



CaliforniaCivilLiberties.org

California Civil Liberties Advocacy
1242 Bridge Street, #65
Yuba City, CA 95991
(916) 741-2560

Monday, April 4, 2016

Assemblymember Tom Lackey
P.O. Box 942849
Room 4009
Sacramento, CA 94249-0036

RE: Assembly Bill 2003

Dear Assemblymember Lackey:

The California Civil Liberties Advocacy (CCLA) **OPPOSES** Assembly Bill 2003 (AB 2003) because it puts a duty inherent to the landlord—a specialist—into a vulnerability for the tenant.

Under our current laws, it is incumbent on the landlord, or whichever manager the landlord might use, to keep a copy of each complaint filed from a tenant. There is a legal burden upon the manager because whichever managing entity receives such documentation is in the business of maintaining residences. Managers are, essentially, specialists.

This is not true for tenants. The law doesn't put the burden of maintenance upon the tenant because they are not expected to have training simply to live within a shelter. Tenants are generalists. As generalists, tenants rely on the skill of the specialist to perform their legal obligation in the maintenance of a residence. This follows the modern framework of our society.

The CCLA is concerned that this change in laws will primarily be used to harm the lay tenant. Most tenants will be completely unprepared for the instance of a potential Unlawful Detainer action, even if they are suspicious that one may come. Because of the brevity of the Unlawful Detainer action, there is a strong likelihood that the lay tenant could take the five days allowed to file an *answer* to the legal complaint while trying to find a lawyer whom could advise the tenant how to properly respond. However, this would not give the tenant sufficient time to acquire evidence of the exact times of their complaints.

The CCLA opposes AB 2003 because it shall change the law so that the same information that the complainant is expected to have in their records shall then be demanded of the defendant. This harms the defendant because their incorrect answers on the new forms could ruin their defense. Again, this is information that the complainant or the party managing for the complainant is **legally obligated** to record, and the complaints of tenants were ways that the defendant claims to have been harmed. This begs for injustice.

"Indifference to personal liberty is but the precursor of the state's hostility to it."

— Justice Kennedy, U.S. Supreme Court

For all of the aforementioned reasons, the CCLA is strongly opposed to AB 2003.

Respectfully,

Nicholas Gonzales
Legislative Advocate for CCLA
(916) 741-2560
n.gonzales@caliberty.net

Cc: Assembly Judiciary Committee
Assemblymember Mark Stone
Assemblymember Donald Wagner
Assemblymember Luis Alejo
Assemblymember Ed Chau
Assemblymember David Chiu
Assemblymember James Gallagher
Assemblymember Cristina Garcia
Assemblymember Chris Holden
Assemblymember Brian Maienschein
Assemblymember Philip Ting