

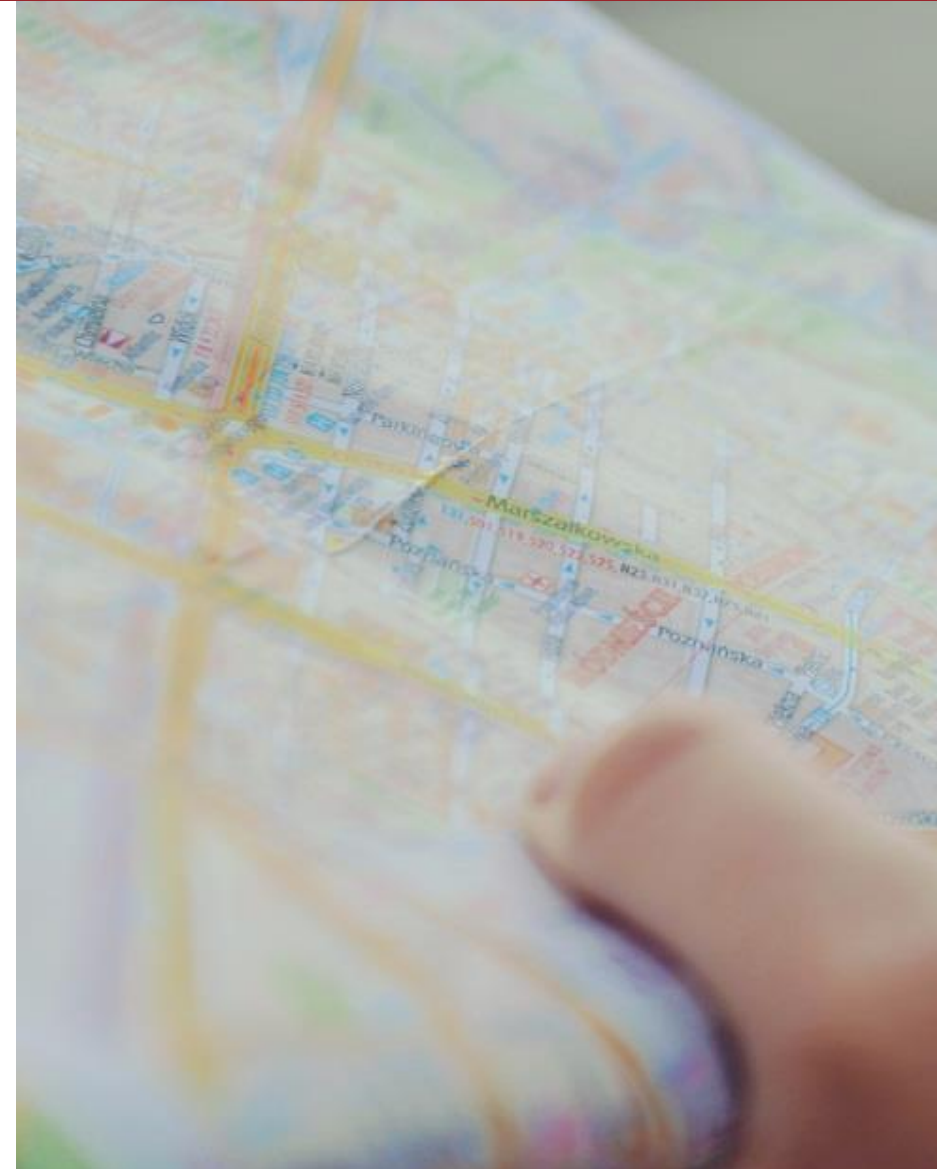
Small Claims Court for COVID-19 Rental Debt

Presented by:
Kelsey Atkinson
LAFLA Renters Small Claims Project

1. What is COVID-19 rental debt?
2. Initiating a suit for COVID-19 rental debt
3. Responding to a suit for COVID-19 rental debt
4. The Small Claims hearing
5. After the Small Claims hearing

**Please hold questions until
the end of the presentation**

**This presentation is only applicable to
residential landlords and tenants**



Contact Stay Housed LA for assistance and/or attend a workshop if you:

- Received an eviction summon & complaint
- Want to learn more about the COVID-19 tenant protections

Visit <https://www.stayhousedla.org/> or call 1-888-694-0040

**Owe
Rent?
Eviction
Notice?**



**Stay
Housed**
L.A. County
Promoting Tenants' Rights

Stay Housed L.A. County has the resources you need to know your rights and the legal assistance to back them up.

LAFLA's Renters Small Claims Project

LAFLA will be hosting Renters Small Claims Workshops to assist tenants with:

- Reviewing COVID-19 rental debt small claims court documents
- Preparing for the COVID-19 rental debt small claims court hearing

You must represent yourself in the small claims hearing

For more information on workshops visit:

<https://lafla.org/covid-resources/renters-small-claims/>

or call 800-399-4529



What is COVID-19 rental debt?

Covid-19 Rental Debt =
any unpaid rent or financial obligation arising from the
tenancy from March 1, 2020 through September 30,
2021

(CCP § 1179.02)

What is COVID-19 rental debt?

Tenants still must pay back the deferred during the protected period...

Landlord can choose to sue the tenant in small claims court or civil court to get a judgment for the back rent owed

The \$10,000 cap is waived in small claims court for COVID-19 rental debt recovery actions

A small claims or civil court judgment **IS NOT** an eviction



What is COVID-19 rental debt?/ Que es deuda del alquiler de COVID-19?

A suit for COVID-19 rental debt is not the same as an EVICTION... BUT it can still have a big impact

If judgment is entered, failure to pay a judgment for COVID-19 rental debt can result in:

- Wage garnishment
- Levies on bank accounts or property
- Some tenants may file for bankruptcy

The judgement is valid for 10 years and can be renewed after that.

Rental assistance is important because it:

1. Can help pay rent you could not pay during the pandemic
2. Provides you with protections from eviction and rental debt collection

The rental assistance application closed as of March 31, 2022. No new applications can be submitted.

Check application status at:

<https://housing.ca.gov/>

If the application was denied, there may be an opportunity to file an appeal.

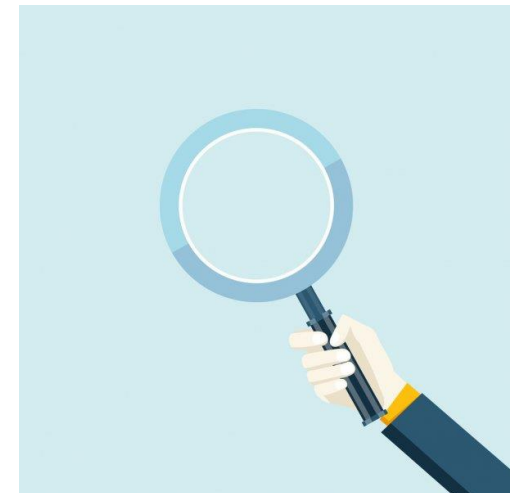
Rental Assistant Program Participation/ Asistencia de renta

To sue for COVID-19 rental debt, landlords must show that they have made a good faith effort to:

- **Investigate** whether rental assistance is available to the tenant
- **Cooperate** with tenants' efforts to obtain rental assistance; OR
- **Sought** rental assistance for the tenant

CCP § 871.10(a)

A judgment for COVID-19 rental debt should not be entered while you have a pending rental assistance application.



Additional rules that apply to COVID-19 rental debt

Under state law:

- Landlords may not charge late fees or interest on rent from March 1, 2020 to September 30, 2021.
- If the tenant still lives in the unit, landlords may not apply the security deposit to rental debt without tenant's written permission.

COVID-19 rental debt can NEVER be sold or assigned if you met qualifications for the rental assistance program.

- Covid-19 impacted
- Household 80% AMI in 2020 or 2021

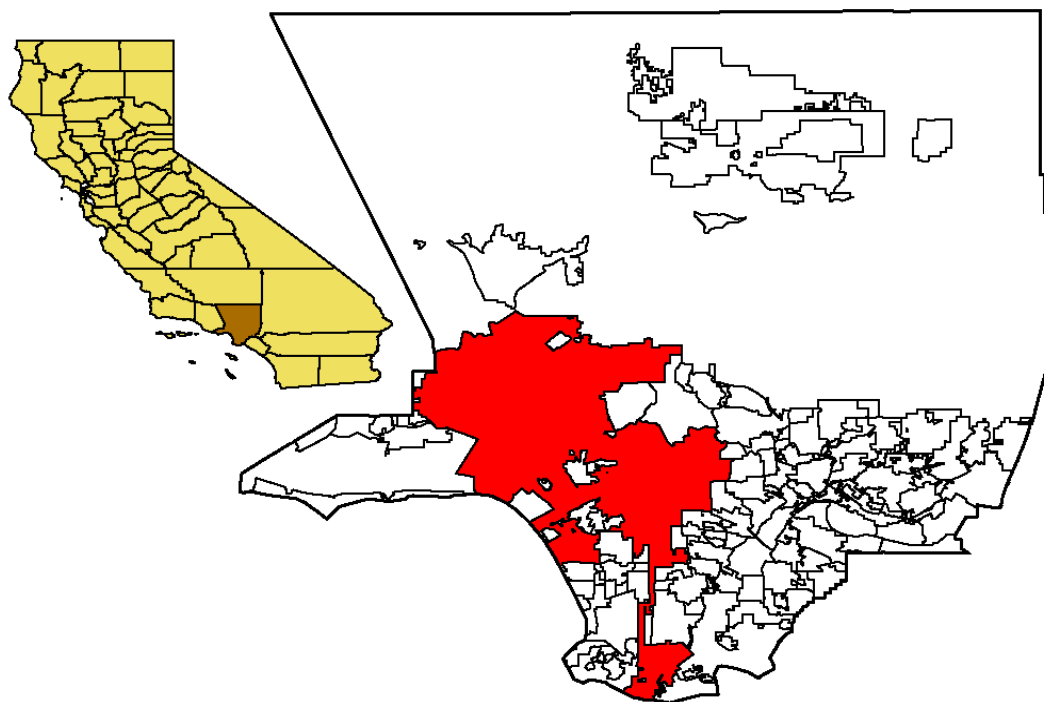
1. Your income for the month you cannot pay rent is at or below 80% of the Area Median Income.

Number of persons in Household	1	2	3	4	5	6	7	8
Annual income limit	\$66,250	\$75,700	\$85,150	\$94,600	\$102,200	\$109,750	\$117,350	\$124,900
Monthly income limit	\$5,520.83	\$6,308.33	\$7,095.83	\$7,883.33	\$8,516.67	\$9,145.83	\$9,779.17	\$10,408.33

Landlords/housing providers CANNOT use COVID-19 rental debt as basis for denying housing in the future.

Local protections in the City and County of Los Angeles extend the repayment periods for deferred rent:

- County of Los Angeles
- City of Los Angeles



Tenants in **Los Angeles County** can defer rent for July 1, 2022 - December 31, 2022, if they submit a [declaration](#) each month stating they:

1. Are below certain income qualifications

1. Your income for the month you cannot pay rent is at or below 80% of the Area Median Income.

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Annual income limit	\$66,250	\$75,700	\$85,150	\$94,600	\$102,200	\$109,750	\$117,350	\$124,900
Monthly income limit	\$5,520.83	\$6,308.33	\$7,095.83	\$7,883.33	\$8,516.67	\$9,145.83	\$9,779.17	\$10,408.33

2. AND are financially impacted by COVID-19 pandemic

Tenants who submit the declaration to their landlord within 7 days of the rent due date are:

- Protected from eviction; AND
- The rent deferred is not due until December 31, 2023.

Tenants in the **City of Los Angeles** are protected under the city's COVID-19 Local Emergency Period ([LAMC § 49.99](#)):

- COVID-19 impacted tenants are protected from eviction for non-payment
 - For Dec. 2022 and Jan. 2023, tenants will need to submit a declaration of COVID-19 hardship to their landlord.

- Tenants must repay rent by:

Unpaid for March 1, 2020 – September 30, 2021	Repay by August 1, 2023
Unpaid for October 1, 2021 – January 31, 2023	Repay by February 1, 2024

- Landlords cannot charge interest or late fees on any rent deferred from March 2020 – January 31, 2023.

Initiating an action for COVID-19 Rental Debt

The Judicial Council approved new forms for small claims court and limited/unlimited civil actions to recover COVID-19 rental debt

Cases for COVID-19 rental debt **MUST** be filed on these forms

- The forms provide instructions to the clerk to **MASK** the case
- The forms ask for information unique to COVID-19 rental debt cases

Small Claims New Forms	Limited/Unlimited Civil New Forms
SC-500 – Plaintiff's Claim and Order to Go to Small Claims Court (COVID-19 Rental Debt)	PLD-C-500 – Complaint – Recovery of COVID-19 Rental Debt
SC-500A – Other Plaintiffs or Defendants (COVID-19 Rental Debt)	PLD-C-505 – Answer – Recovery of COVID-19 Rental Debt
SC-500-INFO – COVID-19 Rental Debt in Small Claims Court	PLD-C-520 – Verification by Plaintiff Regarding Rental Assistance

Small Claims Complaint

SC-500	Plaintiff's Claim and ORDER to Go to Small Claims Court (COVID-19 Rental Debt)																									
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<p>Notice to the person being sued:</p> <ul style="list-style-type: none"> You are the defendant if your name is listed in ② on page 2 of this form or on form SC-500A. The person suing you is the plaintiff, listed in ① on page 2. You and the plaintiff must go to court on the trial date listed below. If you do not go to court, you may lose the case. If you lose, the court can order that your wages, money, or property be taken to pay this claim. (Note: The small claims case cannot result in your eviction.) Bring witnesses, receipts, and any evidence you need to prove your case. Read this form and all pages attached to understand the claim against you and to protect your rights, and read SC-500-INFO, COVID-19 Rental Debt in Small Claims Court for more information, at www.courts.ca.gov/forms. 																										
<p>Aviso al Demandado:</p> <ul style="list-style-type: none"> Usted es el Demandado si su nombre figura en ② de la página 2 de este formulario, o en el formulario SC-500A. La persona que lo demanda es el Demandante, la que figura en ① de la página 2. Usted y el Demandante tienen que presentarse en la corte en la fecha del juicio indicada a continuación. Si no se presenta, puede perder el caso. Si pierde el caso la corte podría ordenar que le quiten de su sueldo, dinero u otros bienes para pagar este reclamo. (Nota: Un caso de reclamos menores no puede resultar en un desalojo.) Lleve testigos, recibos y cualquier otra prueba que necesite para probar su caso. Lea este formulario y todas las páginas adjuntas para entender la demanda en su contra y para proteger sus derechos, y lea SC-500-INFO, <i>La deuda de alquiler del COVID-19 en la corte de reclamos menores</i> para más información, en www.courts.ca.gov/forms. 																										
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Civil Complaint Form

<p style="text-align: right; font-size: small;">PLD-C-500</p> <p>ATTORNEY OR PARTY WITHOUT ATTORNEY</p> <p>NAME: _____ STATE BAR NUMBER: _____</p> <p>FIRM NAME: _____</p> <p>STREET ADDRESS: _____</p> <p>CITY: _____ STATE: _____ ZIP CODE: _____</p> <p>TELEPHONE NO.: _____ FAX NO.: _____</p> <p>EMAIL ADDRESS: _____</p> <p>ATTORNEY FOR (name): _____</p> <p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</p> <p>STREET ADDRESS: _____</p> <p>MAILING ADDRESS: _____</p> <p>CITY AND ZIP CODE: _____</p> <p>BRANCH NAME: _____</p> <p>PLAINTIFF: _____</p> <p>DEFENDANT: _____</p> <p style="text-align: center;">COMPLAINT—RECOVERY OF COVID-19 RENTAL DEBT</p> <p><input type="checkbox"/> COMPLAINT <input type="checkbox"/> AMENDED COMPLAINT (Number): _____</p> <p>Jurisdiction (check all that apply):</p> <p><input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE</p> <p style="padding-left: 20px;">Amount demanded <input type="checkbox"/> does not exceed \$10,000</p> <p style="padding-left: 20px;"><input type="checkbox"/> exceeds \$10,000 but does not exceed \$25,000</p> <p><input type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000)</p>		<p style="font-size: x-small;">FOR COURT USE ONLY</p> <p style="font-size: large;">DRAFT</p> <p style="font-size: large;">07/27/21</p> <p style="font-size: large;">NOT APPROVED BY THE JUDICIAL COUNCIL</p> <p style="font-size: x-small;">CASE NUMBER: _____</p>
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**ACTION FOR RECOVERY OF COVID-19 RENTAL DEBT
AS DEFINED UNDER CODE OF CIVIL PROCEDURE SECTION 1179.02**
Access to the records in this case is limited under Code of Civil Procedure section 1161.2.5.

1. **Plaintiff (name or names):**

brings this complaint for recovery of COVID-19 rental debt against **defendant (name or names):**

INTRODUCTORY ALLEGATIONS

2. a. Each plaintiff named above is a competent adult
- ☐ **except plaintiff (name):**
- (1) ☐ a corporation qualified to do business in California
- (2) ☐ an unincorporated entity (describe): _____
- (3) ☐ other (specify): _____
- b. ☐ Plaintiff (name): _____
- has complied with the fictitious business name laws and is doing business under the fictitious name (specify): _____
- c. ☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 2.
3. This court is the proper court because:
- a. ☐ a defendant lives here now.
- b. ☐ a defendant entered into the rental agreement or lease here.
- c. ☐ the property that is the subject matter of the rental agreement or lease is here.
- d. ☐ other (specify): _____
4. ☐ Plaintiff has been assigned the rights to the COVID-19 rental debt that is set out in item 6 of this complaint, by (name of assignor): _____

Landlords must account for the rental debt they claim is owed:

- 3 **The plaintiff claims the defendant owes \$ _____ for COVID-19 rental debt** (unpaid rent or other financial obligations of a tenant that came due in the period from March 1, 2020, to September 30, 2021). (Code Civ. Proc., § 1179.02.) (Explain amount below.)
- a. **Rent.** List all rent you claim defendant owes that came due in the period from March 1, 2020, to September 30, 2021. Include each amount due and the date it came due.
- _____
- _____
- _____
- _____
- _____
- b. **Other amounts of COVID-19 rental debt.** List all other unpaid financial obligations under the lease or rental agreement that you claim came due during the period in a above. Include each amount, the date it came due, and what it was for.
- _____
- _____
- _____
- _____
- _____
- ☐ Check here if you need more space. Attach one sheet of paper or form [MC-031](#), and write "SC-500, Item 3" at the top.

Small Claims, SC-500

ALLEGATIONS ABOUT COVID-19 RENTAL DEBT

5. a. Defendant (name each) _____
agreed to pay rent for the premises at (address) _____
during part or all of the period between March 1, 2020, and September 30, 2021.
- b. The rent was in the amount of \$ _____ payable ☐ monthly ☐ other (specify): _____
- c. ☐ Defendant (name each) _____
agreed to pay other amounts as part of the rental agreement or lease, for (describe service paid for) _____
in the amount of \$ _____ payable ☐ monthly ☐ other (specify): _____
- d. ☐ Copies of all relevant rental agreements or leases for the tenancy described in item 5a are attached, numbered as Attachment 5.
6. The plaintiff claims defendant or defendants owe \$ _____ for unpaid rent or other financial obligations of the tenancy that came due between March 1, 2020, and September 30, 2021. (Complete items a and b below.)
- a. **Rent due.** (List all rent plaintiff claims defendant or defendants owe that came due during the period from March 1, 2020, to September 30, 2021. Include each amount due and the date it came due.)
- _____
- b. **Other amounts of COVID-19 rental debt due.** (List all other unpaid financial obligations under the lease or rental agreement that plaintiff claims came due during the period from March 1, 2020, to September 30, 2021. Include each amount, the date it came due, and what it was for.)
- _____

Limited/Unlimited Civil PLD-C-500

Landlords must attach evidence of good faith investigation, cooperation, or actual application for rental assistance to the complaint:

- 9 Plaintiff must make a good faith effort to help defendant obtain rental assistance before filing this case. You must attach documentation of those efforts or, if you do not have documentation, describe your effort below.

The law requires anyone filing a case to recover COVID-19 rental debt to attach documentation of good faith efforts to do one or more of the following:

- Investigate whether governmental rental assistance is available to the tenant;
- Seek governmental rental assistance for the tenant; or
- Cooperate with the tenant's efforts to obtain rental assistance from any governmental entity or other third party. (Code Civ. Proc., § 871.10(a).)

☐ Check here if documentation attached. If not attached, describe your efforts below.

- 10 I understand that the court cannot issue a judgment for me if I have received rental assistance for the amounts I am claiming from defendant.

- a. I have not received rental assistance or other financial compensation from any other source corresponding to any of the amount claimed in item 3 above.
- b. I do not have any application pending for rental assistance or other financial compensation from any other source corresponding to any of the amount claimed in item 3 above.

- 11 I understand that by filing a claim in small claims court, I have no right to appeal this claim.

I declare under penalty of perjury under the laws of the State of California that the information above and on any attachments to this form is true and correct.

Date: _____ Plaintiff types or prints name here Plaintiff signs here

Date: _____ Second plaintiff types or prints name here Second plaintiff signs here



Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the trial. For these and other accommodations, contact the clerk's office for form [MC-410, Disability Accommodation Request](#). (Civ. Code, § 54.8.)

New November 1, 2021

Plaintiff's Claim and ORDER to Go to Small Claims Court
(COVID-19 Rental Debt)

SC-500, Page 4 of 6

ALLEGATIONS ABOUT RENTAL ASSISTANCE

7. a. Plaintiff made a good faith effort to help defendant obtain rental assistance before filing this case, as required under Code of Civil Procedure section 871.10(a), by (check all that apply):
- (1) ☐ Investigating whether governmental rental assistance is available to the defendant.
- (2) ☐ Seeking governmental rental assistance for the defendant.
- (3) ☐ Cooperating with the defendant's efforts to obtain rental assistance from any governmental entity or other third party.
- b. ☐ Documentation of the efforts described in item 7a is attached as required by statute and marked as Attachment 7.

PLD-C-500 [New November 1, 2021]

COMPLAINT—RECOVERY OF COVID-19 RENTAL DEBT

Page 2 of 4

15

PLD-C-500

PLAINTIFF: DEFENDANT:	CASE NUMBER:
--------------------------	--------------

7. c. ☐ Plaintiff does not have documentation of the efforts described in item 7a, but made the following efforts (describe):

8. Plaintiff states that the following are true:

(Note: The statements in items 8a and b must be verified under penalty of perjury before a judgment for plaintiff can be entered by the court. (See Health & Saf. Code, § 50897.3(e).) If plaintiff later requests a default judgment, plaintiff must file Verification of Plaintiff for Recovery of COVID-19 Rental Debt (form PLD-C-510) with that request.)

- a. ☐ The landlord has not received rental assistance or other financial compensation from any other source corresponding to any of the amount claimed in item 6 above.
- b. ☐ The landlord does not have any application pending for rental assistance or other financial compensation from any other source corresponding to any of the amount claimed in item 6 above.
- c. ☐ (Complete if plaintiff is not the landlord.)

The landlord is (name)

and plaintiff can make the statements above

on the following basis (describe the basis for plaintiff making the statements in items 8a and b):

Small Claims

Expedited and informal court process

No discovery / No rules of evidence

No responsive document required by the defendant/tenant

Litigants must represent themselves in the small claims hearing

Litigants can still talk with an attorney to get advice about their case

Limited/Unlimited Civil Court

Long and more formal process

Rules of discovery and evidence apply

Defendant/tenants must file an answer with the court within **30 days** of service of the complaint or risk default

Litigants can have an attorney represent them in court

The remainder of this presentation will focus on small claims court actions

A SMALL CLAIMS OR LIMITED/UNLIMITED CIVIL ACTION FOR COVID-19 RENTAL DEBT IS NOT AN EVICTION

Landlords cannot change the locks, remove belongings, or force tenants to leave their home while the case is pending

Even if judgment is entered in favor of the landlord, the judge cannot order the tenant to leave their home

Tenants can raise harassment and lock outs for COVID-19 rental debt as defenses in their COVID-19 rental debt hearing



Filing Process and Tips for Small Claims:

Sue in proper courthouse location:

LASC filing court locator

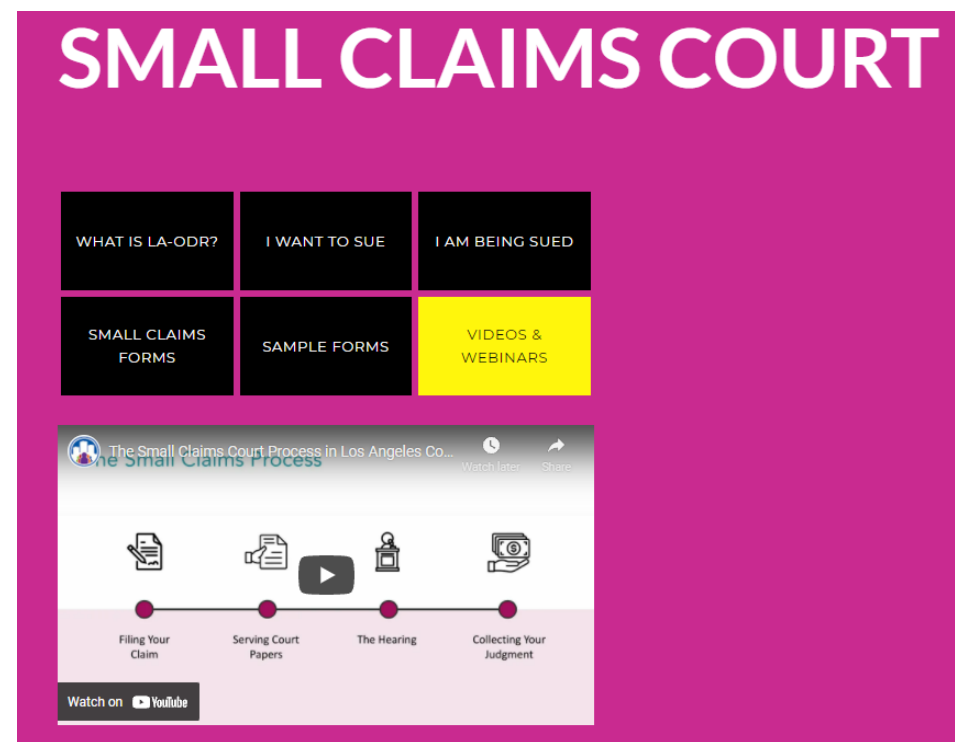
<http://www.lacourt.org/filinglocator/ui/filingsearch.aspx?CT=PR>

Comply with rules for service:

- Personal or substituted service
- Serve minimum 15 days prior to small claims hearing date

Resources for filing/process:

- DCBA small claims advisor
 - <https://dcba.lacounty.gov/small-claims/>
- LACBA small claims clinic
 - <https://www.lacba.org/need-legal-help/small-claims>



Responding to a suit for COVID-19 rental debt

Review the Complaint

Small Claims Complaint

SC-500	Plaintiff's Claim and ORDER to Go to Small Claims Court (COVID-19 Rental Debt)																									
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Judicial Council of California, www.courts.ca.gov
 New November 1, 2021, Mandatory Form
 Code of Civil Procedure, §§ 1161.1 to 1161.2.5
 116.223, 1161.2.5, 1179.02

Civil Complaint Form

PLD-C-500	
<p>ATTORNEY OR PARTY WITHOUT ATTORNEY</p> <p>NAME: _____</p> <p>FIRM NAME: _____</p> <p>STREET ADDRESS: _____</p> <p>CITY: _____ STATE: _____ ZIP CODE: _____</p> <p>TELEPHONE NO.: _____ FAX NO.: _____</p> <p>EMAIL ADDRESS: _____</p> <p>ATTORNEY FOR (name): _____</p>	<p>FOR COURT USE ONLY</p> <p style="text-align: center;">DRAFT</p> <p style="text-align: center;">07/27/21</p> <p style="text-align: center;">NOT APPROVED BY THE JUDICIAL COUNCIL</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____</p> <p>STREET ADDRESS: _____</p> <p>MAILING ADDRESS: _____</p> <p>CITY AND ZIP CODE: _____</p> <p>BRANCH NAME: _____</p>	
<p>PLAINTIFF: _____</p> <p>DEFENDANT: _____</p>	
<p style="text-align: center;">COMPLAINT—RECOVERY OF COVID-19 RENTAL DEBT</p> <p><input type="checkbox"/> COMPLAINT <input type="checkbox"/> AMENDED COMPLAINT (Number): _____</p>	
<p>Jurisdiction (check all that apply):</p> <p><input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE</p> <p>Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000 but does not exceed \$25,000</p> <p><input type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000)</p>	
<p style="text-align: center;">ACTION FOR RECOVERY OF COVID-19 RENTAL DEBT AS DEFINED UNDER CODE OF CIVIL PROCEDURE SECTION 1179.02</p> <p style="text-align: center;">Access to the records in this case is limited under Code of Civil Procedure section 1161.2.5.</p>	
<p>1. Plaintiff (name or names):</p> <p>brings this complaint for recovery of COVID-19 rental debt against defendant (name or names):</p>	
<p>INTRODUCTORY ALLEGATIONS</p> <p>2. a. Each plaintiff named above is a competent adult</p> <p><input type="checkbox"/> except plaintiff (name):</p> <p>(1) <input type="checkbox"/> a corporation qualified to do business in California</p> <p>(2) <input type="checkbox"/> an unincorporated entity (describe): _____</p> <p>(3) <input type="checkbox"/> other (specify): _____</p> <p>b. <input type="checkbox"/> Plaintiff (name): _____</p> <p>has complied with the fictitious business name laws and is doing business under the fictitious name (specify): _____</p> <p>c. <input type="checkbox"/> Information about additional plaintiffs who are not competent adults is shown in Attachment 2.</p> <p>3. This court is the proper court because:</p> <p>a. <input type="checkbox"/> a defendant lives here now.</p> <p>b. <input type="checkbox"/> a defendant entered into the rental agreement or lease here.</p> <p>c. <input type="checkbox"/> the property that is the subject matter of the rental agreement or lease is here.</p> <p>d. <input type="checkbox"/> other (specify): _____</p> <p>4. <input type="checkbox"/> Plaintiff has been assigned the rights to the COVID-19 rental debt that is set out in item 6 of this complaint, by (name of assignor): _____</p>	
<p style="text-align: center;">COMPLAINT—RECOVERY OF COVID-19 RENTAL DEBT</p>	

Form Adopted for Mandatory Use
 Judicial Council of California
 PLD-C-500 (New November 1, 2021)

Page 1 of 4
 Code Civ. Proc., §§ 425.10, 871.10;
 Health & Saf. Code, § 50097.3(a)
www.courts.ca.gov

Review the Complaint

If sued in limited/unlimited civil, tenants must file an **ANSWER** within 30 days of service of the complaint

FORM PLD-C-505

PLD-C-505	
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 DRAFT 07/27/21 NOT APPROVED BY JUDICIAL COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF: DEFENDANT:	
ANSWER—RECOVERY OF COVID-19 RENTAL DEBT <input type="checkbox"/> TO COMPLAINT OF (name):	
CASE NUMBER:	

**ACTION FOR RECOVERY OF COVID-19 RENTAL DEBT
AS DEFINED UNDER CODE OF CIVIL PROCEDURE SECTION 1179.02**
Access to the records in this case is limited under Code of Civil Procedure section 1161.2.5.

This form must be used to answer Complaint—Recovery of COVID-19 Rental Debt (form PLD-C-500) within 30 calendar days after the defendant is served with the complaint. Alternatively, defendant may file a demurrer, motion to strike, or motion to quash within that same time period if any of those responses are appropriate. A cross-complaint may be made on a separate pleading form (Judicial Council forms that have form numbers preceded by PLD) or individually prepared on pleading paper. Defendant should consult with an attorney if they want to file a response other than an answer.

- Defendant** (name or names):
answers the complaint as follows:

DENIALS (Complete item 2 or item 3, not both.)
- General Denial** (Read the instructions below before checking this item.)
☐ Defendant generally denies each statement of the complaint.
 (This item can only be checked if **either** of the following applies:
 - The complaint is **not** verified. (The complaint is verified if the Verification at the bottom of page 4 of form PLD-C-500 is signed or if a Verification is attached to the form.); **or**
 - The amount demanded in the complaint is \$25,000 or less (a limited civil case) **AND** the debt has not been assigned to someone other than the landlord. (If item 4 on form PLD-C-500 has been checked, this General Denial **cannot** be checked.)
 If this General Denial is checked, go on to item 4.
 If this General Denial cannot be checked, defendant may make the Specific Denials in item 3.)
- Specific Denials of Allegations in Complaint.**
 (Complete this item if defendant disagrees with any statements in the complaint and **either** of the following applies:
 - The amount demanded in the complaint is more than \$25,000 and the complaint is verified. (The complaint is verified if the Verification at the end of page 4 of form PLD-C-500 is signed or if a Verification is attached to the form.); **or**
 - The amount demanded in the complaint is \$25,000 or less **AND** the debt has been assigned to someone other than the landlord. (If item 4 on form PLD-C-500 has been checked, this item should be completed if defendant disagrees with any statements in the complaint.)
 (continued on next page)

Review the Small Claims Complaint

**If sued in small claims court...
there is no required responsive
filing such as an answer**

Tenants can choose to file a cross-complaint (**Form SC-120**)

It is common for small claims defendants to appear at the small claims hearing without having filed a single document with the court



Review the Small Claims Complaint

Check that landlord used the correct small claims form (SC-500)

- Actions for collection of COVID-19 rental debt **MUST** be filed on this form
- Actions filed on this form are "masked", meaning access to the court record is restricted

Check included evidence of cooperation with rental assistance

Check accuracy of the amount landlord claims is owed

SC-500	Plaintiff's Claim and ORDER to Go to Small Claims Court (COVID-19 Rental Debt)	Clerk stamps date here when form is filed. DRAFT 07/26/2021 NOT APPROVED BY THE JUDICIAL COUNCIL		
THIS IS AN ACTION TO RECOVER COVID-19 RENTAL DEBT AS DEFINED UNDER CODE CIV. PROC., § 1179.02. ACCESS TO RECORDS IN THIS CASE IS LIMITED UNDER CODE CIV. PROC., § 1161.2.5.		Fill in court name and street address: Superior Court of California, County of		
Notice to the person being sued: <ul style="list-style-type: none"> • You are the defendant if your name is listed in (2) on page 2 of this form or on form SC-500A. The person suing you is the plaintiff, listed in (1) on page 2. • You and the plaintiff must go to court on the trial date listed below. If you do not go to court, you may lose the case. If you lose, the court can order that your wages, money, or property be taken to pay this claim. (Note: The small claims case cannot result in your eviction.) Bring witnesses, receipts, and any evidence you need to prove your case. • Read this form and all pages attached to understand the claim against you and to protect your rights, and read SC-500-INFO, COVID-19 Rental Debt in Small Claims Court for more information, at www.courts.ca.gov/forms. 		Court fills in case number when form is filed. Case Number: Case Name:		
Aviso al Demandado: <ul style="list-style-type: none"> • Usted es el Demandado si su nombre figura en (2) de la página 2 de este formulario, o en el formulario SC-500A. La persona que lo demanda es el Demandante, la que figura en (1) de la página 2. • Usted y el Demandante tienen que presentarse en la corte en la fecha del juicio indicada a continuación. Si no se presenta, puede perder el caso. Si pierde el caso la corte podría ordenar que le quiten de su sueldo, dinero u otros bienes para pagar este reclamo. (Nota: Un caso de reclamos menores no puede resultar en un desalojo.) Lleve testigos, recibos y cualquier otra prueba que necesite para probar su caso. • Lea este formulario y todas las páginas adjuntas para entender la demanda en su contra y para proteger sus derechos, y lea SC-500-INFO, La deuda de alquiler del COVID-19 en la corte de reclamos menores para más información, en www.courts.ca.gov/forms. 				
Order to Go to Court				
The people in (1) and (2) must go to court: (Clerk fills out section below.)				
Trial Date	→ Date	Time	Department	Name and address of court, if different from above
	1. _____	_____	_____	_____
	2. _____	_____	_____	_____
	3. _____	_____	_____	_____
	Date: _____	Clerk, by _____	Deputy	
Instructions for the person suing: <ul style="list-style-type: none"> • You are the plaintiff. The person you are suing is the defendant. • Before you fill out this form, read forms SC-500-INFO, COVID-19 Rental Debt in Small Claims Court, and SC-100-INFO, Information for the Plaintiff, to know your rights. Get the forms at any courthouse or county law library, or go to www.courts.ca.gov/forms. • Fill out pages 2, 3, and 4 of this form. Then make copies of all the pages of this form and any attachments. (Make one copy for each party named in this case and an extra copy for yourself.) Take or mail the original and these copies to the court clerk's office and pay the filing fee. The clerk will write the date of your trial in the box above. • You must have someone at least 18—not you or anyone else listed in this case—give each defendant a court-stamped copy of all pages of this form and any pages this form tells you to attach. See forms SC-104 and SC-104B. • Go to court on your trial date listed above. Bring witnesses, receipts, and any evidence you need to prove your case. 				
<small>Judicial Council of California, www.courts.ca.gov New November 1, 2021, Mandatory Form Code of Civil Procedure, §§ 116.110 et seq., 116.223, 1161.2.5, 1179.02</small>				

Locate the hearing date and time

YOU MUST APPEAR IN COURT ON THIS DATE

The hearing date, time, courthouse, and department is in the box on the first page

Order to Go to Court

The people in ① and ② must go to court: *(Clerk fills out section below.)*

Trial Date	→ Date	Time	Department	Name and address of court, if different from above
	1. <input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	2. <input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	3. <input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Date: <input type="text"/> Clerk, by <input type="text"/> , Deputy				

If you cannot come to court on this date, notify the court as soon as possible

- You can ask for a new date by submitting a form **SC-150**

The Small Claims Hearing

Prepare for the hearing

Bring evidence like **papers, people, or photos** to your hearing to prove your case to the judge

Landlord:

- Evidence showing the amount claimed is correct
- Evidence of cooperation/investigation of availability of rental assistance

Tenant:

- Evidence showing they do not owe the amount of money the landlord claims, OR
- Evidence showing they owe less than the amount of money the landlord claims



Prepare for the hearing

Tenant defenses include:

- Landlord did not cooperate with obtaining rental assistance
- Landlord has already accepted rental assistance or other payment for the rental debt claimed
- The amount the landlord claims the tenant owes is incorrect
- Landlord failed to make repairs, harassed the tenant, or engaged in other unlawful behavior that should reduce the rent the tenant owes



Examples of types of evidence:

Paperwork	People	Photos
<ul style="list-style-type: none">- Lease Agreement- Rent checks/proof of payment- RA application and/or evidence of status of RA application status- Evidence that landlord accepted RA for the rent claimed	<ul style="list-style-type: none">- Voluntary witnesses such as neighbors, friends, contractors, or social workers	<ul style="list-style-type: none">- Photos of problem in the unit- Photos of overall condition of apartment- Evidence of harassment

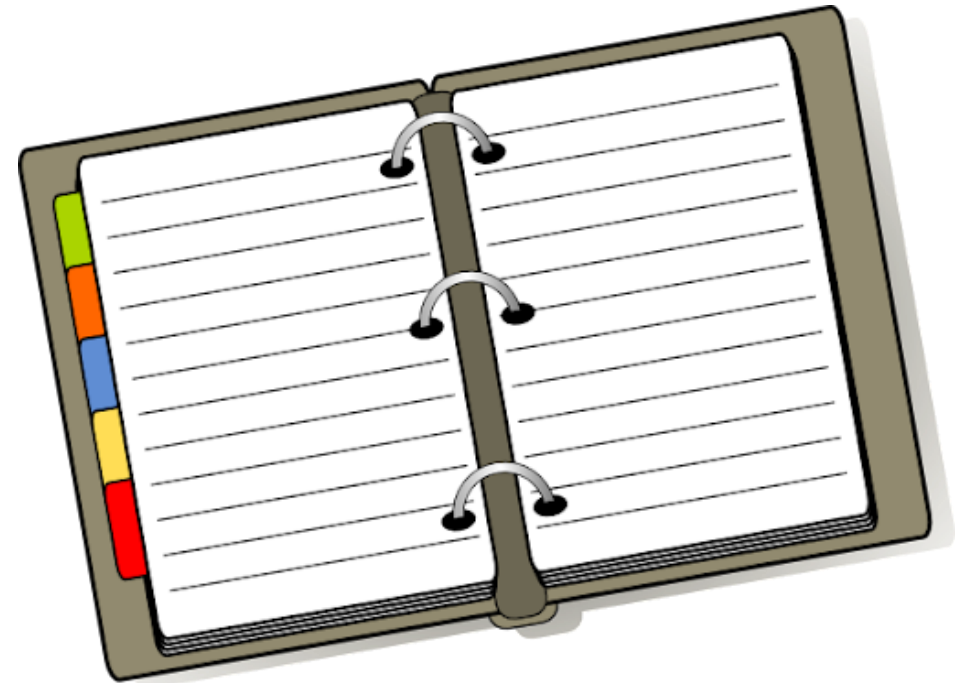
Prepare for the hearing

The evidence packet is what each party will refer to in their hearing

The judge will keep a copy of the evidence packet and refer to it after the hearing

Make a "book"

- Create a table of contents to put on top of the evidence packet
- Include a copy of each item listed in the table of contents
- Label the pages/different documents so the judge can easily locate each item
- Put your most important evidence first



The Small Claims Hearing

The day of the hearing:

- Bring **3 copies** of the evidence packet (one for yourself, one for the other party, one for the judge)
 - If a party will be appearing remotely, exchange evidence in advance by mail
- Show up on time or before the time on the first page of the complaint (**SC-500**)



x 3

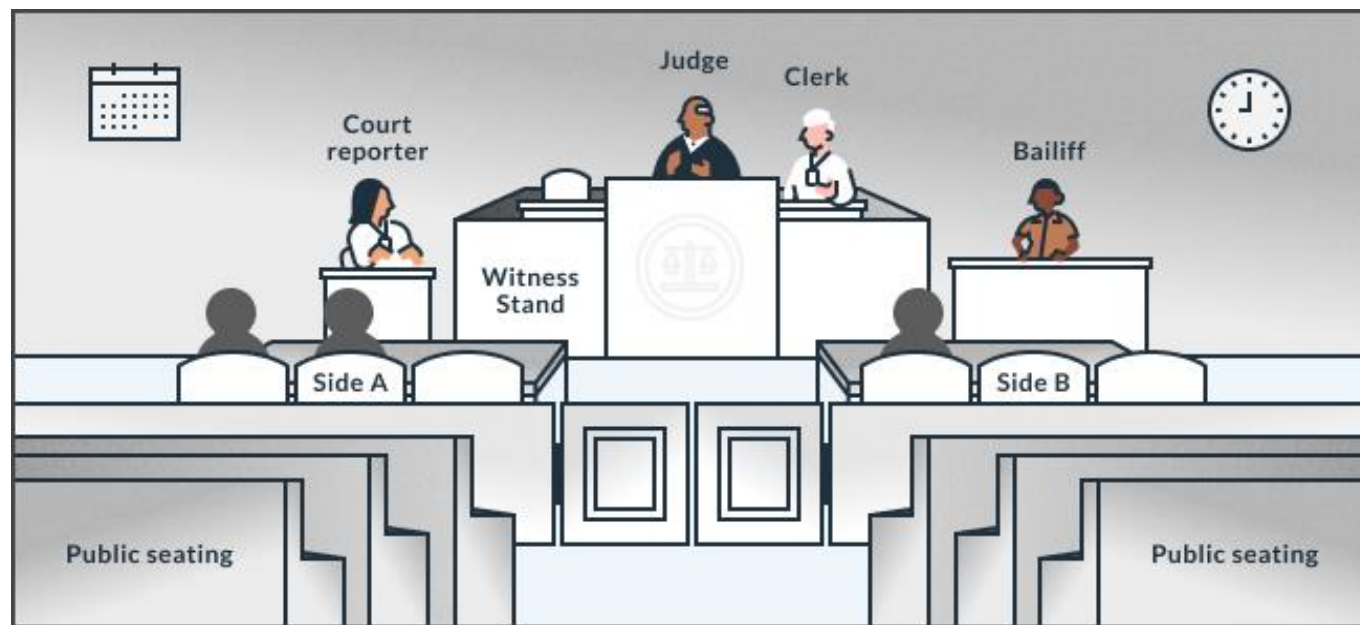
The Small Claims Hearing

Come to the front when case is called

Plaintiff typically presents first followed by defendant

Start with your elevator pitch and then add details or answer the judge's questions

Refer to your evidence packet to support what you are saying



(From <https://selfhelp.courts.ca.gov/small-claims/trial/go-to-trial>)

The Small Claims Hearing

Prior to the hearing, the judge will likely encourage the parties to attempt to reach a settlement agreement

Be sure you have considered what terms you would be willing to agree to or any conditions you would like to ask for.

You may wish to resolve the dispute with a trained **mediator**:

- DCBA Mediation Services
 - <https://dcba.lacounty.gov/mediation/>
- Loyola Center for Conflict Resolution
 - <https://www.lls.edu/academics/centers/loyolacenterforconflictresolution/>



After the Small Claims Hearing: Post-Judgment Options

Small Claims Judgment

Typically, the judge will not decide in hearing

- They will "take the case under submission"

The parties will receive the judge's decision in the mail

- Keep your mailing address up to date with the court!!





Judgement = the judge's decision about the outcome of the case

If the judge rules for plaintiff/landlord (money is owed)	If judge rules for the defendant/tenant (no money is owed)
<ul style="list-style-type: none">• Tenant – will be ordered to pay your landlord a certain amount of money• Do not pay right away, there are a few options...• Landlord – must wait 30 days to enforce the judgment	<ul style="list-style-type: none">• Tenant - no money is owed to the landlord• Landlord – If present at the hearing, cannot appeal and cannot file another lawsuit for this debt.

If either party (tenant or landlord) was **not present** at the small claims court hearing, that party can move to vacate (set aside the judgment)

File form SC-135

- Within **30 days** of mailing of the judgment if you were properly served the complaint
- Within **180 days** of learning about the lawsuit if not properly served the complaint

You will be assigned a hearing date on the motion

- If the judge grants the motion to vacate be prepared to proceed with the small claims hearing **THE SAME DAY**

Defendants -

If **present** at the hearing and the judge rules against you, BUT you disagree with the judge's decision you can request a re-hearing

File SC-140, Notice of Appeal, within **30 days** of mailing of the judgment

Will receive a new hearing date in front of a different judge

**BOTH PARTIES CAN HAVE AN
ATTORNEY REPRESENT THEM IN A
SMALL CLAIMS APPEAL HEARING**

Payment Options

Upon mailing of the judgment, the court will send a debtor defendant a form **SC-133 – Judgment Debtors Statement of Assets**

- Send completed form to **plaintiff** within 30 days

Judgment debtors have the option to pay in full or request a payment plan:

Pay in full:	Request a payment plan:
<ul style="list-style-type: none">• Pay the full amount through the court (SC-145)• Pay directly to Plaintiff (landlord) and request they submit a notice of satisfaction of judgment (SC-290) <p>Protect yourself – make sure the court knows you paid!!</p>	<ul style="list-style-type: none">• Request to Make Payments (SC-220) +• Financial Statement (EJ-165) <p>CAUTION – If a defendant/tenant misses a payment, the entire judgment amount can come due/be accelerated</p>

Consequences for failure to pay a small claims judgment

A small claims judgment for COVID-19 rental debt cannot result in eviction

BUT it can still have a big impact on your life.

Small claims judgments are valid for 10 years and can be renewed

If a tenant fails to pay in full or misses a payment, a landlord can request the court to:

- Garnish the tenant's wages
- Impose levies on the tenant's bank accounts or property
- Some tenants may consider filing for bankruptcy



If you are unable to pay the judgment and/or an application for wage garnishment or levies has been filed, consult an attorney about your options

Additional small claims court resources

DCBA website and Small Claims assistance:

<https://dcba.lacounty.gov/small-claims/>

LA Superior Court Small Claims Division:

[What is Small Claims Court? - Small Claims Division - LA Court](#)

California Judicial Council website (includes all forms):

<https://www.courts.ca.gov/forms.htm?query=small%20claims>

LAFLA's Renters Small Claims Project

LAFLA will be hosting Renters Small Claims Workshops to assist tenants with:

- Reviewing COVID-19 rental debt small claims court documents
- Preparing for the COVID-19 rental debt small claims court hearing

You must represent yourself in the small claims hearing

For more information on workshops visit:

<https://lafla.org/covid-resources/renters-small-claims/>

or call 800-399-4529







Thank you for joining us!