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AB-1384 Summary proceedings for obtaining possession of real property: procedural requirements.
(2025-2026)

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Assembly Bill No. 1384

CHAPTER 299

An act to amend Section 1170 of the Code of Civil Procedure, relating to civil actions.

[Approved by Governor October 03, 2025. Filed with Secretary of State October 03, 2025.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1384, Nguyen. Summary proceedings for obtaining possession of real property: procedural requirements.

Existing law establishes procedures relating to an action for unlawful detainer, and sets timelines regarding the filing of a complaint and the defendant's response, including a demurrer or motion to strike, as specified. The hearing on such a motion is required to occur within 5 to 7 court days after its filing, unless good cause is shown, in which case the hearing may occur on a later date on notice prescribed by the court.

This bill would instead limit the court's authority to set a later hearing for a noticed motion. The bill would permit the court to order the hearing held on a later date upon the written stipulation of the parties or upon good cause shown in the case of a residential or commercial tenancy, not to exceed 10 court days after the first date set for a hearing on the motion in the case of a commercial tenancy.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 1170 of the Code of Civil Procedure is amended to read:

1170. (a) On or before the day fixed for their appearance, the defendant may appear and answer, demur, or move to strike any portion of the complaint.

(b) (1) Notwithstanding any other law, in any action under this chapter in which the defendant demurs or moves to strike the complaint or any portion thereof, the hearing on the motion shall be not less than five court days nor more than seven court days after the filing of the notice of motion. All moving and supporting papers shall accompany the notice of the motion and shall be served in compliance with this section and Section 1010.6 or 1013.

(2) Notwithstanding paragraph (1), the court may order the hearing held on a later date upon the written stipulation of the parties. In the case of a residential tenancy, the court, for good cause shown, may order the hearing held on a later date on notice prescribed by the court. In the case of a commercial tenancy, the court, for good cause shown, may order the hearing held on a later date not to exceed 10 court days after the first date set for a hearing on the motion.

(c) An opposition and reply to an opposition may be made orally at the time of the hearing. If a party seeks to have a written opposition considered in advance of the hearing, the written opposition shall be filed and served on or before the court day before the hearing. Service shall be by personal delivery, electronic service, fax transmission, express mail, or other means consistent with Sections 1010, 1010.6, 1011, 1012, and 1013, and reasonably calculated to ensure delivery to the other party or parties no later than the close of business on the court day before the hearing. The court, in its discretion, may consider written opposition filed later.