



STATE CAPITOL
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Assembly
California Legislature
Committee on Rules
RICHARD S. GORDON
CHAIR

Thursday, April 03, 2014
8:50 AM
State Capitol, Room 3162

VICE CHAIR
SCOTT WILK
MEMBERS
CHERYL R. BROWN
ROCKY J. CHÁVEZ
MATTHEW M. DABABNEH
LORENA GONZALEZ
CURT HAGMAN
ADRIN NAZARIAN
BILL QUIRK
SEBASTIAN RIDLEY-THOMAS
MARIE WALDRON

FRANK BIGELOW (R-ALT.)
KEN COOLEY (D-ALT.)

CONSENT AGENDA

Bill Referrals

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Resolutions

3. ACR 89 (Salas) Relative to Portuguese Heritage Month.
4. ACR 120 (Levine) Relative to California Holocaust Memorial Week.
5. SCR 80 (Corbett) Relative to Irish American Heritage Month.

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Request to Add Urgency Clause

6. AB 2485 (Dickinson) Relative to Unlawful detainer: nuisance: controlled substances.

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Memo

To: Rules Committee Members
From: Mukhtar Ali, Bill Referral Consultant
Date: 4/2/14
Re: Consent Bill Referrals

Since you received the preliminary there have been no changes.



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REFERRAL OF BILLS TO COMMITTEE

04/03/2014

Pursuant to the Assembly Rules, the following bills were referred to committee:

Assembly Bill No.

Committee:

[AB 2752](#)

TRANS.

[AB 2753](#)

H. & C.D.

[AB 2754](#)

REV. & TAX.

[AB 2755](#)

B. & F.

[AB 2756](#)

REV. & TAX.

[AB 2757](#)

REV. & TAX.

[AB 2758](#)

REV. & TAX.

[AB 2759](#)

W.,P. & W.

[AB 2760](#)

U. & C.

[AB 2761](#)

U. & C.

[AB 2762](#)

L. GOV.

[AB 2763](#)

A. & A.R.

[AB 2764](#)

NAT. RES.

[AB 2765](#)

G.O.

[ACA 13](#)

BUDGET

[ACR 123](#)

RLS.

[ACR 124](#)

RLS.

[ACR 125](#)

RLS.

[AJR 42](#)

JUD.

Assembly Concurrent Resolution

No. 89

Introduced by Assembly Member Salas

February 3, 2014

Assembly Concurrent Resolution No. 89—Relative to Portuguese Heritage Month.

LEGISLATIVE COUNSEL'S DIGEST

ACR 89, as introduced, Salas. Portuguese Heritage Month.

This bill would recognize the month of June 2014 as Portuguese Heritage Month.

Fiscal committee: no.

1 WHEREAS, In September of 1542, Portuguese explorer Juan
2 Rodrigues Cabrillo (João Rodrigues Cabrillo) sailed a ship into
3 San Diego Bay and became the first European to explore the land
4 now known as California. Cabrillo explored the California coast,
5 and is credited with numerous coastal discoveries; and
6 WHEREAS, The first Portuguese settlers came to California
7 from the Azores Islands in the early 19th century, the largest wave
8 of Azorean immigrants moved to California just before and after
9 the turn of the 20th century and industriously set up agricultural
10 operations, especially dairy, vegetable, and fruit farms; and
11 WHEREAS, Throughout most of the 20th century, as many as
12 one-half of all Portuguese Californians owned or operated a dairy
13 farm, worked on a dairy farm, or worked in a dairy-related industry.
14 Applying the Portuguese belief in hard work and thriftiness, along
15 with additional labor from family members, a Portuguese settler

1 could earn enough to reinvest in his business, and buy more land
2 and cattle; and

3 WHEREAS, Historically, California has been a popular
4 destination for immigrants from the Azores Islands, creating strong
5 cultural ties between the two regions; currently there are almost
6 500,000 persons of Portuguese heritage living in California,
7 approximately 90 percent of whom have either come directly from
8 the Azores Islands or are of Azorean parentage; and

9 WHEREAS, In 1994, the University of California, Berkeley,
10 established The Portuguese Studies Program. Included among the
11 many goals of the program is the goal “to spotlight the crucial and
12 complex but often overlooked experience and contributions of the
13 Portuguese American community”; and

14 WHEREAS, Among the great Portuguese Americans who have
15 contributed significantly to this country are: composer John Philip
16 Sousa, best known for composing “Stars and Stripes Forever”;
17 poet Emma Lazarus, best known for her sonnet about the Statue
18 of Liberty, “The New Colossus”; architect William L. Pereira, best
19 known for designing the Transamerica Pyramid in San Francisco;
20 and singer and actress Carmen Miranda. Many Portuguese
21 Americans have also served with distinction in local, state, and
22 federal office, and have served proudly in this country’s military;
23 and

24 WHEREAS, Portuguese Americans have truly made valuable
25 and substantial contributions to every facet of California life
26 including the entertainment industry, the most notable of whom
27 are Mary Astor, Tom Hanks, Joe Perry, and James Franco; and

28 WHEREAS, Portuguese Americans continue to thrive in
29 agricultural communities of the San Joaquin Valley, including
30 Hanford and Lemoore in Kings County and Shafter, Wasco, and
31 Bakersfield in Kern County; they have contributed greatly to
32 making market milk the leading agricultural product by value in
33 both Kings and Kern Counties; and

34 WHEREAS, The Portuguese Heritage Society of California
35 designated the second Saturday of June as a day to celebrate
36 Portuguese culture through music, dance, art, cooking, parades,
37 and other festivities; now, therefore, be it

38 *Resolved by the Assembly of the State of California, the Senate*
39 *thereof concurring,* That the Legislature hereby declares the month

- 1 of June 2014 as Portuguese National Heritage Month; and be it
- 2 further
- 3 *Resolved*, That the Chief Clerk of the Assembly transmit copies
- 4 of this resolution to the author for appropriate distribution.

O

Date of Hearing: April 3, 2014

ASSEMBLY COMMITTEE ON RULES

Richard S. Gordon, Chair

ACR 89 (Salas) – As Introduced: February 3, 2014

SUBJECT: Portuguese Heritage Month.

SUMMARY: Recognizes the month of June 2014 as Portuguese Heritage Month and designates the second Saturday of June as a day to celebrate Portuguese culture through music, dance, art, cooking, parades, and other festivities. Specifically, this resolution makes the following legislative findings:

- 1) In the early 19th century, the first Portuguese settlers came to California from the Azores Islands, the largest wave of Azorean immigrants moved to California just before and after the turn of the 20th century and industriously set up agricultural operations, especially dairy, vegetable, and fruit farms.
- 2) Historically, California has been a popular destination for immigrants from the Azores Islands, creating strong cultural ties between two regions: currently there are almost 500,000 people of Portuguese heritage living in California.
- 3) In 1994, The University of California, Berkeley, established The Portuguese Studies Program with the goal "to spotlight the crucial and complex but often overlooked experience and contributions of the Portuguese American Community."
- 4) Portuguese Americans continue to thrive in agricultural communities of the San Joaquin Valley, including Hanford and Lemoore in Kings County and Shafter, Wasco, and Bakersfield in Kern County; they have contributed greatly to making market milk the leading agricultural product by value in both Kings and Kern Counties.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Nicole Willis / RLS. / (916) 319-2800

Assembly Concurrent Resolution

No. 120

**Introduced by Assembly Members Levine, Bloom, Fox, Lowenthal,
Medina, Nazarian, and John A. Pérez**

(Principal coauthors: Senators Block, Jackson, Leno, Steinberg, and
Wolk)

March 10, 2014

Assembly Concurrent Resolution No. 120—Relative to California
Holocaust Memorial Week.

LEGISLATIVE COUNSEL’S DIGEST

ACR 120, as introduced, Levine. California Holocaust Memorial
Week.

This measure would proclaim April 27 through May 4, 2014, as
California Holocaust Memorial Week and would urge Californians to
observe these days of remembrance for the victims of the Holocaust in
an appropriate manner.

Fiscal committee: no.

1 WHEREAS, The Holocaust was a tragedy of proportions the
2 world had never before witnessed; and

3 WHEREAS, More than 65 years have passed since the tragic
4 events we now refer to as the Holocaust transpired, in which the
5 dictatorship of Nazi Germany murdered six million Jews as part
6 of a systematic program of genocide known as “The Final Solution
7 of the Jewish Question”; and

8 WHEREAS, Jews were the primary victims, but they were not
9 alone. Five million other people were murdered in Nazi
10 concentration camps as part of a carefully orchestrated,

1 state-sponsored program of cultural, social, and political
2 annihilation under the Nazi tyranny; and

3 WHEREAS, We must recognize the heroism of those who
4 provided assistance to the victims of the Nazi regime, including
5 the many soldiers who liberated concentration camps and provided
6 comfort to those suffering; and

7 WHEREAS, We must teach our children, and future generations,
8 that the individual and communal acts of heroism during the
9 Holocaust serve as a powerful example of how our nation and its
10 citizens can, and must, respond to acts of hatred and inhumanity;
11 and

12 WHEREAS, We must always remind ourselves of the horrible
13 events of the Holocaust and remain vigilant against hatred,
14 persecution, and tyranny lest these atrocities be repeated; and

15 WHEREAS, We, the people of California, should actively
16 rededicate ourselves to the principles of human rights, individual
17 freedom, and equal protection under the laws of a just and
18 democratic society; and

19 WHEREAS, Each person in California should set aside moments
20 of his or her time every year to give remembrance to those who
21 lost their lives in the Holocaust; and

22 WHEREAS, The United States Holocaust Memorial Council
23 has designated April 27 through May 4, 2014, as the Days of
24 Remembrance of the Victims of the Holocaust, including the
25 International Day of Remembrance, known as Yom Hashoah, on
26 April 28, 2014; and

27 WHEREAS, According to Elie Wiesel, a Holocaust survivor
28 and nationally recognized scholar, “a memorial unresponsive to
29 the future would violate the memory of the past”; now therefore,
30 be it

31 *Resolved by the Assembly of the State of California, the Senate*
32 *thereof concurring*, That the Legislature proclaims April 27 through
33 May 4, 2014, as “California Holocaust Memorial Week,” and that
34 Californians are urged to observe these days of remembrance for
35 victims of the Holocaust in an appropriate manner; and be it further

36 *Resolved*, That the Chief Clerk of the Assembly transmit
37 sufficient copies of this resolution to the author for appropriate
38 distribution.

O

Date of Hearing: April 3, 2014

ASSEMBLY COMMITTEE ON RULES

Richard S. Gordon, Chair

ACR 120 (Levine) – As Introduced: March 10, 2014

SUBJECT: California Holocaust Memorial Week.

SUMMARY: Proclaims April 27 through May 4, 2014, as California Holocaust Memorial Week and would urge Californians to observe these days of remembrance for the victims of the Holocaust in an appropriate manner. Specifically, this resolution makes the following legislative findings:

- 1) More than 65 years have passed since the tragic events we now call the holocaust transpired, in which six million Jews and five million others were murdered as part of a carefully orchestrated, state-sponsored program of cultural, social, and political annihilation under Nazi tyranny.
- 2) We must recognize the heroism of those who provided assistance to the victims of the Nazi regime and teach our children and future generations that acts of heroism during the Holocaust serve as a powerful example of how our nation and its citizens can, and must, respond to acts of hatred and inhumanity.
- 3) The United States Holocaust Memorial Council has designated April 27 through May 4, 2014, as the Days of Remembrance of the Victims of the Holocaust; and we, the people of California, should actively rededicate ourselves to the principles of human rights, individual freedom, and equal protection under the laws of a just and democratic society.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

Anti-Defamation League (ADL)

Opposition

None on file.

Analysis Prepared by: Nicole Willis / RLS. / (916) 319-2800

Introduced by Senator Corbett
(Coauthor: Assembly Member Mullin)

February 4, 2014

Senate Concurrent Resolution No. 80—Relative to Irish American Heritage Month.

LEGISLATIVE COUNSEL'S DIGEST

SCR 80, as introduced, Corbett. Irish American Heritage Month.

This measure would designate March 2014 as Irish American Heritage Month in honor of the multitude of contributions that Irish Americans have made to the country and state.

Fiscal committee: no.

1 WHEREAS, Millions of Irish people, faced with severe hardship
2 due to famine and poverty in their nation, immigrated to the United
3 States over the last several centuries in search of a more promising
4 future for themselves and their families; and
5 WHEREAS, The journey to America from the Emerald Isle was
6 not paved with gold. The Irish spirit of determination, perseverance,
7 and grit prevailed against dangerous seas and deadly conditions
8 with their hearts set on the horizon; and
9 WHEREAS, Irish Americans initially suffered prejudice and
10 discrimination upon first arriving in the United States. As the years
11 went on, Irish Americans became deeply integrated in their
12 communities and made numerous contributions in all aspects of
13 American society and culture; and
14 WHEREAS, Irish Americans played vital roles in the
15 development of the United States. Nine Irish Americans were
16 signers of the Declaration of Independence, and 22 Presidents of

1 the United States have been of Irish heritage, including John F.
2 Kennedy, Ronald Reagan, Bill Clinton, and Barack Obama; and

3 WHEREAS, Many people of Irish descent have contributed to
4 great movements that have helped to shape our country and its
5 role in the world, including Mother Jones, labor activist; Lucy
6 Burns, activist in the Women’s Movement; and Senator George
7 Mitchell, negotiator of the Irish Peace Accord; and

8 WHEREAS, Irish Americans have also played a major role in
9 California politics as governors, legislative leaders, city mayors,
10 and other public officials, who have worked tirelessly to build
11 California to the state that it is today; and

12 WHEREAS, Irish Americans were significantly involved in the
13 development of infrastructure throughout the United States,
14 especially in California. This included work on railroads and
15 bridges that connected the west to the east. The Irish were also
16 instrumental in the building of dams, roads, canals, and buildings
17 that expanded greatly in the late 1800s; and

18 WHEREAS, Many Irish Americans have made their mark as
19 peace officers and firefighters, and have risked or lost their lives
20 on countless occasions in carrying out their duties; and

21 WHEREAS, Many outstanding soldiers, never to be forgotten,
22 who fought for American freedom in the Revolutionary War were
23 of Irish descent. Irish Americans have proudly served with
24 distinction in every war that this nation has fought and continue
25 to do so today; and

26 WHEREAS, Many Irish Americans have contributed greatly to
27 the United States economy in business, including: Alexander
28 Stewart, the inventor of the American department store; Cathleen
29 Black, president of Hearst Publishing; Jack Welch, former president
30 and chief executive officer of General Electric; and Herb Kelleher,
31 cofounder of Southwest Airlines; Paul Adams of Facebook; John
32 Donahoe, chief executive officer of eBay, Inc.; Conrad Burke,
33 founder of Innovalight; and Maggie Sullivan Wilderotter, chief
34 executive officer of Frontier Communications; and

35 WHEREAS, Irish Americans have contributed to the field of
36 science, including astronaut Michael Collins, first female
37 commander of a space shuttle, Eileen Collins, physicist and Nobel
38 Laureate Charles Townes, and bioengineer and MacArthur “Genius
39 grant” recipient James Collins; and

1 WHEREAS, Irish Americans have contributed to the American
2 literary tradition through great authors, including Flannery
3 O'Connor, Eugene O'Neill, F. Scott Fitzgerald, Mary McCarthy,
4 Tom Clancy, and Frank McCourt; and

5 WHEREAS, Irish Americans have contributed to American
6 entertainment with such stars as actors Jack Nicholson, John
7 Wayne, and George Clooney; actor and comedian Bill Murray;
8 actress Grace Kelly; actress and comedian Rosie O'Donnell; actor
9 and singer Bing Crosby; actress and singer Rosemary Clooney;
10 actress and singer Judy Garland; comedian Conan O'Brien; and
11 actor and director Edward Burns, all being of Irish heritage; and

12 WHEREAS, Today, over 34 million Americans claim Irish
13 heritage, and they continue to contribute to the American and
14 California politics, economy, and culture; now, therefore, be it

15 *Resolved by the Senate of the State of California, the Assembly*
16 *thereof concurring*, That the Legislature, in honor of the multitude
17 of contributions that Irish Americans have made to make this a
18 better country and state for all people, designates March 2014 to
19 be Irish American Heritage Month in California, and calls upon
20 the people of the state to observe the month of March with
21 appropriate ceremonies, programs, and activities, especially on
22 March 17, since everyone is Irish on St. Patrick's Day; and be it
23 further

24 *Resolved*, That the Secretary of the Senate transmit copies of
25 this resolution to the author for appropriate distribution.

O

Date of Hearing: April 3, 2014

ASSEMBLY COMMITTEE ON RULES

Richard S. Gordon, Chair

SCR 80 (Corbett) – As Amended: February 4, 2014

SENATE VOTE: 33-0

SUBJECT: Irish American Heritage Month.

SUMMARY: Designates March 2014 as Irish American Heritage Month in honor of the multitude of contributions that Irish Americans have made to the country and state. Specifically, this resolution makes the following legislative findings:

- 1) Millions of Irish people immigrated to the United States over the last several centuries.
- 2) Irish Americans initially suffered prejudice and discrimination upon first arriving in the United States; but, as years went on, Irish Americans became very involved in all aspects of American society and culture, especially in California.
- 3) Today over 34 million Americans claim Irish heritage; and they continue to contribute to American and California's political, economic, and cultural landscape.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Nicole Willis / RLS. / (916) 319-2800

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2485

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

February 21, 2014

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.~~

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

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

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

~~“(Date)~~

~~(Name of tenant)~~

~~(Address of tenant)~~

~~Re: Civil Code Section 3485~~

~~Dear (name of tenant):~~

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

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

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

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

~~Sincerely,~~

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

~~Deputy City (Attorney or Prosecutor)~~

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

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

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

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

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

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

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

(i) The notice shall contain the following language:

“(Date)

(Name of tenant)

(Address of tenant)

Re: Civil Code Section 3486

Dear (name of tenant):

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

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

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

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).~~

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

(i) The notice shall contain the following language:

“(Date)

(Name of tenant)

(Address of tenant)

Re: Civil Code Section 3486.5

Dear (name of tenant):

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

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

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

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

Sincerely,

(Name of deputy city attorney or city prosecutor)

Deputy City (Attorney or Prosecutor)

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

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

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

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

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

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

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

A list of legal assistance providers is attached to this notice. 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, phenylidine,~~
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, 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, 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

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P.O. BOX 942849
SACRAMENTO, CA 94249-0007
(916) 319-2007
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DISTRICT OFFICE
915 L STREET, SUITE #110
SACRAMENTO, CA 95814
(916) 324-4676
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Assembly California Legislature



ROGER DICKINSON
ASSEMBLYMEMBER, SEVENTH DISTRICT

COMMITTEES
CHAIR, BANKING AND FINANCE
BUDGET
BUSINESS, PROFESSIONS AND
CONSUMER PROTECTION
JUDICIARY

SUBCOMMITTEES
BUDGET SUBCOMMITTEE #1,
HEALTH AND HUMAN SERVICES

SELECT COMMITTEE
CHAIR: DELINQUENCY PREVENTION
AND YOUTH DEVELOPMENT

April 1, 2014

The Honorable Rich Gordon
Chair, Assembly Rules Committee
State Capitol, Room 3016
Sacramento CA. 95814

Re: Urgency Clause Approval

Dear Assemblymember Gordon:

I respectfully request approval to amend an urgency clause into AB 2485, pertaining to Unlawful Detainer.

AB 2485 reinstates a pilot program for the City of Sacramento allowing the City Attorney to pursue an unlawful detainer action against a tenant who is committing drug offenses on the premises of the rental property. This authority has been extremely helpful and successful in protecting the health and safety of neighborhoods where drug offenders have been committing drug offenses. Unfortunately, the authority previously granted to the City of Sacramento expired at the end of 2013, and it is imperative that it be reinstated as soon as possible to allow the City Attorney to remove tenants who are violating the law.

Sincerely,

A handwritten signature in dark ink, appearing to read "Roger Dickinson", written over a light blue horizontal line.

ROGER DICKINSON
Assemblymember, 7th Assembly District



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