
THIRD READING

Bill No: AB 246
Author: Bryan (D), et al.
Amended: 8/18/25 in Senate
Vote: 21

SENATE JUDICIARY COMMITTEE: 11-2, 7/15/25

AYES: Umberg, Allen, Arreguín, Ashby, Caballero, Durazo, Laird, Stern, Wahab,
Weber Pierson, Wiener

NOES: Niello, Valladares

SENATE APPROPRIATIONS COMMITTEE: 5-2, 8/29/25

AYES: Caballero, Cabaldon, Grayson, Richardson, Wahab

NOES: Seyarto, Dahle

ASSEMBLY FLOOR: 49-13, 6/4/25 - See last page for vote

SUBJECT: Social Security Tenant Protection Act of 2025

SOURCE: Disability Rights California
Californians for SSI
SEIU California

DIGEST: This bill permits a tenant of residential real property, until January 20, 2029, to assert as an affirmative defense in an unlawful detainer action for nonpayment of rent that they experienced a loss of income due to an interruption in the payment of social security benefits do to the action or inaction of the federal government, when the tenant provides evidence to the satisfaction of the court that the benefits have been terminated, delayed, or reduced due to no fault of the tenant and the interruption in social security benefits prevented the tenant from paying the unpaid rent, as specified.

ANALYSIS:

Existing law:

- 1) Establishes generally the relations between and responsibilities of landlords and tenants in residential leases (hiring of real property). (Civil (Civ.) Code §§ 1940 et seq.)
- 2) Establishes the Tenant Protection Act of 2019, which prohibits landlords of certain properties, until January 1, 2030, from evicting a residential tenant who has resided in the unit for 12 months or more, unless the landlord has at-fault or no-fault just cause.
 - a) Defines “at-fault” just cause to mean a tenant’s:
 - i) default in the payment of rent;
 - ii) breach of a material term of the lease;
 - iii) maintaining or permitting a nuisance on the premises;
 - iv) committing waste on the premises;
 - v) refusal to execute a written extension or renewal of a lease for a tenancy in a mobilehome, as prescribed;
 - vi) criminal activity on the residential property;
 - vii) assigning or subletting the premises in violation of the lease;
 - viii) refusal to allow the owner to enter the property as authorized;
 - ix) using the premises for an unlawful purpose;
 - x) failure to vacate when the tenant is an employee, agent, or licensee, and the tenant is terminated as an employee, agent, or licensee; and
 - xi) failure to deliver possession of property after providing the owner written notice of the tenant’s intent to terminate the lease.
 - b) Defines “no-fault” just cause to mean:
 - i) when the owner or owner’s spouse, domestic partner, children, grandchildren, parents, or grandparents intend to occupy the property for at least 12 months as their primary residence;
 - ii) a withdrawal of the property from the rental market;
 - iii) when the owner must evict the tenant to comply with a local ordinance or an order of a government agency or court, as prescribed; or
 - iv) when the owner intends to demolish or substantially remodel the property. (Civ. Code § 1946.2)
- 3) Specifies that the just-cause eviction requirements described in (2), above, do not apply to the following:
 - a) a transient and tourist hotel occupancy, as defined;

- b) housing accommodations in a nonprofit hospital, religious facility, extended care facility, licensed residential care facility for the elderly, or an adult residential facility;
 - c) dormitories owned and operated by an institution of higher education or a K-12 school;
 - d) housing accommodations in which the tenant shares a bathroom or kitchen with the owner who maintains their principal residence at the property;
 - e) single-family owner-occupied residences;
 - f) properties containing two separate dwelling units within a single structure, in which the owner occupies one of the units as the owner's principal place of residence at the beginning of the tenancy, as specified;
 - g) housing that has been issued a certificate of occupancy within the last 15 years, unless the housing is a mobilehome;
 - h) residential real property that is alienable separate from the title to any other dwelling unit when the owner is not a corporation, management of a mobilehome park, or other business entity, as specified; and
 - i) housing that is restricted as affordable housing by deed, agreement with a government agency, or other recorded document, as defined. (Civ. Code § 1946.2(e).)
- 4) Provides that a tenant has committed unlawful detainer when they continue in possession of the property without the landlord's permission after:
- a) the tenant remains in possession of the premises after the expiration of the term of the tenancy without permission of the landlord or otherwise not permitted by law;
 - b) the tenant's nonpayment of rent and the service of a three-day notice to pay or quit, stating the amount that is due;
 - c) the tenant has breached a covenant of the lease or failed to perform other conditions under the lease, and after service of a 3-day notice requiring performance of such covenants or conditions;
 - d) the tenant has breached a covenant of the lease prohibiting subletting, assignment, or waste; has committed or permitted a nuisance on the premises; or used the premises for an unlawful purpose; and or
 - e) the tenant gives written notice of the tenant's intention to terminate the tenancy, but fails to deliver possession of the premises to the landlord at the specified time. (Code Civ. Proc. § 1161.)
- 5) For residential properties, requires the notices described in (4), above, to be served by:

- a) delivering a copy to the tenant personally;
 - b) if they are absent from their place of residence, and from their usual place of business, by leaving a copy with a person of suitable age and discretion at either place, and sending a copy through mail addressed to the tenant at their place of residence; or
 - c) if the tenant's place of residence or business cannot be ascertained or a person of suitable age found, by affixing a copy in a conspicuous place on the property, and delivering a copy to a person residing on the property, if such a person can be found, and sending a copy through mail addressed to the tenant at the property. (Civ. Code § 1162.)
- 6) Requires a tenant defendant in an unlawful detainer action to respond to a notice of summons within ten days, excluding weekends and court holidays, of being served with the notice. Specifies that, if service is completed by mail or the Secretary of State's address confidentiality program, the defendant must file within fifteen days. (Code Civ. Proc. § 1167.)
- 7) Requires entry of default and default judgment against the defendant if they fail to appear and defend against the unlawful detainer action, if upon written application of the plaintiff with proof of service of the summons and complaint. Provides that the court must issue a writ of execution, and thereafter the plaintiff may apply to the court for any other relief demanded in the complaint, including costs. (Code Civ. Proc. § 1169.)
- 8) Specifies that, if a tenant answers the unlawful detainer complaint, the trial regarding the unlawful detainer must be held within 20 days of the request to set the matter for trial. Specifies that a judgment shall be entered at the trial, and if the landlord prevails, a writ of execution must be issued immediately by the court. (Code Civ. Proc. § 1170.5.)
- 9) Prohibits a landlord from interrupting or terminating utility services, removing outside doors or windows, removing a tenant's personal property, or preventing a tenant from entering the property in order to terminate the tenant's tenancy, and makes a landlord who does any such thing liable to the tenant for damages and a daily statutory penalty. (Civ. Code § 789.3.)
- 10) Specifies that a court may restore a tenant's tenancy, whether written or oral, and whether or not the tenancy has terminated, in the case of hardship. Specifies that an application for relief for the restoration of the tenancy may be made at any time prior to the restoration of the premises to the landlord, as

specified, or may be made by the court's own motion. Requires for this restoration that full payment of rent due be made, or full performance of any conditions or covenants stipulated. (Code Civ. Proc. § 1179.)

- 11) Requires a plaintiff in a civil action, except as otherwise required by statute, to serve upon the defendant a summons that is signed by the clerk and under the seal of the court in which the action is pending. Requires the summons to include specified information, including directions to the defendant as to the time for responding and the consequences for failing to respond. (Civ. Code § 412.20.)

This bill:

- 1) Establishes the "Social Security Tenant Protection Act of 2025."
- 2) Permits a tenant of residential property to assert as an affirmative defense in an unlawful detainer action based on nonpayment of rent that they have lost income due to an interruption in the payment of social security benefits due to the action or inaction of the federal government. For such an affirmative defense, a tenant must provide evidence to the satisfaction of the court that:
 - a) Social security payments typically received by the tenant's household have been terminated, delayed, or reduced due to no fault of the tenant; and
 - b) the social security hardship prevented the tenant from paying the unpaid rent alleged in the unlawful detainer action.
- 3) Provides that, if a tenant successfully provides all of the evidence required by (2), the court must stay the unlawful detainer action until the earlier of either:
 - a) 14 days after the tenant's social security benefits are restored, or
 - b) six months after the stay is issued.
- 4) Specifies that its provisions do not relieve the tenant of their obligation to pay past due rent, and requires that, within 14 days of their social security benefits being restored by the Social Security Administration, the tenant must either:
 - a) Pay all past due rent; or
 - b) Enter into a mutually-agreed upon payment plan with the owner of the residential property.

- 5) Requires the court to restore the tenant to their former estate or tenancy and either dismiss the unlawful detainer action with prejudice, or set aside the judgment against all named and unnamed defendants in the action.
- 6) Requires Judicial Council to adopt or modify forms for the implementation of the bill's provisions by January 1, 2027, as needed.
- 7) Specifies that the affirmative defense created by this bill does not apply to any unlawful detainer action other than an action based on the nonpayment of rent.
- 8) Specifies that these provisions do not prohibit or preempt the Governor from using existing emergency powers to declare a moratorium on evictions for individuals experiencing social security hardship, or from taking any other emergency actions.
- 9) Defines, for the purposes of these provisions, the following terms:
 - a) "residential real property" to mean any dwelling or unit that is intended for human habitation, including any dwelling or unit in a mobilehome park;
 - b) "restored" to mean a reinstated social security benefit that has been received by the social security beneficiary; and
 - c) "social security hardship" to mean 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.
- 10) Repeals its provisions on January 20, 2029.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Senate Appropriations Committee:

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.

SUPPORT: (Verified 8/29/25)

Californians for SSI (source)
Disability Rights California (co-source)
SEIU California (co-source)
Alameda County Homeless Action Center
All Home, a Project of Tides Center
California Association of Social Rehabilitation Agencies
California Community Foundation
California Council of the Blind
California Teachers Association
City of San Jose
City of Santa Monica
Cleaneearth4kids.org
Coalition of California Welfare Rights Organizations
Culver City Democratic Club
Dayle McIntosh Center for the Disabled
Disability Services and Legal Center
Grace Institute - End Child Poverty in CA
Hunger Action Los Angeles Inc.
Justice in Aging
Personal Assistance Services Council
San Francisco-Marin Food Bank
Santa Monica Democratic Club
Tri-county Independent Living

OPPOSITION: (Verified 8/29/25)

California Apartment Association
California Association of Realtors
California Building Industry Association
California Chamber of Commerce
Long Beach Area Chamber of Commerce
Western Manufactured Housing Communities Association

ARGUMENTS IN SUPPORT:

According to SEIU California, Disability Rights California, and Californians for SSI Coalition, the sponsors of AB 246:

Social Security, Supplemental Security Income (SSI), and Social Security Disability Insurance (SSDI) are lifelines for millions of Californians. Over 6 million residents rely on these monthly benefits, many of whom are on fixed incomes and face significant challenges in affording basic necessities, especially housing. These grants are more important than ever, as many older adults and people with disabilities will be negatively impacted by the passage of H.R. 1, which includes cuts to food and health benefits.

According to the Social Security Administration, nearly a quarter of Social Security recipients are renters, with a median household income of just \$24,400. Alarming, one-fourth of these renting households spend 57 percent or more of their income on housing, underscoring their extreme vulnerability to any interruption in benefits. This number is even higher for older adults and people with disabilities on SSI: In all 58 California counties, the 2025 “Fair Market Rent” (FMR) for a studio apartment exceeded 50% of the maximum SSI/SSP grant for an individual and rent in 28 counties is higher than the entire grant.

The threat of federal disruptions to Social Security payments is no longer hypothetical. Recent actions by federal officials—including deep staffing cuts and office closures—have put the timely delivery of benefits at risk. Should these payments be interrupted, even briefly, the consequences for California’s seniors and people with disabilities could be catastrophic. For those who rent, a missed Social Security payment can mean the difference between keeping a roof over their head and facing eviction.

If individuals who depend on Social Security lose their housing, the impact extends far beyond the loss of shelter. Homelessness among seniors and people with disabilities leads to severe health deterioration, increased reliance on emergency services, and higher public costs. It also erodes the dignity and security that these individuals have earned through a lifetime of work or in spite of lifelong challenges. Preventing such outcomes is not only a moral imperative but an economic one, as rehousing and supporting those who become homeless is far more costly than ensuring their continued stability.

AB 246 offers a targeted, temporary pause on eviction proceedings for Social Security recipients when federal payments are disrupted for more than three days. This commonsense measure will provide a crucial buffer, allowing vulnerable tenants to remain housed while federal issues are

resolved, and preventing a wave of unnecessary and devastating evictions. This bill has been amended based on technical knowledge from the Department of Justice and housing experts.

ARGUMENTS IN OPPOSITION:

According to the California Apartment Association and a coalition of businesses and industry associations opposed to AB 246:

We share your concern for seniors and other Social Security recipients who may be impacted by a federal delay in benefit payments. We agree that individuals affected by a delay in benefits should not face the loss of their homes. However, AB 246 addresses only one narrow consequence of such delayed social security benefits while ignoring other critical needs like food, medical care, and transportation.

If California lawmakers truly believe a federal delay in Social Security benefits is possible, then the state must be prepared to offer direct financial assistance—not just housing-related protections—to mitigate harm to all affected Californians. We also want to emphasize that many senior citizens are themselves rental property owners who rely on rental income to supplement their Social Security. If they lose both their benefits as well as rent payments from tenants affected by the same interruption, the financial impact would be devastating.

Rather than enacting a narrowly tailored policy like AB 246, we urge you to consider a more comprehensive approach. Specifically, we recommend ensuring that California's future budget includes emergency funding to support all Californians who may be affected by a Social Security payment disruption.

ASSEMBLY FLOOR: 49-13, 6/4/25

AYES: Addis, Aguiar-Curry, Ahrens, Arambula, Ávila Farías, Bains, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly, Elhawary, Fong, Gabriel, Garcia, Gipson, Mark González, Haney, Harabedian, Hart, Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor, Muratsuchi, Ortega, Pellerin, Quirk-Silva, Ransom, Celeste Rodriguez, Rogers, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ward, Wicks, Wilson, Zbur, Rivas

NOES: Chen, Davies, DeMaio, Dixon, Ellis, Gallagher, Hadwick, Hoover, Macedo, Patterson, Sanchez, Tangipa, Wallis

NO VOTE RECORDED: Alanis, Alvarez, Bauer-Kahan, Castillo, Flora, Jeff
Gonzalez, Lackey, Nguyen, Pacheco, Papan, Patel, Petrie-Norris, Ramos,
Michelle Rodriguez, Blanca Rubio, Ta, Valencia

Prepared by: Ian Dougherty / JUD. / (916) 651-4113
8/30/25 10:56:53

**** **END** ****