of the owner to file an action pursuant to  
8 this section, or to respond to the city prosecutor or city attorney  
9 as provided in paragraph (1), or having filed an action, if the owner  
10 fails to prosecute it diligently and in good faith, the city prosecutor  
11 or city attorney may file and prosecute the action, and join the  
12 owner as a defendant in the action. This action shall have  
13 precedence over any similar proceeding thereafter brought by the  
14 owner, or to one previously brought by the owner and not  
15 prosecuted diligently and in good faith. Service of the summons  
16 and complaint upon the defendant owner shall be in accordance  
17 with Sections 415.10, 415.20, 415.30, 415.40, and 415.50 of the  
18 Code of Civil Procedure.

19 (3) If a jury or court finds the defendant tenant guilty of unlawful  
20 detainer in a case filed pursuant to paragraph (2), the city  
21 prosecutor or city attorney may be awarded costs, including the  
22 costs of investigation and discovery and reasonable attorney's fees.  
23 These costs shall be assessed against the defendant owner, to whom  
24 notice was directed pursuant to paragraph (1), and once an abstract  
25 of judgment is recorded, it shall constitute a lien on the subject  
26 real property.

27 (4) Nothing in this section shall prevent a local governing body  
28 from adopting and enforcing laws, consistent with this article,  
29 relating to drug abatement. Where local laws duplicate or  
30 supplement this section, this section shall be construed as providing  
31 alternative remedies and not preempting the field.

32 (5) Nothing in this section shall prevent a tenant from receiving  
33 relief against a forfeiture of a lease pursuant to Section 1179 of  
34 the Code of Civil Procedure.

35 (b) In any proceeding brought under this section, the court may,  
36 upon a showing of good cause, issue a partial eviction ordering  
37 the removal of any person, including, but not limited to, members  
38 of the tenant's household if the court finds that the person has  
39 engaged in the activities described in subdivision (a). Persons  
40 removed pursuant to this section may be permanently barred from

1 returning to or reentering any portion of the entire premises. The  
2 court may further order as an express condition of the tenancy that  
3 the remaining tenants shall not give permission to or invite any  
4 person who has been removed pursuant to this subdivision to return  
5 to or reenter any portion of the entire premises.

6 (c) For the purposes of this section, “controlled substance  
7 purpose” means the manufacture, cultivation, importation into the  
8 state, transportation, possession, possession for sale, sale,  
9 furnishing, administering, or giving away, or providing a place to  
10 use or fortification of a place involving, cocaine, phencyclidine,  
11 heroin, methamphetamine, or any other controlled substance, in a  
12 violation of subdivision (a) of Section 11350, Section 11351,  
13 11351.5, 11352, or 11359, subdivision (a) of Section 11360, or  
14 Section 11366, 11366.6, 11377, 11378, 11378.5, 11379, 11379.5,  
15 11379.6, or 11383 of the Health and Safety Code.

16 (d) Notwithstanding subdivision (b) of Section 68097.2 of the  
17 Government Code, a public entity may waive all or part of the  
18 costs incurred in furnishing the testimony of a peace officer in an  
19 unlawful detainer action brought pursuant to this section.

20 (e) The notice and documentation described in paragraph (1)  
21 of subdivision (a) shall be given in writing and may be given either  
22 by personal delivery or by deposit in the United States mail in a  
23 sealed envelope, postage prepaid, addressed to the owner at the  
24 address known to the public entity giving the notice, or as shown  
25 on the last equalized assessment roll, if not known. Separate notice  
26 of not less than 30 calendar days and documentation shall be  
27 provided to the tenant in accordance with this subdivision. Service  
28 by mail shall be deemed to be completed at the time of deposit in  
29 the United States mail. Proof of giving the notice may be made by  
30 a declaration signed under penalty of perjury by any employee of  
31 the public entity which shows service in conformity with this  
32 section.

33 (f) This section shall apply only in the County of Los Angeles  
34 to any court having jurisdiction over unlawful detainer cases  
35 involving real property situated in the City of Los Angeles.

36 ~~(g) This section shall become operative on January 1, 2014,~~  
37 ~~only if the City of Los Angeles has regularly reported to the~~  
38 ~~California Research Bureau as required by this section, as it read~~  
39 ~~during the period from January 1, 2010, to January 1, 2014,~~  
40 ~~inclusive. For purposes of this section, the City of Los Angeles~~

1 shall be deemed to have complied with this reporting requirement  
2 if the 2013 report to the Legislature by the California Research  
3 Bureau indicates that the City of Los Angeles has regularly reported  
4 to the bureau.

5 (g) (1) *Notwithstanding subdivision (f), this section shall apply*  
6 *in the County of Sacramento to any court having jurisdiction over*  
7 *unlawful detainer cases involving real property situated in the*  
8 *County of Sacramento.*

9 (2) *This subdivision shall remain in effect only until January 1,*  
10 *2019, and as of that date is repealed, unless a later enacted statute,*  
11 *that is enacted before January 1, 2019, deletes or extends that*  
12 *date.*

13 SEC. 2. Section 3486.5 is added to the Civil Code, to read:

14 3486.5.—(a) ~~To abate the nuisance caused by illegal conduct~~  
15 ~~involving a controlled substance purpose on real property, the city~~  
16 ~~prosecutor or city attorney may file, in the name of the people, an~~  
17 ~~action for unlawful detainer against any person who is in violation~~  
18 ~~of the nuisance or illegal purpose provisions of subdivision 4 of~~  
19 ~~Section 1161 of the Code of Civil Procedure, with respect to that~~  
20 ~~controlled substance purpose. In filing this action, which shall be~~  
21 ~~based upon an arrest report or other report by a law enforcement~~  
22 ~~agency, reporting an offense committed on the property and~~  
23 ~~documented by the observations of a police officer, the city~~  
24 ~~prosecutor or city attorney shall use the procedures set forth in~~  
25 ~~Chapter 4 (commencing with Section 1159) of Title 3 of Part 3 of~~  
26 ~~the Code of Civil Procedure, except that in cases filed under this~~  
27 ~~section, the following also shall apply:~~

28 (1) (A) ~~Prior to filing an action pursuant to this section, the city~~  
29 ~~prosecutor or city attorney shall give 30 calendar days' written~~  
30 ~~notice to the owner, requiring the owner to file an action for the~~  
31 ~~removal of the person who is in violation of the nuisance or illegal~~  
32 ~~purpose provisions of subdivision 4 of Section 1161 of the Code~~  
33 ~~of Civil Procedure with respect to a controlled substance purpose.~~

34 (B) ~~This notice shall include sufficient documentation~~  
35 ~~establishing a violation of the nuisance or illegal purpose provisions~~  
36 ~~of subdivision 4 of Section 1161 of the Code of Civil Procedure~~  
37 ~~and an advisement to the owner of the assignment provision~~  
38 ~~contained in subparagraph (D). The notice shall be served upon~~  
39 ~~the owner and the tenant in accordance with subdivision (c).~~

1 ~~(C) The notice to the tenant shall, in at least 14-point bold type,~~  
2 ~~meet the following requirements:~~

3 ~~(i) The notice shall contain the following language:~~

4 ~~“(Date)~~

5 ~~(Name of tenant)~~

6 ~~(Address of tenant)~~

7 ~~Re: Civil Code Section 3486.5~~

8 ~~Dear (name of tenant):~~

9 ~~This letter is to inform you that an eviction action may soon be~~  
10 ~~filed in court against you for suspected drug activity. According~~  
11 ~~to state law, Civil Code Section 3486 provides for eviction of~~  
12 ~~persons engaging in such conduct, as described below.~~

13 ~~(Name of police department) records indicate that you, (name~~  
14 ~~of arrestee), were arrested on (date) for violations of (list violations)~~  
15 ~~on (address of property):~~

16 ~~A letter has been sent to the property owner(s) advising of your~~  
17 ~~arrest and the requirements of state law, as well as the landlord’s~~  
18 ~~option to assign the unlawful detainer action to the (name of city~~  
19 ~~attorney or prosecutor’s office):~~

20 ~~A list of legal assistance providers is provided below. Please~~  
21 ~~note, this list is not exclusive and is provided for your information~~  
22 ~~only; the (name of city attorney or prosecutor’s office) does not~~  
23 ~~endorse or recommend any of the listed agencies:~~

24 ~~Sincerely,~~

25 ~~(Name of deputy city attorney or city prosecutor)~~

26 ~~Deputy City (Attorney or Prosecutor)~~

27 ~~Notice to Tenant: This notice is not a notice of eviction. You~~  
28 ~~should call (name of the city attorney or prosecutor pursuing the~~  
29 ~~action) at (telephone number) or a legal assistance provider to stop~~  
30 ~~the eviction action if any of the following is applicable:~~

31 ~~(1) You are not the person named in this notice.~~

32 ~~(2) The person named in the notice does not live with you.~~

33 ~~(3) The person named in the notice has permanently moved.~~

34 ~~(4) You do not know the person named in the notice.~~

35 ~~(5) You want to request that only the person involved in the~~  
36 ~~nuisance be evicted, allowing the other residents to stay.~~

37 ~~(6) You have any other legal defense or legal reason to stop the~~  
38 ~~eviction action.~~

39 ~~A list of legal assistance providers is attached to this notice.~~  
40 ~~Some provide free legal assistance if you are eligible.”~~

1     ~~(ii) The notice shall be provided to the tenant in English and,~~  
2     ~~as translated, in all of the languages identified in subdivision (b)~~  
3     ~~of Section 1632.~~

4     ~~(D) The owner shall, within 30 calendar days of the mailing of~~  
5     ~~the written notice, either provide the city prosecutor or city attorney~~  
6     ~~with all relevant information pertaining to the unlawful detainer~~  
7     ~~case, or provide a written explanation setting forth any~~  
8     ~~safety-related reasons for noncompliance, and an assignment to~~  
9     ~~the city prosecutor or city attorney of the right to bring an unlawful~~  
10    ~~detainer action against the tenant.~~

11    ~~(E) The assignment shall be on a form provided by the city~~  
12    ~~prosecutor or city attorney and may contain a provision for costs~~  
13    ~~of investigation, discovery, and reasonable attorney's fees, in an~~  
14    ~~amount not to exceed six hundred dollars (\$600).~~

15    ~~(F) If the city prosecutor or city attorney accepts the assignment~~  
16    ~~of the right of the owner to bring the unlawful detainer action, the~~  
17    ~~owner shall retain all other rights and duties, including the handling~~  
18    ~~of the tenant's personal property, following issuance of the writ~~  
19    ~~of possession and its delivery to and execution by the appropriate~~  
20    ~~agency.~~

21    ~~(2) Upon the failure of the owner to file an action pursuant to~~  
22    ~~this section, or to respond to the city prosecutor or city attorney~~  
23    ~~as provided in paragraph (1), or having filed an action, if the owner~~  
24    ~~fails to prosecute it diligently and in good faith, the city prosecutor~~  
25    ~~or city attorney may file and prosecute the action, and join the~~  
26    ~~owner as a defendant in the action. This action shall have~~  
27    ~~precedence over any similar proceeding thereafter brought by the~~  
28    ~~owner, or to one previously brought by the owner and not~~  
29    ~~prosecuted diligently and in good faith. Service of the summons~~  
30    ~~and complaint upon the defendant owner shall be in accordance~~  
31    ~~with Sections 415.10, 415.20, 415.30, 415.40, and 415.50 of the~~  
32    ~~Code of Civil Procedure.~~

33    ~~(3) If a jury or court finds the defendant tenant guilty of unlawful~~  
34    ~~detainer in a case filed pursuant to paragraph (2), the city~~  
35    ~~prosecutor or city attorney may be awarded costs, including the~~  
36    ~~costs of investigation and discovery and reasonable attorney's fees.~~  
37    ~~These costs shall be assessed against the defendant owner, to whom~~  
38    ~~notice was directed pursuant to paragraph (1), and once an abstract~~  
39    ~~of judgment is recorded, it shall constitute a lien on the subject~~  
40    ~~real property.~~

1 ~~(4) Nothing in this section shall prevent a local governing body~~  
2 ~~from adopting and enforcing laws, consistent with this section,~~  
3 ~~relating to drug abatement. If local laws duplicate or supplement~~  
4 ~~this section, this section shall be construed as providing alternative~~  
5 ~~remedies and not preempting the field.~~

6 ~~(5) This section shall not prevent a tenant from receiving relief~~  
7 ~~against a forfeiture of a lease pursuant to Section 1179 of the Code~~  
8 ~~of Civil Procedure.~~

9 ~~(b) In any proceeding brought under this section, the court may,~~  
10 ~~upon a showing of good cause, issue a partial eviction ordering~~  
11 ~~the removal of any person, including, but not limited to, members~~  
12 ~~of the tenant's household if the court finds that the person has~~  
13 ~~engaged in the activities described in subdivision (a). Persons~~  
14 ~~removed pursuant to this section may be permanently barred from~~  
15 ~~returning to or reentering any portion of the entire premises. The~~  
16 ~~court may further order as an express condition of the tenancy that~~  
17 ~~the remaining tenants shall not give permission to or invite any~~  
18 ~~person who has been removed pursuant to this subdivision to return~~  
19 ~~to or reenter any portion of the entire premises.~~

20 ~~(c) For the purposes of this section, "controlled substance~~  
21 ~~purpose" means the manufacture, cultivation, importation into the~~  
22 ~~state, transportation, possession, possession for sale, sale,~~  
23 ~~furnishing, administering, or giving away, or providing a place to~~  
24 ~~use or fortification of a place involving, cocaine, phencyclidine,~~  
25 ~~heroin, methamphetamine, or any other controlled substance, in a~~  
26 ~~violation of subdivision (a) of Section 11350, Section 11351,~~  
27 ~~11351.5, 11352, or 11359, subdivision (a) of Section 11360, or~~  
28 ~~Section 11366, 11366.6, 11377, 11378, 11378.5, 11379, 11379.5,~~  
29 ~~11379.6, or 11383 of the Health and Safety Code.~~

30 ~~(d) Notwithstanding subdivision (b) of Section 68097.2 of the~~  
31 ~~Government Code, a public entity may waive all or part of the~~  
32 ~~costs incurred in furnishing the testimony of a peace officer in an~~  
33 ~~unlawful detainer action brought pursuant to this section.~~

34 ~~(e) The notice and documentation described in paragraph (1)~~  
35 ~~of subdivision (a) shall be given in writing and may be given either~~  
36 ~~by personal delivery or by deposit in the United States mail in a~~  
37 ~~sealed envelope, postage prepaid, addressed to the owner at the~~  
38 ~~address known to the public entity giving the notice, or as shown~~  
39 ~~on the last equalized assessment roll, if not known. Separate notice~~  
40 ~~of not less than 30 calendar days and documentation shall be~~

1 provided to the tenant in accordance with this subdivision. Service  
2 by mail shall be deemed to be completed at the time of deposit in  
3 the United States mail. Proof of giving the notice may be made by  
4 a declaration signed under penalty of perjury by any employee of  
5 the public entity which shows service in conformity with this  
6 section.

7 ~~(f) This section shall apply only~~

8 3486.5. (a) Section 3486 shall apply in the County of  
9 Sacramento Sacramento, in any court with jurisdiction over  
10 unlawful detainer cases involving real property situated in the City  
11 of Sacramento.

12 ~~(g)~~

13 (b) (1) ~~The~~ In a template provided by the California Research  
14 Bureau, the city attorney and city prosecutor of the County of  
15 Sacramento shall provide to the California Research Bureau the  
16 following information pertaining to cases filed pursuant to Section  
17 3486:

18 (A) The number of notices provided pursuant to paragraph (1)  
19 of subdivision (a) of Section 3486.

20 (B) For each notice provided pursuant to paragraph (1) of  
21 subdivision (a) of Section 3486, the following information:

22 (i) The name and age, as provided by the landlord, of each  
23 person residing at the noticed address.

24 (ii) Whether the person has previously received a notice pursuant  
25 to this section from the reporting city attorney or city prosecutor,  
26 and if so, whether the tenant vacated or was evicted as a result.

27 (iii) The date the initial notice was issued.

28 (C) ~~For the tenant receiving the notice, whether~~ Whether the  
29 tenant has previously been arrested (other than an arrest that is the  
30 basis of this notice) for any of the offenses specified in subdivision  
31 (c) of Section 3486.

32 (D) ~~The number of cases filed by an owner, upon notice.~~  
33 Whether, upon notice, the case was filed by the owner, and if so,  
34 the filing date and case number.

35 (E) ~~The number of assignments executed by owners~~ Whether  
36 the assignment was executed by the owner to the city attorney or  
37 prosecutor.

38 (F) ~~The number of~~ Whether 3-day, 30-day, or 60-day notices  
39 were issued by the city attorney or city prosecutor prosecutor, and  
40 if so, the date each was issued.

1 (G) ~~The number of cases~~ *Whether the case was filed by the city*  
2 *attorney or city prosecutor, and if so, the filing date and case*  
3 *number.*

4 (H) ~~The number of times that an~~ *Whether the owner is joined*  
5 *as a defendant pursuant to this section.*

6 (I) ~~For the subtotal of cases filed by an owner, the city attorney,~~  
7 ~~or the city prosecutor, the following information:~~

8 (i) ~~The number of judgments ordering an eviction or partial~~  
9 ~~eviction specifying whether each~~ *If a judgment was entered, the*  
10 *date of the judgment, whether the judgment ordered an eviction*  
11 *or partial eviction, and whether the judgment was a default*  
12 *judgment, stipulated judgment, or judgment following trial.*

13 (ii) ~~The number of cases, listed by separate categories, in which~~  
14 ~~Whether the case was withdrawn or in which the tenant prevailed.~~

15 (iii) ~~The number of other dispositions~~ *Whether there was another*  
16 *disposition, and specifying the type of disposition.*

17 (iv) ~~The number of defendants~~ *Whether the defendant was*  
18 *represented by counsel.*

19 (v) *Whether the case was a trial by the court or a trial by jury.*

20 (vi) *Whether an appeal was taken, and, if so, the result of the*  
21 *appeal and the date of the result.*

22 (vii) ~~The number of cases in which~~ *Whether a partial eviction*  
23 *was requested, and the number of cases in which whether the court*  
24 *ordered a partial eviction.*

25 (J) ~~For the subtotal of cases in which a notice was provided~~  
26 ~~pursuant to subdivision (a) of Section 3486, but no case was filed,~~  
27 ~~the following information:~~

28 (i) ~~The number of instances in which~~ *Whether a tenant*  
29 *voluntarily vacated subsequent to receiving the notice notice, and*  
30 *if so, the date vacated.*

31 (ii) ~~The number of instances in which~~ *Whether a tenant vacated*  
32 *a unit prior to the providing of the notice notice, and if so, the date*  
33 *vacated.*

34 (iii) ~~The number of cases in which~~ *Whether the notice provided*  
35 *pursuant to subdivision (a) of Section 3486 was erroneously sent*  
36 *to the tenant. This shall include a list of the reasons, if known, for*  
37 *the erroneously sent notice, such as reliance on information on the*  
38 *suspected violator's name or address that was incorrect, a clerical*  
39 *error, or other reason.*

1 (iv) ~~The number of other resolutions. Whether there was another~~  
2 ~~resolution and the type of resolution.~~

3 (K) ~~For each case in which a notice was issued and the tenants~~  
4 ~~either vacated the premises before a judgment in the unlawful~~  
5 ~~detainer action or were evicted, the~~ *The* street address, city, and  
6 ZIP Code of residence where the tenants relocated, to the extent  
7 known.

8 (2) (A) Information compiled pursuant to this section shall be  
9 reported annually to the California Research Bureau on or before  
10 January 20.

11 (B) The California Research Bureau shall thereafter submit a  
12 brief report to the Senate and Assembly Committees on Judiciary  
13 once on or before March 20, 2016, and once on or before March  
14 20, 2018, summarizing the information collected pursuant to this  
15 section and evaluating the merits of the pilot programs established  
16 by this section. The report for this section shall be submitted in  
17 compliance with Section 9795 of the Government Code and may  
18 be combined with the California Research Bureau report submitted  
19 for the pilot program established by Section 3485. The 2018 report  
20 shall indicate whether the City of Sacramento has regularly  
21 reported to the bureau.

22 (3) Personally identifiable information submitted to the  
23 California Research Bureau pursuant to this section shall be  
24 confidential and shall not be publicly disclosed.

25 ~~(h)~~

26 (c) This section shall remain in effect only until January 1, 2019,  
27 and as of that date is repealed, unless a later enacted statute, that  
28 is enacted before January 1, 2019, deletes or extends that date.

29 SEC. 3. The Legislature finds and declares that a special law  
30 is necessary and that a general law cannot be made applicable  
31 within the meaning of Section 16 of Article IV of the California  
32 Constitution because the City of Sacramento has a unique and  
33 historic role in reporting data regarding city attorney sponsored  
34 unlawful detainer actions and outcomes to the California Research  
35 Bureau in assessing the effectiveness of this program.

36 SEC. 4. If the Commission on State Mandates determines that  
37 this act contains costs mandated by the state, reimbursement to  
38 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

O