

CONCURRENCE IN SENATE AMENDMENTS

CSA1 Bill Id:AB 863 Author:(Kalra)

As Amended Ver:August 18, 2025

Majority vote

SUMMARY

- 1) *Requires the Judicial Council to create, by January 1, 2027, a single summons form for mandatory use in an action for unlawful detainer to remove a tenant from a residential property in English, Spanish, Chinese, Tagalog, Vietnamese, and Korean.*
- 2) *Requires the Judicial Council to publish the above form on its internet website.*

Senate Amendments

Delete the provisions requiring landlords to provide notices, complaints, and summonses relating to an unlawful detainer action in specified languages, and instead requires the Judicial Council to adopt a single summons form for mandatory use in an action for unlawful detainer to remove a tenant from a residential property in English, Spanish, Chinese, Tagalog, Vietnamese, and Korean, and to publish this form on their internet website.

COMMENTS

Recognizing California's rich linguistic diversity – and the reality that business in the state is transacted in many languages – Section 1632 of the Civil Code requires that if a person engaged in trade or business negotiates certain contracts primarily in Spanish, Chinese, Tagalog, Vietnamese, or Korean, then the person must provide the other party with a translation of the contract in the language of negotiations. When Civil Code Section 1632 was first enacted in 1976, it only required translating contracts into Spanish, reflecting the state's sizeable Spanish-speaking population, one that predates California statehood. After 1976 the state's population became much more diverse and the number of Californians who spoke languages other than English or Spanish as their primary language increased dramatically. Indeed, by the time of 2000 U.S. Census, more than 12 million Californians spoke a language other than English in the home, and approximately 4.3 million of these spoke a language other than Spanish. The 2000 Census also showed that five languages – Spanish, Chinese, Tagalog, Vietnamese, and Korean – accounted for 83% of those who spoke a language other than English in their homes. Citing these findings, AB 309 (Chap. 330, Stats. 2003) expanded Civil Code Section 1632 to include these five most commonly spoken foreign languages. In addition, the legislative history indicates that AB 309 was prompted, in part, by a court case in which five Chinese-speaking consumers brought an action against a car dealership that negotiated with customers in Chinese. Evidence presented at trial suggested that the English-language contract contained terms that were not included in the negotiated agreements. (*Hua Bai, et al. v. Bob Wondries Associates, Inc., et al.*, Case No. BC 286661, Los Angeles County Superior Court, 2002.)

While Civil Code Section 1632 defines a contract to include leases or rental agreements – and thus requires such leases to be translated in one of the five languages if negotiated in one of those languages – the Civil Code Section 1632 translation requirements apply only to leases; they do not apply to any required notice, complaint, or summons should a dispute arise and the landlord attempts to evict the tenant. As such, tenants with limited English proficiency may not fully understand the important information that these legal documents contain, how they should

respond, or the consequences of not responding in a timely manner, which typically ends in a default judgment in favor of the landlord.

This bill would address this deficiency in existing law by requiring the Judicial Council to create, by January 1, 2027, a single summons form for mandatory use in an action for unlawful detainer to remove a tenant from a residential property in English, Spanish, Chinese, Tagalog, Vietnamese, and Korean. The bill requires the Judicial Council to post summons in these languages on their internet websites.

According to the Author

According to the author, "California is one of the most diverse states in the nation, [but] despite having notably large Spanish, Chinese, Vietnamese, Tagalog, and Korean-speaking populations, our state does not currently require many critical housing documents to be translated into these languages. This puts millions of limited-English proficiency renters at a significant disadvantage when they are faced with eviction proceedings, impeding their ability to fight a potentially wrongful termination of their lease." The author believes that AB 863 will remedy this problem by requiring summons be translated into English, Spanish, Chinese, Vietnamese, Tagalog, and Korean.

Arguments in Support

The bill's sponsor, Asian Americans Advancing Justice Southern California (AJSOCAL), writes in support of the bill:

As California continues to address our housing crisis by preventing further displacement and homelessness, we must not leave behind renters who are limited English proficient (LEP).

According to 2021 American Community Survey data, about 3.2 million (or about 18%) of the 16 million renters are limited English proficient (LEP), and Spanish and Asian speaking tenants make up a majority of this specific population. Among all LEP tenants, about 2.3 million are Spanish speakers who do not speak English very well, and about 700,000 of them are Asian language speakers. Current law protects California tenants under certain language groups, namely those who speak Spanish, Chinese, Tagalog, Vietnamese and Korean, by requiring landlords to provide rental contracts in such language, should they negotiate the lease in those languages. AB 863 ensures tenants stay protected during the eviction process.

As soon as the eviction process begins, a tenant only has very limited timing to respond to notices. For example, a tenant has only 10 days to respond to a summons and complaint, and cases are often defaulted where tenants are evicted without getting their day in court. If a tenant speaks a primary language that is not English, and they are unable to comprehend the eviction notice, summons or the complaint, the eviction process could quickly snowball.

Arguments in Opposition

Although recent amendments addressed some opposition, a coalition of rental property owners remain. In opposition, the Southern California Rental Housing Association writes:

I am writing to inform you of their opposition to AB 863, which seeks to impose language translation requirements for notices, summonses, and complaints in specified civil actions related to residential rental properties. While the SCRHA fully supports the goal of ensuring

equity and accessibility for tenants whose primary language may not be English, we believe this bill imposes impractical and unnecessary burdens on landlords, particularly small-scale property owners.

While tenant protection is essential, AB 863 as amended does not sufficiently address the practical challenges landlords will face under these mandates. It is unclear how landlords will access accurate translations for legal documents and ensure compliance without incurring significant costs.

FISCAL COMMENTS

According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

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

ASSEMBLY FLOOR: 50-17-12

YES: Addis, Aguiar-Curry, Ahrens, Alvarez, Arambula, Ávila Farías, Bains, Bennett, Berman, Boerner, Bonta, Bryan, Caloza, Connolly, Elhawary, Fong, Garcia, Gipson, Mark González, Haney, Harabedian, Hart, Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor, Muratsuchi, Nguyen, Ortega, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ransom, Celeste Rodriguez, Rogers, Schiavo, Schultz, Sharp-Collins, Stefani, Ta, Ward, Wicks, Wilson, Zbur, Rivas

NO: Alanis, Chen, Davies, DeMaio, Dixon, Ellis, Flora, Gallagher, Jeff Gonzalez, Hadwick, Hoover, Lackey, Macedo, Patterson, Sanchez, Tangipa, Wallis

ABS, ABST OR NV: Bauer-Kahan, Calderon, Carrillo, Castillo, Gabriel, Pacheco, Ramos, Michelle Rodriguez, Blanca Rubio, Solache, Soria, Valencia

SENATE FLOOR: 38-0-2

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

ABS, ABST OR NV: Alvarado-Gil, Dahle

UPDATED

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

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