
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anna Caballero, Chair
2025 - 2026 Regular Session

AB 246 (Bryan) - Social Security Tenant Protection Act of 2025

Version: August 18, 2025

Urgency: No

Hearing Date: August 25, 2025

Policy Vote: JUD. 11 - 2

Mandate: Yes

Consultant: Liah Burnley

Bill Summary: Authorizes a residential tenant to assert Social Security hardship as an affirmative defense in unlawful detainer proceedings.

Fiscal Impact: Unknown, potential costs to the state funded trial court system (Trial Court Trust Fund, General Fund) to adjudicate new affirmative defenses in unlawful detainer proceedings. The fiscal impact of this bill to the courts will depend on many unknowns, including the number of cases filed and the factors unique to each case. An eight-hour court day costs approximately \$10,500 in staff in workload. If court days exceed 10, costs to the trial courts could reach hundreds of thousands of dollars. In 2023–24, over 4.8 million cases were filed statewide in the superior courts. While the courts are not funded on a workload basis, an increase in workload could result in delayed court services and would put pressure on the General Fund to fund additional staff and resources and to increase the amount appropriated to backfill for trial court operations.

Background: The federal Social Security Administration administers several benefits, including retirement, disability, survivor and supplemental security income benefits. Social Security is a major source of income for most people over 65 years old. Several other programs are “social security” but not administered by SSA, such as Medicare, Medicaid, the Children’s Health Insurance Program and unemployment compensation. As of April 2025, 73.9 million people, more than a fifth of the entire U.S. population, got benefits from at least one of Social Security’s programs.

The Trump administration has made deep staff cuts to the Social Security Administration. SSA had 58,409 workers as of September 2024. Cuts have left the agency struggling to serve millions of claimants and beneficiaries.¹ The Trump Administration is preparing to propose a rule to cut Supplemental Security Income benefits and strip eligibility for hundreds of thousands of low-income older people and severely disabled adults and children.² These changes will cause untold harm to the state’s lowest-income people. The reckless policies of the federal administration will force more people to turn to institutional care, homelessness, and incarceration if they can no longer afford rent – a significant cost burden to the state.

¹ <https://www.pewresearch.org/short-reads/2025/05/20/what-the-data-says-about-social-security/>

² The Office of Information and Regulatory Affairs (OIRA) lists as received on July 18, 2025, SSA’s “Rescission of Changes to the Definition of a Public Assistance Household” as a proposed rule “pending review.” See: OIRA, “Executive Order Submissions Under Review,” <https://www.reginfo.gov/public/do/eoReviewSearch>, accessed on August 4, 2025.

There is precedent for relief to residential tenants in times of uncertainty. For example, In September 2020, the Legislature passed the California COVID-19 Tenant Relief Act of 2020 (CA Relief Act) to prevent landlords from evicting residential tenants suffering COVID-related financial hardships, and in 2021, enacted SB 91 COVID-19 Relief: Tenancy and Federal Rental Assistance (SB 91), which added rental assistance.

Proposed Law:

- Authorizes a tenant of residential real property to assert Social Security hardship as an affirmative defense in any unlawful detainer proceeding based on the nonpayment of rent.
- Requires a tenant that asserts Social Security hardship as a defense to provide evidence of all of the following to the satisfaction of the court:
 - That Social Security benefits typically received by the tenant's household have been terminated, delayed, or reduced due to no fault of the tenant; and,
 - That the Social Security hardship prevented the tenant from paying the unpaid rent alleged in the unlawful detainer action.
- Provides that, if the tenant successfully provides all the required evidence, the court shall stay the unlawful detainer action until the earlier of either of the following:
 - Fourteen days after the tenant's Social Security benefits are restored; or,
 - Six months after the stay is issued.
- Provides that these provisions do not relieve the tenant of their obligation to pay past due rent.
- Requires, within 14 days of their Social Security benefits being restored by the Social Security Administration, a tenant to do one of the following:
 - Pay all past due rent; or,
 - Enter into a mutually agreed upon payment plan with the owner of the residential real property.
- Defines all of the following:
 - "Residential real property" as any dwelling or unit that is intended for human habitation, including any dwelling or unit in a mobilehome park.
 - "Restored" as a reinstated Social Security benefit that has been received by the Social Security beneficiary.

- “Social Security hardship” as a loss of income due to an interruption in the payment of Social Security benefits due to the action or inaction of the federal government.

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