



Lead Committee: Investment Housing Committee

Level of Government Committee: Legislative Committee

01/2014

TENANT ATTORNEYS REQUESTING JURY TRIALS IN UNLAWFUL DETAINER ACTIONS

THE QUESTION

Should CAR sponsor legislation in 2014 to place some controls on the burgeoning effort of consumer attorneys to request jury trials in unlawful detainer actions?

ACTION

Required: If legislation is to be sponsored by C.A.R. in 2014.

POSSIBLE POSITIONS

1. Sponsor legislation to create a California law that addresses the problem of jury trial requests by tenant attorneys in unlawful detainer actions.
2. Request C.A.R. Legal to create a Legal "Q & A" on this issue. (Done per Internal Memo dated 10/18/13.)
3. Continue to monitor and update Committee
4. Take no action.
5. Other

DISCUSSION

1. THE PROBLEM

Primarily in Southern California at this stage, attorneys representing tenants' rights groups such as BASTA, Inc., Legal Aid, the Eviction Defense Center, and Tenants United of Los Angeles have been requesting courts to set jury trials for unlawful detainer actions. Very few actually go to trial; the objective of their request is to negotiate a settlement which ultimately results in the tenants receiving free rent for up to 6 months, the court record is sealed, and the tenant agrees to move out by a specified date. What this actually creates is a situation whereby the tenant receives free rent for 6 months because most rental property owners

wait at least two months of rent nonpayment before filing an action, then a court date has to be calendared, and the tenant representatives negotiate another two months of free rent before the tenant has to move out of the unit. The cost of pursuing one of these cases to trial can reach upwards of \$15,000, with no chance of reimbursement to the rental property owner. Most clients of our property managers' clients are insisting on the pursuit of settlements because they simply cannot afford such burdensome judgments.

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What action, if any, should CAR take with respect to requests for jury trials in unlawful detainer actions?