

CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS

Title 16, California Code of Regulations (CCR), Section 3890

Unlawful Detainer Assistant Standard Contract

Section 100 CHANGES WITHOUT REGULATORY EFFECT

Pursuant to Title 1, Division 1, Chapter 1, Article 2, Section 100(b)(3), of the CCR, the Department of Consumer Affairs (Department) submits this written statement explaining why the proposed amendments to section 3900 of Article 2, Chapter 4, Division 38, of Title 16, of the CCR do not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any CCR provision.

Subject to the approval of the Office of Administrative Law, the Department would add to, revise, or delete text in the CCR as follows:

Section 3890 – Unlawful Detainer Assistant (UDA) Standard Contract

1. Add “County where Registrant is registered, Name of County Clerk Office for the county of registration, Address, Phone Number, Web Site (if available).”

This is a change without regulatory effect because it makes a regulation consistent with a changed California statute, the regulatory provision is inconsistent with and superseded by the changed statute, and Department has no discretion to adopt a change which differs in substance from the one chosen. (Cal. Code Regs, tit. 1, § 100, subd. (a)(6).)

This amendment is necessary to comply with BPC section 6403(b)(3), which became effective January 1, 2016, and requires a UDA contract to include the county clerk’s office information for the county in which the UDA is registered, including the address, phone number, and web site (if available). The current regulation does not require the disclosure of such information in the contract. Therefore, the amendments must be made for the regulation to be consistent with existing law.

2. Add “V. VENUE. The venue for any action arising out of a dispute between you and me is the county in California in which you have your primary residence.”

This is a change without regulatory effect because it makes a regulation consistent with a changed California statute, the regulatory provision is inconsistent with and superseded by the changed statute, and Department has no discretion to adopt a change which differs in substance from the one chosen. (Cal. Code Regs, tit. 1, § 100, subd. (a)(6).)

BPC section 6410(d), effective January 1, 2016, requires a post-January 1, 2016 contract to contain a statement that the venue for a dispute arising between a UDA and his or her client is the county of the client’s primary residence. The current regulation does not require this language in the contract. Therefore, the amendments need to be made for the regulation to be consistent with existing law.

3. Renumber “V.” to “VI.” and “VI.” to “VII.”

This is a change without regulatory effect because it re-numbers the regulation. (Cal. Code Regs, tit. 1, § 100, subd. (a)(1).)

These amendments re-number the headings for “DESCRIPTION OF THE PARTIES” and “SIGNATURES” since the Venue provision was inserted as V.