

**Introduced by Senator Eggman**

February 14, 2022

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An act to amend Section 1946.7 of the Civil Code, and to amend Section 1161.3 of the Code of Civil Procedure, relating to housing.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1017, as introduced, Eggman. Leases: termination of tenancy: abuse or violence.

Existing law authorizes a tenant to provide a landlord with 180-day written notice, as specified, that the tenant, household member, or immediate family member, as defined, was a victim of an act of domestic violence, sexual assault, stalking, human trafficking, abuse of an elder or a dependent adult, or of other specified crimes, and that the tenant intends to terminate the tenancy. Existing law limits the amount of rent for which the tenant is responsible to not more than 14 calendar days after the notice is given and requires the tenant to be released from responsibility for making other rent payments under the lease, as specified.

Existing law prohibits a landlord from terminating or failing to renew a tenancy based upon an act or acts against a tenant or a tenant's household member that constitute domestic violence, sexual assault, stalking, human trafficking, or elder or dependent adult abuse if certain standards are met. Existing law requires the act to be documented in one of several ways, including by a court order, police report, or tenant statement and qualified third party statement, as specified, and existing law requires that the person against whom the order was issued, or who was named in the police report or tenant statement and qualified third party statement, not be a tenant of the same dwelling unit as the tenant or household member.

Existing law allows a landlord to terminate or decline to renew a tenancy if the tenant allows the person against whom the court order was issued or who was named in the police report or tenant statement and qualified third party statement to visit the property or if the landlord reasonably believes that the presence of the person poses a physical threat to other tenants, guests, invitees, or licensees, or to a tenant's right to quiet possession, and the landlord previously gave at least 3 days' notice to the tenant to correct the violation, as specified.

This bill would recast these provisions to prohibit a landlord from terminating or failing to renew a tenancy based on an act of abuse or violence, as defined, against a tenant, a tenant's immediate family member, as defined, or a tenant's household member. The bill would also recast these provisions to allow a landlord to terminate or refuse to renew a tenancy if the tenant voluntarily permits or consents to the presence of the perpetrator of abuse or violence, as defined, on the premises, the perpetrator has threatened to commit a crime, as specified, and the landlord gave at least 3 days' notice to the tenant to correct the violation in the last 90 days. The bill would make conforming changes to the required notice form and would require the Judicial Council to update its form by January 1, 2024.

This bill would set forth specific requirements for unlawful detainer proceedings under these provisions, and would require a court to make findings of whether a tenant is guilty of unlawful detainer because of an act of abuse or violence against them, their immediate family member, or their household member, and entitle the tenant to certain remedies, as specified.

This bill would make a landlord or agent liable to the tenant for actual damages of not less than \$100 and punitive damages of not more than \$10,000 in a civil action for violation of these provisions and would authorize the awarding of attorneys' fees and costs to the prevailing party, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 1946.7 of the Civil Code is amended to
- 2 read:
- 3 1946.7. (a) A tenant may notify the landlord that the tenant
- 4 intends to terminate the tenancy if the tenant, a household member,

1 or an immediate family member was the victim of an act that  
2 constitutes any of the following:

3 (1) Domestic violence as defined in Section 6211 of the Family  
4 Code.

5 (2) Sexual assault as defined in Section 261, 261.5, 286, 287,  
6 or 289 of the Penal Code.

7 (3) Stalking as defined in Section 1708.7.

8 (4) Human trafficking as defined in Section 236.1 of the Penal  
9 Code.

10 (5) Abuse of an elder or a dependent adult as defined in Section  
11 15610.07 of the Welfare and Institutions Code.

12 (6) A crime that caused bodily injury or death.

13 (7) A crime that included the exhibition, drawing, brandishing,  
14 or use of a firearm or other deadly weapon or instrument.

15 (8) A crime that included the use of force against the victim or  
16 a threat of force against the victim.

17 (b) A notice to terminate a tenancy under this section shall be  
18 in writing, with one of the following attached to the notice:

19 (1) A copy of a temporary restraining order, emergency  
20 protective order, or protective order lawfully issued pursuant to  
21 Part 3 (commencing with Section 6240) or Part 4 (commencing  
22 with Section 6300) of Division 10 of the Family Code, Section  
23 136.2 of the Penal Code, Section 527.6 of the Code of Civil  
24 Procedure, or Section 213.5 or 15657.03 of the Welfare and  
25 Institutions Code that protects the tenant, household member, or  
26 immediate family member from further domestic violence, sexual  
27 assault, stalking, human trafficking, abuse of an elder or a  
28 dependent adult, or any act or crime listed in subdivision (a).

29 (2) A copy of a written report by a peace officer employed by  
30 a state or local law enforcement agency acting in the peace officer's  
31 official capacity stating that the tenant, household member, or  
32 immediate family member has filed a report alleging that the tenant,  
33 the household member, or the immediate family member is a victim  
34 of an act or crime listed in subdivision (a).

35 (3) (A) Documentation from a qualified third party based on  
36 information received by that third party while acting in the third  
37 party's professional capacity to indicate that the tenant, household  
38 member, or immediate family member is seeking assistance for  
39 physical or mental injuries or abuse resulting from an act or crime  
40 listed in subdivision (a).

(B) The documentation shall contain, in substantially the same form, the following:

**Tenant Statement and Qualified Third Party Statement  
under Civil Code Section 1946.7**

Part I. Statement By Tenant

I, [insert name of tenant], state as follows:

I, or a member of my household or immediate family, have been a victim of: [insert one or more of the following: domestic violence, sexual assault, stalking, human trafficking, elder abuse, dependent adult abuse, or a crime that caused bodily injury or death, a crime that included the exhibition, drawing, brandishing, or use of a firearm or other deadly weapon or instrument, or a crime that included the use of force against the victim or a threat of force against the victim.]

The most recent incident(s) happened on or about:  
[insert date or dates.]

The incident(s) was/were committed by the following person(s), with these physical description(s), if known and safe to provide:  
[if known and safe to provide, insert name(s) and physical description(s).]

\_\_\_\_\_  
(signature of tenant)

\_\_\_\_\_  
(date)

Part II. Qualified Third Party Statement

I, [insert name of qualified third party], state as follows:

My business address and phone number are:  
[insert business address and phone number.]

Check and complete one of the following:

\_\_\_\_ I meet the requirements for a sexual assault counselor provided in Section 1035.2 of the Evidence Code and I am either engaged in an office, hospital, institution, or center commonly known as a rape crisis center described in that

section or employed by an organization providing the programs specified in Section 13835.2 of the Penal Code.

\_\_\_\_I meet the requirements for a domestic violence counselor provided in Section 1037.1 of the Evidence Code and I am employed, whether financially compensated or not, by a domestic violence victim service organization, as defined in that section.

\_\_\_\_I meet the requirements for a human trafficking caseworker provided in Section 1038.2 of the Evidence Code and I am employed, whether financially compensated or not, by an organization that provides programs specified in Section 18294 of the Welfare and Institutions Code or in Section 13835.2 of the Penal Code.

\_\_\_\_I meet the definition of “victim of violent crime advocate” provided in Section 1947.6 of the Civil Code and I am employed, whether financially compensated or not, by a reputable agency or organization that has a documented record of providing services to victims of violent crime or provides those services under the auspices or supervision of a court or a law enforcement or prosecution agency.

\_\_\_\_I am licensed by the State of California as a:

[insert one of the following: physician and surgeon, osteopathic physician and surgeon, registered nurse, psychiatrist, psychologist, licensed clinical social worker, licensed marriage and family therapist, or licensed professional clinical counselor.] and I am licensed by, and my license number is:

[insert name of state licensing entity and license number.]

The person who signed the Statement By Tenant above stated to me that the person, or a member of the person’s household or immediate family, is a victim of:

[insert one or more of the following: domestic violence, sexual assault, stalking, human trafficking, elder abuse, dependent adult abuse, or a crime that caused physical injury, emotional injury and the threat of physical injury, or death.]

The person further stated to me the incident(s) occurred on or about the date(s) stated above.

I understand that the person who made the Statement By Tenant may use this document as a basis for terminating a lease with the person’s landlord.

\_\_\_\_\_  
(signature of qualified third party)      (date)

(C) The documentation may be signed by a person who meets the requirements for a sexual assault counselor, domestic violence counselor, a human trafficking caseworker, or a victim of violent crime advocate only if the documentation displays the letterhead of the office, hospital, institution, center, or organization, as appropriate, that engages or employs, whether financially compensated or not, this counselor, caseworker, or advocate.

(4) Any other form of documentation that reasonably verifies that the crime or act listed in subdivision (a) occurred.

(c) If the tenant is terminating tenancy pursuant to subdivision (a) because an immediate family member is a victim of an eligible act or crime listed in subdivision (a) and that tenant did not live in the same household as the immediate family member at the time of the act or crime, and no part of the act or crime occurred within the dwelling unit or within 1,000 feet of the dwelling unit of the tenant, the tenant shall attach to the notice and other documentation required by subdivision (b) a written statement stating all of the following:

(1) The tenant's immediate family member was a victim of an act or crime listed in subdivision (a).

(2) The tenant intends to relocate as a result of the tenant's immediate family member being a victim of an act or crime listed in subdivision (a).

(3) The tenant is relocating to increase the safety, physical well-being, emotional well-being, psychological well-being, or financial security of the tenant or of the tenant's immediate family member as a result of the act or crime.

(d) The notice to terminate the tenancy shall be given within 180 days of the date that any order described in paragraph (1) of subdivision (b) was issued, within 180 days of the date that any written report described in paragraph (2) of subdivision (b) was made, within 180 days of the date that *an act or* a crime described in ~~paragraph (6), (7), or (8)~~ of subdivision (a) occurred, or within the time period described in Section 1946.

(e) If notice to terminate the tenancy is provided to the landlord under this section, the tenant shall be responsible for payment of rent for no more than 14 calendar days following the giving of the notice, or for any shorter appropriate period as described in Section 1946 or the lease or rental agreement. The tenant shall be released from any rent payment obligation under the lease or rental

1 agreement without penalty. If the premises are relet to another  
2 party prior to the end of the obligation to pay rent, the rent owed  
3 under this subdivision shall be prorated.

4 (f) Notwithstanding any law, a landlord shall not require a tenant  
5 who terminates a lease or rental agreement pursuant to this section  
6 to forfeit any security deposit money or advance rent paid due to  
7 that termination. A tenant who terminates a rental agreement  
8 pursuant to this section shall not be considered for any purpose,  
9 by reason of the termination, to have breached the lease or rental  
10 agreement. Existing law governing the security deposit shall apply.

11 (g) This section does not relieve a tenant, other than the tenant  
12 who is, or who has a household member or immediate family  
13 member who is, a victim of an act or crime listed in subdivision  
14 (a) and members of that tenant's household, from their obligations  
15 under the lease or rental agreement.

16 (h) For purposes of this section, the following definitions apply:

17 (1) "Household member" means a member of the tenant's family  
18 who lives in the same household as the tenant.

19 (2) "Health practitioner" means a physician and surgeon,  
20 osteopathic physician and surgeon, psychiatrist, psychologist,  
21 registered nurse, licensed clinical social worker, licensed marriage  
22 and family therapist, ~~or licensed professional clinical counselor.~~  
23 *counselor, or a victim of violent crime advocate.*

24 (3) "Immediate family member" means the parent, stepparent,  
25 spouse, child, child-in-law, stepchild, or sibling of the tenant, or  
26 any person living in the tenant's household at the time the crime  
27 or act listed in subdivision (a) occurred who has a relationship  
28 with the tenant that is substantially similar to that of a family  
29 member.

30 (4) "Qualified third party" means a health practitioner, domestic  
31 violence counselor, as defined in Section 1037.1 of the Evidence  
32 Code, a sexual assault counselor, as defined in Section 1035.2 of  
33 the Evidence Code, or a human trafficking caseworker, as defined  
34 in Section 1038.2 of the Evidence Code.

35 (5) "Victim of violent crime advocate" means a person who is  
36 employed, whether financially compensated or not, for the purpose  
37 of rendering advice or assistance to victims of violent crimes for  
38 a reputable agency or organization that has a documented record  
39 of providing services to victims of violent crime or provides those

1 services under the auspices or supervision of a court or a law  
2 enforcement or prosecution agency.

3 (i) (1) A landlord shall not disclose any information provided  
4 by a tenant under this section to a third party unless the disclosure  
5 satisfies any one of the following:

6 (A) The tenant consents in writing to the disclosure.

7 (B) The disclosure is required by law or order of the court.

8 (2) A landlord's communication to a qualified third party who  
9 provides documentation under paragraph (3) of subdivision (b) to  
10 verify the contents of that documentation is not disclosure for  
11 purposes of this subdivision.

12 (j) An owner or an owner's agent shall not refuse to rent a  
13 dwelling unit to an otherwise qualified prospective tenant or refuse  
14 to continue to rent to an existing tenant solely on the basis that the  
15 tenant has previously exercised the tenant's rights under this section  
16 or has previously terminated a tenancy because of the  
17 circumstances described in subdivision (a).

18 (k) *A landlord or agent of a landlord who violates this section*  
19 *shall be liable to the tenant in a civil action for both of the*  
20 *following:*

21 (1) *The actual damages sustained by the tenant.*

22 (2) *Punitive damages not less than one hundred dollars (\$100)*  
23 *and not more than ten thousand dollars (\$10,000).*

24 (l) *The remedies provided by this section shall be in addition*  
25 *to any other remedy provided by law.*

26 SEC. 2. Section 1161.3 of the Code of Civil Procedure is  
27 amended to read:

28 1161.3. (a) Except as provided in subdivision (b), a landlord  
29 shall not terminate a tenancy or fail to renew a tenancy based upon  
30 an act ~~or acts~~ against a ~~tenant~~ *tenant, a tenant's immediate family*  
31 *member, or a tenant's household member that constitute domestic*  
32 ~~violence as defined in Section 6211 of the Family Code, sexual~~  
33 ~~assault as defined in Section 1219, stalking as defined in Section~~  
34 ~~1708.7 of the Civil Code or Section 646.9 of the Penal Code,~~  
35 ~~human trafficking as defined in Section 236.1 of the Penal Code,~~  
36 ~~or abuse of an elder or a dependent adult as defined in Section~~  
37 ~~15610.07 of the Welfare and Institutions Code, constitutes abuse~~  
38 *or violence* if both of the following apply:



(1) The act or acts of domestic violence, sexual assault, stalking, human trafficking, or abuse of an elder or a dependent adult have *abuse or violence* has been documented by one of the following:

(A) A temporary restraining order, emergency protective order, or protective order lawfully issued within the last 180 days pursuant to Section 527.6, Part 3 (commencing with Section 6240), Part 4 (commencing with Section 6300), or Part 5 (commencing with Section 6400) of Division 10 of the Family Code, Section 136.2 of the Penal Code, or Section 213.5 or 15657.03 of the Welfare and Institutions Code that protects the ~~tenant~~ *tenant, the tenant's immediate family member, or the tenant's household member* from domestic violence, sexual assault, stalking, human trafficking, or abuse of an elder or a dependent adult. *abuse or violence*.

(B) A copy of a written report, written within the last 180 days, by a peace officer employed by a state or local law enforcement agency acting in ~~his or her~~ *the officer's* official capacity, stating that the ~~tenant~~ *tenant, the tenant's immediate family member, or the tenant's household member* has filed a report alleging that ~~he or she or the household member is~~ *they are* a victim of domestic violence, sexual assault, stalking, human trafficking, or abuse of an elder or a dependent adult. *abuse or violence*.

(C) ~~Documentation~~ *(i) Documentation* from a qualified third party based on information received by that third party while acting in ~~his or her~~ *their* professional capacity to indicate that the ~~tenant~~ *tenant, the tenant's immediate family member, or the tenant's household member* is seeking assistance for physical or mental injuries or abuse resulting from an act of domestic violence, sexual assault, stalking, human trafficking, elder abuse, or dependent adult abuse.

~~(D) The documentation~~ *abuse or violence, which* shall contain, in substantially the same form, the following:

**Tenant Statement and Qualified Third Party Statement  
under Code of Civil Procedure Section 1161.3**

Part I. Statement By Tenant

I, [insert name of tenant], state as follows:

1 I, *my immediate family member*, or a member of my household, have been a  
2 victim of:

3 [insert one or more of the following: domestic violence, sexual assault, stalking,  
4 human trafficking, elder abuse, ~~or dependent adult abuse.~~] *abuse, a crime that*  
5 *caused bodily injury or death, a crime that included the exhibition, drawing,*  
6 *brandishing, or use of a firearm or other deadly weapon or instrument, or a*  
7 *crime that included the use or threat of force against the victim.*

8  
9 The most recent incident(s) happened on or about:  
10 [insert date or dates.]

11  
12 The incident(s) was/were committed by the following person(s), with these  
13 physical description(s), if known and safe to provide:  
14 [if known and safe to provide, insert name(s) and physical description(s).]

15  
16 \_\_\_\_\_  
17 (signature of tenant)

\_\_\_\_\_ (date)

18  
19 Part II. Qualified Third Party Statement

20  
21 I, [insert name of qualified third party], state as follows:

22  
23 My business address and phone number are:  
24 [insert business address and phone number.]

25  
26 Check and complete one of the following:

27 \_\_\_\_ I meet the requirements for a sexual assault counselor provided in Section  
28 1035.2 of the Evidence Code and I am either engaged in an office, hospital,  
29 institution, or center commonly known as a rape crisis center described in that  
30 section or employed by an organization providing the programs specified in  
31 Section 13835.2 of the Penal Code.

32 \_\_\_\_ I meet the requirements for a domestic violence counselor provided in  
33 Section 1037.1 of the Evidence Code and I am employed, whether financially  
34 compensated or not, by a domestic violence victim service organization, as  
35 defined in that section.

36 \_\_\_\_ I meet the requirements for a human trafficking caseworker provided in  
37 Section 1038.2 of the Evidence Code and I am employed, whether financially  
38 compensated or not, by an organization that provides programs specified in  
39 Section 18294 of the Welfare and Institutions Code or in Section 13835.2 of  
40 the Penal Code.



1 *The tenant may request that the court examine the documentation*  
2 *or evidence provided in this subparagraph in camera.*

3 ~~(2) The person against whom the protection order has been~~  
4 ~~issued or who was named in the police report or Tenant Statement~~  
5 ~~and Qualified Third Party Statement regarding the act or acts of~~  
6 ~~domestic violence, sexual assault, stalking, human trafficking, or~~  
7 ~~abuse of an elder or dependent adult perpetrator of abuse or~~  
8 ~~violence is not a tenant in residence of the same dwelling unit as~~  
9 ~~the tenant, the tenant's immediate family member, or~~  
10 ~~household member.~~

11 (b) A landlord may terminate or decline to renew a tenancy after  
12 the tenant has availed ~~himself or herself themselves~~ of the  
13 protections afforded by subdivision (a) if both of the following  
14 apply:

15 ~~(1) Either of the following: The tenant voluntarily permits or~~  
16 ~~consents to the presence of the perpetrator of abuse or violence~~  
17 ~~on the premises and the perpetrator has threatened to commit a~~  
18 ~~crime that would result in death or great bodily injury to a person~~  
19 ~~on the premises other than the tenant and that, on its face and~~  
20 ~~under the circumstances in which it is made, is so unequivocal,~~  
21 ~~unconditional, immediate, and specific as to convey to the person~~  
22 ~~threatened a gravity of purpose and an immediate prospect of~~  
23 ~~execution of the threat that causes that person reasonably to be~~  
24 ~~in sustained fear for their own safety or for their immediate~~  
25 ~~family's safety.~~

26 ~~(A) The tenant allows the person against whom the protection~~  
27 ~~order has been issued or who was named in the police report or~~  
28 ~~Tenant Statement and Qualified Third Party Statement regarding~~  
29 ~~the act or acts of domestic violence, sexual assault, stalking, human~~  
30 ~~trafficking, or abuse of an elder or a dependent adult to visit the~~  
31 ~~property.~~

32 ~~(B) The landlord reasonably believes that the presence of the~~  
33 ~~person against whom the protection order has been issued or who~~  
34 ~~was named in the police report or Tenant Statement and Qualified~~  
35 ~~Third Party Statement regarding the act or acts of domestic~~  
36 ~~violence, sexual assault, stalking, human trafficking, or abuse of~~  
37 ~~an elder or dependent adult poses a physical threat to other tenants,~~  
38 ~~guests, invitees, or licensees, or to a tenant's right to quiet~~  
39 ~~possession pursuant to Section 1927 of the Civil Code.~~

1 (2) The landlord ~~previously~~ gave at least three days' notice to  
2 the tenant to correct a violation of paragraph ~~(1)~~. *(1) in the last 90*  
3 *days.*

4 (c) Notwithstanding any provision in the lease to the contrary,  
5 the landlord shall not be liable to any other tenants for any action  
6 that arises due to the landlord's compliance with this section.

7 (d) (1) A landlord shall not disclose any information provided  
8 by a tenant under this section to a third party unless either of the  
9 following ~~are~~ *is* true:

10 (A) The tenant has consented in writing to the disclosure.

11 (B) The disclosure is required by law or court order.

12 (2) A landlord's communication with the qualified third party  
13 who provides documentation in order to verify the contents of that  
14 documentation is not a disclosure for purposes of this subdivision.

15 (3) *In an action involving a claim for damages arising from an*  
16 *alleged violation of this subdivision, the court shall award*  
17 *reasonable attorney's fees and costs to the prevailing party.*

18 (e) *The court shall make findings of whether a tenant is guilty*  
19 *of unlawful detainer because of an act of abuse or violence against*  
20 *them, their immediate family member, or their household member*  
21 *if both the following apply:*

22 (1) *A tenant claims that the landlord sought to terminate the*  
23 *tenancy based on an act of abuse against themselves, their*  
24 *immediate family member, or their household member by another*  
25 *tenant in residence.*

26 (2) *The act of abuse or violence have been documented as*  
27 *required under paragraph (1) of subdivision (a).*

28 (f) *If the court finds a tenant is guilty of unlawful detainer*  
29 *because of an act of abuse or violence against them, their*  
30 *immediate family member, or their household member by another*  
31 *tenant under subdivision (e), then all of the following apply to that*  
32 *tenant:*

33 (1) *The tenant shall not be named in the unlawful detainer*  
34 *judgment.*

35 (2) *The tenant shall not owe the landlord any fees related to the*  
36 *unlawful detainer action, including, but not limited to, attorney's*  
37 *fees, lease termination fees, or court costs.*

38 (3) *The tenant shall regain possession of the premises*  
39 *immediately after possession is returned to the landlord with a*  
40 *lease that has the same lease terms as their previous lease.*

1 (e)

2 (g) For the purposes of this section:

3 (1) “Tenant” means tenant, subtenant, lessee, or sublessee.

4 (2) “Health practitioner” means a physician and surgeon,  
5 osteopathic physician and surgeon, psychiatrist, psychologist,  
6 registered nurse, licensed clinical social worker, licensed marriage  
7 and family therapist, or licensed professional clinical counselor.

8 (3) “Qualified third party” means a health practitioner, domestic  
9 violence counselor, as defined in Section 1037.1 of the Evidence  
10 Code, a sexual assault counselor, as defined in Section 1035.2 of  
11 the Evidence Code, ~~or a human trafficking caseworker, as defined~~  
12 ~~in Section 1038.2 of the Evidence Code. Code, or a victim of~~  
13 ~~violent crime advocate.~~

14 (4) “Victim of violent crime advocate” has the same meaning  
15 as defined in Section 1946.7 of the Civil Code.

16 (5) “Abuse or violence” means domestic violence as defined in  
17 Section 6211 of the Family Code, sexual assault as defined in  
18 Section 1219, stalking as defined in Section 1708.7 of the Civil  
19 Code or Section 646.9 of the Penal Code, human trafficking as  
20 defined in Section 236.1 of the Penal Code, abuse of an elder or  
21 a dependent adult as defined in Section 15610.07 of the Welfare  
22 and Institutions Code, or any act described in paragraphs (6) to  
23 (8), inclusive, of subdivision (a) of Section 1946.7 of the Civil  
24 Code.

25 (6) “Perpetrator of abuse or violence” means any of the  
26 following:

27 (A) The person against whom an order described in  
28 subparagraph (A) of paragraph (1) of subdivision (a) has been  
29 issued.

30 (B) The person who was named or referred to as causing the  
31 abuse or violence in the report described in subparagraph (B) of  
32 paragraph (1) of subdivision (a).

33 (C) The person who was named or referred to as causing the  
34 abuse or violence in the documentation described in subparagraph  
35 (C) of paragraph (1) of subdivision (a).

36 (D) The person who was named or referred to as causing the  
37 abuse or violence in the documentation described in subparagraph  
38 (D) of paragraph (1) of subdivision (a).

1     (7) “Tenant in residence” means a tenant who is currently  
2     residing in the unit and has full physical and legal access to the  
3     unit.

4     (8) “Immediate family member” has the same meaning as  
5     defined in Section 1946.7 of the Civil Code.

6     (h) A landlord or agent of a landlord who violates subdivision  
7     (d) or (e) shall be liable to the tenant in a civil action for both of  
8     the following:

9         (1) The actual damages sustained by the tenant.

10        (2) Punitive damages not less than one hundred dollars (\$100)  
11        and not more than ten thousand dollars (\$10,000).

12     (i) In an action brought for damages for a violation of  
13     paragraph (3) of subdivision (f), the court shall award reasonable  
14     attorney’s fees to the prevailing party if either party requests  
15     attorney’s fees upon the initiation of the action.

16     ~~(f)~~

17     (j) The Judicial Council shall, on or before ~~September 1, 2019,~~  
18     January 1, 2024, develop a new form or revise an existing form  
19     that may be used by a party to assert in the responsive pleading  
20     the grounds set forth in this section as an affirmative defense to  
21     an unlawful detainer action.