

ASSEMBLY BILL

No. 2003

**Introduced by Assembly Member Lackey
(Coauthors: Assembly Members Gallagher and Wagner)**

February 16, 2016

An act to add Section 1168 to the Code of Civil Procedure, relating to unlawful detainer proceedings.

LEGISLATIVE COUNSEL'S DIGEST

AB 2003, as introduced, Lackey. Unlawful detainer proceedings: answers.

Existing law provides a tenant of real property, for a term less than life, or the executor of his or her estate, is guilty of unlawful detainer if, among other things, he or she continues in possession, in person or by subtenant, of the property or any part of the property, after the expiration of the term for which it is let to him or her, except as specified. Existing law requires a complaint filed in an unlawful detainer proceeding to include certain information and requires a defendant to answer the complaint, as specified, within 5 days of being served with a summons and the complaint, unless the court orders otherwise for good cause shown.

This bill would require a defendant in an unlawful detainer action to indicate on the appropriate Judicial Council answer form if he or she has hired an attorney to represent him or her in the matter, and would require the defendant's attorney to contact the plaintiff or the plaintiff's attorney within certain timeframes. The bill would also require the defendant, if he or she asserts an affirmative defense of breach of the implied warranty of habitability, to indicate on the appropriate Judicial Council answer form if he or she has lodged a complaint regarding the

inhabitability of the premises, and would require the defendant to include specified information about that complaint. The bill would require the Judicial Council, on or before July 1, 2017, to revise the appropriate answer form to include spaces to input the information, as described above.

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

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

1 SECTION 1. Section 1168 is added to the Code of Civil
2 Procedure, to read:

3 1168. (a) The defendant shall indicate on the appropriate
4 Judicial Council answer form if he or she has hired an attorney to
5 represent him or her in the matter. If the defendant has hired an
6 attorney to represent him or her in the matter, the attorney shall
7 contact the plaintiff or his or her attorney within three days of the
8 tenant filing the answer or, if the attorney is hired after the answer
9 was filed, within 24 hours of being hired by the tenant.

10 (b) If the defendant asserts an affirmative defense of breach of
11 the implied warranty of habitability, the defendant shall indicate
12 on the appropriate Judicial Council answer form if he or she has
13 lodged a complaint regarding the inhabitability of the premises. If
14 the defendant has lodged a complaint regarding the inhabitability
15 of the premises, he or she shall include on the appropriate Judicial
16 Council answer form all of the following:

17 (1) The nature of the complaint.

18 (2) If the complaint was made orally or in writing.

19 (3) The person or entity with whom the complaint was lodged,
20 if known.

21 (4) The approximate date the complaint was lodged.

22 (5) The action, if any, taken by the plaintiff in response to the
23 complaint.

24 SEC. 2. On or before July 1, 2017, the Judicial Council shall
25 revise the "Answer-Unlawful Detainer" form to include spaces to
26 input the information required by Section 1 of this act.

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