

## CONCURRENCE IN SENATE AMENDMENTS

AB 246 (Bryan)

As Amended August 18, 2025

Majority vote

**SUMMARY**

*Establishes the Social Security Tenant Protection Act of 2025. The Act authorizes a tenant of residential real property to assert Social Security hardship as an affirmative defense in an unlawful detainer proceeding based on the nonpayment of rent.*

*Major Provisions*

- 1) Defines "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.*
- 2) Requires, a tenant asserting Social Security hardship as an affirmative defense to provide, to the satisfaction of the court, evidence that Social Security payments typically received by the tenant's household have been terminated, delayed, or reduced due to no fault of the tenant and that the hardship prevented the tenant from paying the rent. If the tenant successfully provides this evidence, the Act would require the court to issue a stay of the unlawful detainer action, as specified.*
- 3) Specifies that a tenant would not be relieved of their obligation to pay past due rent, and it would require a tenant, within 14 days of the Social Security benefits being restored, to either pay all past due rent or enter into a mutually agreed upon payment plan with the owner of the residential real property. If the tenant pays all past due rent or enters into a payment plan with the owner, the Act would require the court to either dismiss the unlawful detainer action with prejudice or set aside the judgment against all named and unnamed defendants in the action.*
- 4) Requires the Judicial Council, by January 1, 2027, to adopt or modify forms as needed to implement the Act.*

**Senate Amendments**

- 1) Define "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.
- 2) Eliminate provisions that would have prohibited a court from issuing a summons on a complaint of unlawful detainer when there has been a disruption of Social Security and instead require a tenant asserting a hardship to provide evidence, a specified.
- 3) Require the Judicial Council, by January 1, 2027, to adopt or modify forms as needed to implement the Act.

**COMMENTS**

*The Department of Governmental Efficiency and the Social Security Administration. According to recent news reports, and at least one lawsuit, the current Presidential administration's Department of Governmental Efficiency (DOGE) has, in the name of "efficiency," terminated*

*thousands of federal employees and closed federal offices. DOGE's targets included the Social Security Administration (SSA), which lost 7,000 employees and was forced to close two offices, its Office of Civil Rights and Equal Opportunity and its Office of Transformation. It is possible that many more SSA field offices will close.*

*Earlier this month, organizations representing the elderly and people with disabilities filed a lawsuit in the United States District Court for the District of Columbia. The lawsuit alleges that the actions of DOGE violate various federal statutes as well as separation of powers principles. The lawsuit seeks injunctive relief to prevent the harm that these actions will pose to people who benefit from Social Security programs. The lawsuit alleges, in particular, these actions will increase the time it takes for SSA to process applications, greatly delaying the benefits to which applicants are duly entitled. (American Association of People with Disabilities, et.al. v. Leland Dudek, et.al. U.S. District Court for the District of Columbia, Case 1-25-cv-00977, April 2, 2025.)*

*While the lawsuit stresses the delay in processing applications and commencement of benefits, this bill stresses the likelihood that the actions of DOGE, and the Trump Administration more generally, could lead to a disruption of social security payments. If these payments cease, tenants who rely in whole or in part on Social Security checks may default on their rental payments and find themselves facing eviction. This bill, as detailed below, would prohibit the eviction of residential tenants who experience a loss of income due to an interruption of social security payments.*

*Eviction process for failure to pay rent. An eviction of a tenant for failure to pay rent typically begins when the landlord serves the tenant with a "three-day notice to pay or quit" (that is, pay the amount of rent due or vacate the premises.) If the tenant fails to pay or move within the three days, the landlord may file an unlawful detainer (UD) complaint with the court for recovery of the property. The landlord must simultaneously serve a copy of the complaint and summons on the tenant. Because the UD action is considered a "summary" proceeding, timelines are accelerated. The tenant has only 10 days to file an answer to the complaint. If the tenant does not respond within 10 days, the court may grant a default judgment to the landlord. If the tenant responds on time, however, then the court must hear the matter within 20 days (subject to certain delays). If, after trial, the judge decides in the landlord's favor, the landlord is provided with a "writ of eviction" that orders a sheriff to remove the tenant and their property from the premises.*

*This bill would authorize a tenant of residential real property to assert Social Security hardship as an affirmative defense in an unlawful detainer proceeding based on the nonpayment of rent. The bill would define "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. The bill would require a tenant asserting this defense to provide evidence that Social Security payments typically received by the tenant's household have been terminated, delayed, or reduced due to no fault of the tenant and that the hardship prevented the tenant from paying the rent. If the tenant successfully provides this evidence, the Act would require the court to issue a stay of the unlawful detainer action, as specified*

*The bill would not relieve a tenant of their obligation to pay past due rent, and it would require a tenant, within 14 days of the Social Security benefits being restored, to either pay all past due rent or enter into a mutually agreed upon payment plan with the owner of the residential real*

*property. Finally, the bill would further require the Judicial Council, by January 1, 2027, to adopt or modify forms as needed to implement the Act.*

**According to the Author**

Mass firings and shuttering Social Security offices have left seniors and people with disabilities terrified they'll have nowhere to turn if their checks don't arrive on time. Seniors are already the fastest growing population of people experiencing homelessness. We cannot stand idly by while Trump forces our grandparents onto the streets. AB 246 is a precautionary measure that will protect seniors and people with disabilities from unjust evictions if there is a declared interruption in their SSA payments.

**Arguments in Support**

This bill is co-sponsored by Californians for SSI, Disability Rights California, and SEIU California. The co-sponsors write in support:

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.

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.

**Arguments in Opposition**

The Apartment Association of Orange County and the East Bay Rental Housing Association opposes this bill for many reasons, including the following:

AB 246 is an unjust and unfair bill which aims to penalize residential rental property owners due to the operation of the federal government and any social security beneficiary that delays or modifies their payment schedule, contact information, or any other reason associated with the social security administration. Property owners are not involved in the process of which social security benefits are administered or modified. This bill would reduce an owner's remedy to seek payment due to no fault of their own.

AB 246 is narrowly tailored to only subject property owners to the penalties identified in AB 246. No other creditor is singled out. This is unjust.

AB 246 does not account for tenants who are having their social security benefits paused because of fraudulent or unlawful means.

The solution to resolving significant issues relating to social security payments was to modernize the SSA's phone system and enhance its technology. This was just completed with the active participation of thousands of Americans. We believe the issues

associated with the operation of the SSA was just achieved. No further changes in law are necessary.

## **FISCAL COMMENTS**

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.

## **VOTES:**

### **ASM JUDICIARY: 8-3-1**

**YES:** Kalra, Bauer-Kahan, Bryan, Connolly, Harabedian, Papan, Stefani, Zbur

**NO:** Dixon, Macedo, Sanchez

**ABS, ABST OR NV:** Pacheco

### **ASM APPROPRIATIONS: 11-2-2**

**YES:** Wicks, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache

**NO:** Dixon, Tangipa

**ABS, ABST OR NV:** Sanchez, Ta

### **ASSEMBLY FLOOR: 49-13-17**

**YES:** Addis, Aguiar-Curry, Ahrens, Arambula, Ávila Fariás, 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

**NO:** Chen, Davies, DeMaio, Dixon, Ellis, Gallagher, Hadwick, Hoover, Macedo, Patterson, Sanchez, Tangipa, Wallis

**ABS, ABST OR NV:** Alanis, Alvarez, Bauer-Kahan, Castillo, Flora, Jeff Gonzalez, Lackey, Nguyen, Pacheco, Papan, Patel, Petrie-Norris, Ramos, Michelle Rodriguez, Blanca Rubio, Ta, Valencia

### **ASM JUDICIARY: 8-3-1**

**YES:** Kalra, Bauer-Kahan, Bryan, Connolly, Harabedian, Papan, Stefani, Zbur

**NO:** Chen, Essayli, Sanchez

**ABS, ABST OR NV:** Pacheco

**UPDATED**

VERSION: July 3, 2025

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

FN: 0001709