

CONCURRENCE IN SENATE AMENDMENTS

CSA1 Bill Id:AB 1384 Author:(Nguyen)

As Amended Ver:August 27, 2025

Majority vote

SUMMARY

Modifies the court's authority to set a hearing date later than the one prescribed by law.

Major Provisions

Permits the court to order the hearing held on a later date upon the written stipulation of the parties or upon good cause shown in the case of a residential or commercial tenancy, not to exceed 10 court days after the first date set for a hearing on the motion in the case of a commercial tenancy.

Senate Amendments

Recast the process by which a court may set a hearing date later than the one prescribed by law, so as to permit the court to order the hearing held on a later date upon the written stipulation of the parties or upon good cause shown in the case of a residential or commercial tenancy, not to exceed 10 court days after the first date set for a hearing on the motion in the case of a commercial tenancy.

COMMENTS

Unlawful Detainer in Residential and Commercial Contexts. When a tenant has been served with a proper eviction notice and then fails to vacate the rental property by the time prescribed in the notice, the owner of the property may bring what is known as an unlawful detainer (UD) action. The UD action is considered a "summary" proceeding, meaning that timelines for filing and responding to the UD complaint, and filing or responding to motions, are greatly accelerated. Most relevant to this bill, existing law requires any hearing on a demurrer or motion to strike to be held within five to seven court days after its filing, unless, for good cause shown, the court sets a later date. Existing law applies these rules to any unlawful detainer action, whether brought to recover a residential or commercial property, notwithstanding the substantially different stakes for a residential versus a commercial tenant.

This bill, which seeks to expedite UD actions brought against commercial tenants, *modifies* the court's authority to set a hearing date later than the one prescribed by law. Specifically, the bill would *permit the court to order the hearing held on a later date upon the written stipulation of the parties or upon good cause shown in the case of a residential or commercial tenancy, not to exceed 10 court days after the first date set for a hearing on the motion in the case of a commercial tenancy.*

According to the Author

According to the author, the "current law allows courts to postpone [unlawful detainer] hearings for good cause, without distinguishing between residential and commercial cases." The author believes that while "flexibility is appropriate and necessary in residential tenancy cases to protect tenants, this discretion has led to unintended delays in commercial unlawful detainer cases. These delays result in prolonged vacancies, higher legal fees, and financial strain—particularly harming small, under-resourced, or family-owned businesses and property owners, including

many minority-owned enterprises, who often lack the resources to manage extended litigation timelines. These setbacks create barriers to resolving disputes quickly and returning commercial spaces to productive use."

Arguments in Support

The California Business Properties Association (CBPA) supports this "narrowly tailored bill that provides a clarifying technical fix to AB 2347 (Kalra, 2023) regarding hearing timelines in unlawful detainer (UD) proceedings. AB 2347 was enacted to help ensure swift resolution in UD cases by creating standardized timelines for hearings on motions such as demurrers and motions to strike. However, the bill did not distinguish between residential and commercial cases. In the commercial context, where delayed proceedings can result in prolonged vacancies, stalled lease negotiations, and operational uncertainty, timely resolution is essential." This bill, CBPA believes, makes an appropriate distinction.

Arguments in Opposition

The Judicial Council opposes this bill because it "limits the court's authority to set a later hearing for a noticed motion in an action for unlawful detainer cases involving a commercial tenancy. Our courts already have heavily impacted calendars which have only been compounded by a bevy of legislatively mandated accelerated calendaring requirements." The Judicial Council opposes this bill because it limits the court's discretion to calendar cases.

FISCAL COMMENTS

None

VOTES:

ASM JUDICIARY: 12-0-0

YES: Kalra, Dixon, Wicks, Bryan, Connolly, Harabedian, Pacheco, Papan, Sanchez, Stefani, Zbur, Tangipa

ASSEMBLY FLOOR: 73-0-6

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Solache, Soria, Stefani, Ta, Tangipa, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

ABS, ABST OR NV: Gallagher, Papan, Ramos, Schultz, Sharp-Collins, Valencia

SENATE FLOOR: 40-0-0

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNeerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Reyes, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

UPDATED

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CONSULTANT: Tom Clark / JUD. / (916) 319-2334

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