

# How to Start a Small Claims Case for COVID-19 Rental Debt

**Before completing this paperwork, read SC-500-INFO to make sure you qualify to file this type of claim. This case is only to ask for repayment of rental debt due between 3/1/2020 and 9/30/2021. A Small Claims case will not result in an eviction.**

<p>Step 1</p>	<p><b>Complete the following forms</b> in blue or black ink:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> SC-500 Plaintiff's Claim and Order to Go to Small Claims Court (COVID-19 Rental Debt)</li> <li><input type="checkbox"/> SC-500A Other Plaintiffs or Defendants (<i>if necessary</i>)</li> <li><input type="checkbox"/> SC-103 Fictitious Business Name (<i>if you are doing business under a name that is not your own</i>)</li> </ul>
<p>Step 2</p>	<p><b>Copies:</b> Make 2 copies, in addition to the original.</p>
<p>Step 3</p> <p><i>The filing fee is \$30 to \$100.</i></p>	<p><b>File:</b> Turn in the original and copies of the forms to:  <b>191 North First Street, San Jose, CA 95113</b>          The Clerk's Office opens at 8:30am Monday-Friday, closing times are subject to change, visit <a href="http://www.scscourt.org">www.scscourt.org</a> or call <b>408-882-2100</b> for current office hours.</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <b>If you are not asking for a fee waiver</b>, you will pay the filing fee and get copies back with a file-stamp and a case number.</li> <li><input type="checkbox"/> <b>If you are asking for a fee waiver</b>, your file-stamped copies may be returned immediately, OR you may be asked to return in up to 24 hours, OR your file stamped forms may be mailed to you. Please check with the clerk who takes your forms.</li> </ul>
<p>Step 4</p>	<p><b>Service:</b> After the filed copies are returned to you:  <b>Keep</b> for your records—1 filed copy  <b>Serve:</b> You have three options for serving the defendant a filed copy of your forms:</p> <ol style="list-style-type: none"> <li>1. <b>Personal Service:</b> This means that someone over 18, <b>NOT YOU</b> or anyone named in the case, must <b>personally hand</b> a filed copy of your forms to the defendant. The defendant <b>does not</b> need to sign anything saying they got your paperwork.</li> <li>2. <b>Substitute Service:</b> Substitute service can be done by someone over 18, <b>NOT YOU</b> or anyone named in the case at one of two locations:             <ul style="list-style-type: none"> <li>▪ <b>Home:</b> The server can <b>personally hand</b> the forms to someone over 18 who lives at the defendant's address and is told what the papers are about <u>and</u> then the server must <b>mail</b> a copy of the forms to the defendant at that same address.</li> <li>▪ <b>Work:</b> The server can <b>personally hand</b> the forms to someone over 18 who appears to be in charge at the defendant's business address <u>and</u> then the server must <b>mail</b> a copy of the forms to the defendant at that same address.</li> </ul> </li> <li>3. <b>Certified Mail Service:</b> For a fee, the court clerk will serve your claim by certified mail. <u>This type of service can only be done through the court.</u> The certified mail service only works if the defendant signs the certification and sends it back. Many defendants will not sign the certification so this type of service often does not work.</li> </ol> <p><b>Time for Service:</b> If the defendant lives in this county, they must be served at least <b>15 calendar days</b> before the court date. If the defendant lives outside of the county, they must be served at least <b>20 calendar days</b> before the court date. You must add <b>10 calendar days</b> to the above service times if the defendant was served by substitute service.</p>
<p>Step 5</p>	<p><b>After service:</b> If your forms are served either by personal or substitute service, your server will fill out form SC-104 <i>Proof of Service</i>. You are responsible for filing the original <i>Proof of Service</i> form with the court clerk at least <b>5 calendar days before the court hearing</b>.</p>
<p>Step 6</p>	<p><b>Go to your court date.</b></p>



## WHO SHOULD USE THIS PACKET?

A landlord who wants to sue their tenant(s) for unpaid COVID-19 Rental Debt for the period from March 1, 2020 to September 30, 2021. Unpaid rental debt includes unpaid rent or other money owed under the lease or rental agreement such as parking fees and utility payments. This claim is not subject to the normal small claims limit of \$12,500 for individuals and sole proprietorships and \$6,250 for all other entities.

Before you file, you must make good faith efforts to help the tenant obtain rental assistance. You will attach any documentation you have to regarding your efforts. If you do not have any documentation, you will write a declaration describing your efforts.

## WHERE SHOULD I SUE?

You will need to file your case at the courthouse that covers the area:

- (1) Where the Defendant (the person being sued) lives or does business,
- (2) Where the rental agreement, lease or contract was made, signed, performed, or broken **by** the Defendant or where the Defendant lived or did business when the Defendant made the contract.

In Santa Clara County, the Small Claims Division is located at:

[Downtown Superior Courthouse](#)

191 N. First St.

San Jose, CA 95113

(408-882-2100)(Option 2 then Option 7 from menu)

## WHAT SHOULD I BRING TO MY COURT DATE?

You should bring at least two copies of the documents which help to prove your case; one copy for the defendant and one copy for the Judge. If you have any witnesses, they should also attend the court hearing because it is unlikely that the Judge will accept a letter from them as evidence. Read SC-500-INFO as it provides helpful information about going to court and the types of arguments

## WHAT SHOULD I EXPECT ON MY COURT DATE?

After the deputy does roll-call and the Judge explains the process, you will be sent outside to talk to the other party and try to settle. You will also have to exchange any evidence you wish to present to the Judge. If you are not able to settle, you will have an informal hearing in front of the Judge. The Judge may give you the decision while you are in court or the Judge may decide after the hearing and mail the decision to both parties. If you still have questions, talk to an attorney for legal advice. You must know the Court's local rules. They are available on the court's website at [www.scscourt.org](http://www.scscourt.org).

[www.scscourt.org](http://www.scscourt.org)

Santa Clara County  
Self-Help website

[www.courts.ca.gov](http://www.courts.ca.gov)

State of California  
Self-Help website

# **Information to Help You Start a Small Claims Case**



# SC-500-INFO COVID-19 Rental Debt in Small Claims Court

Beginning **November 1, 2021**, a landlord has the option to bring an action in small claims court to recover COVID-19 rental debt that is more than the normal limits for small claims actions. The purpose of bringing these claims in small claims court is to resolve disputes about COVID-19 rental debt. The small claims court **cannot** determine possession of residential property or evict a tenant from property.

## What is COVID-19 rental debt?

COVID-19 rental debt means any unpaid rent or any other money owed under a residential lease or residential rental agreement (for example, parking fees or utility payments) that came due between **March 1, 2020, and September 30, 2021**.

## What is small claims court?

Small claims court is a special court where disputes are resolved quickly and inexpensively. The rules are simple and informal. You may ask a lawyer for advice before you go to court, but you cannot have a lawyer in court.

## Who are the parties in a small claims case?

- The person who sues is the plaintiff, the **landlord** in these cases. If the landlord is a business, an employee such as a property manager may go to a small claims trial for the landlord (use form SC-109, *Authorization to Appear*).
- The person who is sued is the defendant, the **tenant** in these cases. There may be more than one tenant paying rent for a single residence. The landlord may want to name all tenants as defendants.

## How does a COVID-19 rental debt case start in the small claims court?

The landlord must:

- Complete and file form SC-500, *Plaintiff's Claim and ORDER to Go to Small Claims Court (COVID-19 Rental Debt)*;
- Attach documentation showing the landlord's good-faith efforts to seek rental assistance (examples of documentation include emails, texts, and notes from phone calls); and
- Serve the form on the tenants (see form SC-100-INFO, *Information for the Plaintiff*).

## How does a tenant respond?

A tenant does not need to file any papers before the trial date. Tenants should go to court on the day of trial with evidence about the amount of COVID-19 rental debt owed, if any.

## What should tenant take to small claims court for a COVID-19 rental debt case?

Both the landlord and the tenant in a small claims action for COVID-19 rental debt can present arguments and evidence about how much money they believe is owed, how much has already been paid, and other factors that can affect the amount of COVID-19 rental debt that must be paid.

The parties should bring the rental agreement, any rental receipts, and any other receipts or other documents that show the following:

- The **amounts** of COVID-19 rental debt owed and the **dates** on which each amount came due. Remember that COVID-19 rental debt means rent and other financial obligations that came due between **March 1, 2020, and September 30, 2021**.
- Any amounts that the tenant **paid** toward the rent or other financial obligations and the **dates of payment**.
- Any other amounts of rent or other obligations that were paid through rental assistance programs or other third parties on behalf of the tenant.
- Any evidence of conditions affecting the residence, such as items needing repair.
- Any evidence to support arguments made to determine the amount of money owed.

Page 2 of this information sheet provides a list of some of the arguments that landlords and tenants can make to help the court determine the amount of COVID-19 rental debt that is owed.

## Can you bring a witness to small claims court?

Both the landlord and the tenant may bring witnesses to the trial who can tell the court what they know about the COVID-19 rental debt, the condition of the home, and agreements between the landlord and the tenant about the need for repairs and payment for repairs.

## What arguments can you make?

The landlord and tenant may disagree about the amount of rent that is owed for various reasons. Read more about these reasons in the California Department of Real Estate's guide at [landlordtenant.dre.ca.gov/resources/guidebook/index.html](http://landlordtenant.dre.ca.gov/resources/guidebook/index.html), in the "[Living in the Rental Unit](#)" and "[Dealing with Problems](#)" sections. Below are questions that can help you identify the issues that may exist in the case and may affect the amount of rent owed.

Please note: This list does not include every possible argument. Other laws, including local ordinances, may affect the rights of landlords and tenants in COVID-19 rental debt cases.

- Did landlord make a good-faith effort to:
  - Investigate whether governmental rental assistance is available to the tenant;
  - Seek governmental rental assistance for the tenant; or
  - Cooperate with the tenant's efforts to obtain rental assistance from any governmental entity or other third party under Civil Code section 1947.3(a)(3)?
- Is there any pending application for rental assistance or other financial compensation from any other source corresponding to the amount claimed?
- Did landlord receive rental assistance or other financial compensation from any other source corresponding to the amount claimed?
- Did landlord improperly apply payments to past-due rent without the tenant's written agreement?
- Does the amount claimed include service fees that were increased or not previously charged?
- Does the amount claimed include late fees on rent or other financial obligations?
- Did landlord improperly raise the rent?
- Did tenant or a third party offer a rental payment that landlord would not accept?
- If the lease or rental agreement was terminated, was the security deposit returned? Read more about the rules for security deposits at [www.courts.ca.gov/selfhelp-eviction-security-deposits.htm](http://www.courts.ca.gov/selfhelp-eviction-security-deposits.htm).
- Did tenant make needed repairs and properly deduct the cost from the rent? If so, did landlord give proper credit?
- Did landlord fail to provide habitable premises? This means that if the housing did not meet certain standards, the amount owed may be reduced.

Note: It is illegal for a landlord to retaliate against a tenant for raising any of the above issues or any of the defenses listed on form [UD-105, Answer—Unlawful Detainer](#).

## Can a tenant file a claim in the landlord's case?

A tenant who is a defendant in a COVID-19 rental debt case may bring a claim against the landlord in the same case using form [SC-120, Defendant's Claim and ORDER to Go to Small Claims Court](#).

## What if you disagree with the court's decision?

If you are a tenant, you may appeal the decision on a claim filed against you. More information about appeals is available in the information at the end of [Plaintiff's Claim and ORDER to Go to Small Claims Court \(COVID-19 Rental Debt\)](#) (form SC-500) and at [www.courts.ca.gov/smallclaims/appeals](http://www.courts.ca.gov/smallclaims/appeals).

If you are the landlord, you cannot appeal a small claims decision on a claim you filed. (Note that a landlord has the option of filing a COVID-19 rental debt recovery case in general civil court [use form [Complaint—Recovery of COVID-19 Rental Debt](#) (form PLD-C-500)]. In general civil court, all parties may appeal the court's decision and all parties may be represented by lawyers.)

## How much does it cost to file a case in small claims court?

The amount the court charges a landlord to file a case in small claims court depends on the amount demanded and how many cases are brought by the landlord in a single year. The filing fees for small claims cases are listed on the Statewide Civil Fee Schedule, available at [www.courts.ca.gov/7646.htm](http://www.courts.ca.gov/7646.htm). There is no fee for the tenant to go to the hearing.

**What if you cannot afford the filing fee?**

If you want to sue someone in small claims court and cannot afford to pay court fees and costs, you may not have to pay. The court may waive all or part of those fees **if you:**

Are getting public benefits; **or**

- Are a person with very low income; **or**
- Do not have enough income to pay for your household's basic needs and your court fees.

To ask the court to waive your fees in small claims court, complete form FW-001, *Request to Waive Court Fees*. File your request with the court.

**Where can you get help with a small claims case?**

- **Small Claims Advisors.** Every county has a Small Claims Advisor who is available to help you with your small claims case. These services are free. To find the Small Claims Advisor in your county, go to [www.courts.ca.gov/selfhelp-advisors.htm](http://www.courts.ca.gov/selfhelp-advisors.htm).
- **Forms and online help.** You can find small claims forms and more information about small claims court at the California Courts Online Self-Help Center [www.courts.ca.gov/smallclaims](http://www.courts.ca.gov/smallclaims). You can also get forms and help at your county law library or the courthouse nearest you.
- **Local court websites.** Your local court may have additional information and help for your small claims matter. Visit your court's website for current information on small claims hearing procedures. For help finding your court, visit [www.courts.ca.gov/find-my-court.htm](http://www.courts.ca.gov/find-my-court.htm).
- **Legal services organizations.** Local organizations may be able to assist parties in preparing for court. Parties may be able to find a legal service organization that serves their area at <http://lawhelpca.org/>.
- **Lawyers.** Both parties may ask a lawyer about the case, but a lawyer may not represent either party in court at the small claims trial. Generally, after judgment and on appeal, both parties may be represented by lawyers.

**What help is available when you go to court?**

- **Accommodations for disability.** If you have a disability and need an accommodation while you are at court:
  - You can use form MC-410, *Disability Accommodation Request*, to tell the court about your needs.
  - For more information about making a disability accommodation request, see form MC-410-INFO, *How to Request a Disability Accommodation for Court*.
  - Remember to submit your request to the ADA Coordinator or designated person in your court.
  - Visit your court's website to find the ADA Coordinator or designated person. For help finding your court, go to [www.courts.ca.gov/find-my-court.htm](http://www.courts.ca.gov/find-my-court.htm).
- **Interpreters.** If you do not speak English well:
  - Ask the court clerk as soon as possible for a court-provided interpreter.
  - You may use form INT-300, *Request for Interpreter (Civil)*, or a local court form to request an interpreter.
  - If no court interpreter is available at the time of your trial, it may be necessary to reschedule your trial.
  - You cannot bring your own interpreter for the trial unless the interpreter has been approved by the court as a certified, registered, or provisionally qualified interpreter. See Cal. Rules of Court, rule 2.893, and form INT-140, *Temporary Use of a Noncertified or Nonregistered Spoken Language Interpreter*.

**Who can look at your case file?**

If you are sued in small claims court for nonpayment of COVID-19 rental debt, only the following people may see the case file:

- The parties (landlords and tenants).
- A person who gives the court clerk the name of at least one landlord and one tenant.
- A person who lives in the residence for which COVID-19 rental debt is owed who shows proof of residency and gives the clerk the case number or the name of one of the parties.
- A person who gets an order from the court after showing that they have good cause to see the case file.





## What is “service”?

“Service” or “serving” is when someone—*not you or anyone else listed in this case*—gives a copy of your court papers to the person, business, or public entity you are suing. Service lets the other party know:

- What you are asking for;
- When and where the trial will be; *and*
- What the party can choose to do

There are strict rules for serving court papers. This form explains how to serve these forms:

- Form SC-100, *Plaintiff’s Claim*
- Form SC-120, *Defendant’s Claim*
- Form SC-500, *Plaintiff’s Claim (COVID-19 Rental Debt)*

## How is service done?

This form tells you how to serve by *personal* service or *substituted* service.

*Personal* service means someone gives the papers directly to the person being sued or to the agent authorized to accept service (business or public entity).

*Substituted* service means someone gives the papers to an adult where the person lives, works, or receives mail (including a private post office box, but not a U.S. Postal Service P.O. Box).

## What if the court papers do not get served?

The judge cannot hear your case unless the court papers were served correctly.

## Can the court serve the papers for me?

Yes. You can pay the court to mail your claim to the person you are suing. But if the person you are suing or the person’s agent for service doesn’t sign the U.S. Postal Service mail receipt with his or her complete name, or if someone else signs the receipt, you will have to serve again using personal or substituted service.

## Who can serve?

You can ask a friend, a process server, or the sheriff. The server must be at least 18 and not listed in the case.

A “process server” is someone you pay to deliver court forms. Look in the *Yellow Pages* under “Process Serving.” The sheriff (or marshal if your county has one) can also deliver court forms. Ask the court clerk how to contact the sheriff. Or look in the county section of your phone book under “Sheriff.” You must pay the server, unless you qualify for a fee waiver.

## How is *personal* service done?

Ask someone who is at least 18 and not listed in this case to personally “serve” (give) a copy of your court papers to the person or the agent authorized to accept court papers for the person, business, or public entity listed on Form SC-104.

Give the server a separate *Proof of Service* form for each person, business, or public entity you are suing. And tell the server to:

- Walk up to the person to be served.
- Say, “These are court papers.”
- Give the person copies of all papers checked on Form SC-104, *Proof of Service*. If the person won’t take the papers, just leave them near the person. It doesn’t matter if the person tears them up.
- Fill out and sign page 2 of form SC-104, *Proof of Service*.

## How is *substituted* service done?

If you don’t want to use personal service or can’t find the person to be served, ask someone who is at least 18 and not listed in this case to serve the court papers. Give the server a separate *Proof of Service* form for each person, business, or public entity you are suing. Tell the server to give the papers to:

- A competent adult (at least 18) at the home of and living with the person to be served *or*
- An adult who seems to be in charge where the person to be served usually works *or*
- An adult who seems to be in charge where the person receives mail (including a private mailbox, but **not** a U.S. Postal Service P.O. Box). *Note:* This is only for cases where the physical address of the person to be served is not known.

Then do the following:

- Write down that person’s name and say, “Please give these court papers to [name of person to be served].” If the person does not want to give his or her name, describe the person you served.
- Give that person copies of all papers checked on Form SC-104, *Proof of Service*. If the person won’t take the papers, just leave them near the person.
- Mail another copy of the papers (by first-class mail) to the person being sued at the same address where you left the papers.
- Fill out and sign page 2 of Form SC-104, *Proof of Service*.

**What does the server do with the original Proof of Service form?**

If a process server or sheriff served the papers, he or she can file form SC-104, *Proof of Service*, with the clerk. If the server used a different *Proof of Service* form, ask him or her to list each paper served on the form. Also make sure that the registered server will file the original directly with the court and will mail you a copy of the filed form. Take it with you when you go to court.

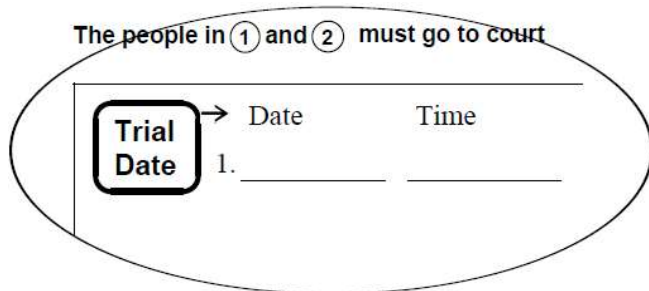
If a friend served the papers, tell him or her to give the completed form back to you. Keep a copy for your records and take the copy with you when you go to court.

You need to file the original completed *Proof of Service* form **5 days before** your trial.

**When do the court forms have to be served?**

- **If you are serving form SC-100, *Plaintiff’s Claim*, or form SC-500, *Plaintiff’s Claim (COVID-19 Rental Debt)***, look at the trial date on page 1. Then, look at a calendar.

For *personal* service, subtract 15 days from the trial date (or 20 days if the person, business, or public entity is located outside the county). That’s the deadline for serving your small claims forms. But you can serve the forms before the deadline.



For *substituted* service, subtract 25 days from the date the server mailed a copy of the court papers served (or 30 days if the person, business, or public entity is located outside the county). That’s the deadline for serving your small claims forms. But you can serve the forms before the deadline.

If the person, business, or public entity to be served is outside California or if you are serving a different form, ask the Small Claims Advisor for more information.

- **If you are serving Form SC-120, *Defendant’s Claim***, look at the trial date on page 1. Then look at a calendar.

For *personal* or *substituted* service, subtract 5 days from the trial date. That’s the deadline for serving your small claims forms if you were served at least 11 days before the trial. If you were served 10 days or less before the trial date, you must serve at least 1 day before the trial. But you can serve the forms before the deadline.

**What if I can’t get the court papers served before the trial?**

If you were not able to serve your claim (form SC-100, SC-120, or SC-500) before the deadline for service, talk to your Small Claims Clerk. Each county has its own rules.

If you already served your claim on some parties but not everyone you are suing, you may need to fill out and file form SC-150, *Request to Postpone Trial*, at least 10 days before the trial date (or explain why you couldn’t meet the 10-day deadline). Then give or mail a copy of this form to all other plaintiffs and defendants listed on your court papers.

The court may postpone your trial for 15 days or more.

**Who do I have to serve?**

If you are suing a person (or people)—not a business or public entity—serve each person you are suing. For example, if you were in a car accident and you are suing the owner and the driver of the car, you must list the names of the owner *and* the driver on your claim and serve both people.

Examples:

If the owner and driver are the same person:  
*Lee Smith, owner and driver*

If the owner and driver are not the same person:  
*Lee Smith, owner and driver*  
*Bob Smith, owner*

If you are suing a business, an association, or a public entity, read form SC-104C, *How to Serve a Business*.



**Need help?**

Your county’s Small Claims Advisor can help for free.

Or go to “County-Specific Court Information” at: [www.courts.ca.gov/selfhelp-smallclaims.htm](http://www.courts.ca.gov/selfhelp-smallclaims.htm)

**THESE ARE THE DOCUMENTS  
YOU HAVE TO COMPLETE,  
COPY, FILE AND SERVE.**



# SC-500

## Plaintiff's Claim and ORDER to Go to Small Claims Court (COVID-19 Rental Debt)

Clerk stamps date here when form is filed.

**THIS IS AN ACTION TO RECOVER COVID-19 RENTAL DEBT AS DEFINED UNDER CODE OF CIVIL PROCEDURE, § 1179.02. ACCESS TO RECORDS IN THIS CASE IS LIMITED UNDER CODE OF CIVIL PROCEDURE, § 1161.2.5.**

### Notice to the person being sued:

- You are the defendant if your name is listed in ② of this form or on form SC-500A. The person suing you is the plaintiff, listed in ①.
- You and the plaintiff must go to court on the trial date listed below. If you do not go to court, you may lose the case. If you lose, the court can order that your wages, money, or property be taken to pay this claim. (Note: This small claims case cannot result in your eviction.) Bring witnesses, receipts, and any other evidence you need to prove your case.
- Read this form and all pages attached to understand the claim against you and to protect your rights, and read SC-500-INFO, COVID-19 Rental Debt in Small Claims Court for more information, at [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms).

Fill in court name and street address:

Superior Court of California, County of Santa Clara  
191 N. First Street  
San Jose, CA 95113

### Aviso al Demandado:

- Usted es el Demandado si su nombre figura en ② de la página 2 de este formulario, o en el formulario SC-500A. La persona que lo demanda es el Demandante, la que figura en ① de la página 2.
- Usted y el Demandante tienen que presentarse en la corte en la fecha del juicio indicada a continuación. Si no se presenta, puede perder el caso. Si pierde el caso, la corte podría ordenar que le quiten de su sueldo, dinero u otros bienes para pagar este reclamo. (Nota: Este caso de reclamos menores no puede resultar en un desalojo.) Lleve testigos, recibos y cualquier otra prueba que necesite para probar su caso.
- Lea este formulario y todas las páginas adjuntas para entender la demanda en su contra y para proteger sus derechos, y lea SC-500-INFO, La deuda de alquiler del COVID-19 en la corte de reclamos menores para más información, en [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms).

Court fills in case number when form is filed.

Case Number:  
  
Case Name:

## Order to Go to Court

The people in ① and ② must go to court: (Clerk fills out section below.)

Trial Date	Date	Time	Department	Name and address of court, if different from above
	1. _____	_____	_____	191 N. First Street
	2. _____	_____	_____	San Jose, CA 95113
	3. _____	_____	_____	Civil Division
Date: _____		Clerk, by _____, Deputy		

### Instructions for the person suing:

- You are the plaintiff. The person you are suing is the defendant.
- Before you fill out this form, read forms SC-500-INFO and SC-100-INFO to know your rights. Get the forms at any courthouse or county law library, or go to [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms).
- Fill out pages 2, 3, and 4 of this form. Make copies of all the pages of this form and any attachments—one for each party named in this case and an extra copy for yourself. Take or mail the original and the copies to the court clerk's office and pay the filing fee. The clerk will write the date of your trial in the box above. Your court may allow electronic filing. Check your local court website for information: [www.courts.ca.gov/find-my-court.htm](http://www.courts.ca.gov/find-my-court.htm).
- You must have someone at least 18—not you or anyone else listed in this case—give each defendant a court-stamped copy of all pages of this form and any pages this form tells you to attach. See forms SC-104 and SC-104B.
- Go to court on your trial date listed above. Bring witnesses, receipts, and any evidence you need to prove your case.



Plaintiff (list names):

Case Number:

**1 The plaintiff (the person, business, or public entity that is suing) is:**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Street address: \_\_\_\_\_  
Street City State Zip

Mailing address (if different): \_\_\_\_\_  
Street City State Zip

Email address (if available): \_\_\_\_\_

**If more than one plaintiff, list next plaintiff here:**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Street address: \_\_\_\_\_  
Street City State Zip

Mailing address (if different): \_\_\_\_\_  
Street City State Zip

Email address (if available): \_\_\_\_\_

Check here if more than two plaintiffs and attach form SC-500A.

Check here if either plaintiff listed above is doing business under a fictitious name and attach form SC-103.

**2 The defendant (the person being sued) is:**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Street address: \_\_\_\_\_  
Street City State Zip

Mailing address (if different): \_\_\_\_\_  
Street City State Zip

**If more than one defendant, list next defendant here:**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Street address: \_\_\_\_\_  
Street City State Zip

Mailing address (if different): \_\_\_\_\_  
Street City State Zip

Check here if more than two defendants and attach form SC-500A.

Check here if any defendant is on active military duty and write defendant's name here:  
\_\_\_\_\_



Plaintiff (list names):

Case Number:

3 The plaintiff claims the defendant owes \$ \_\_\_\_\_ for COVID-19 rental debt (unpaid rent or other financial obligations of a tenant that came due in the period from March 1, 2020, to September 30, 2021). (Code Civ. Proc., § 1179.02.) (Explain amount below.)

a. Rent. List all rent you claim defendant owes that came due in the period from March 1, 2020, to September 30, 2021. For each month you claim rent is due, include each amount due and the date it came due.

\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
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\_\_\_\_\_

b. Other amounts of COVID-19 rental debt. List all unpaid financial obligations under the lease or rental agreement (other than rent) that you claim defendant owes and that came due during the period in (a) above. For each month you claim other financial obligations are due, include each amount, the date it came due, and what it was for (for example, parking fees or utilities included as part of the rental agreement).

\_\_\_\_\_
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\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

Check here if you need more space. Attach one sheet of paper or form MC-031, and write "SC-500, Item 3" at the top.

4 Amounts paid or offsets

List any amounts you received from defendant, rental assistance programs, and other third parties that you have already credited, and any other amounts you have offset or credited, for rent or other financial obligations due between March 1, 2020, and September 30, 2021, that you are not claiming in item 3 above. Include each amount, when it was paid or credited, and what it was for.

\_\_\_\_\_
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\_\_\_\_\_

Check here if you need more space. Attach one sheet of paper or form MC-031, and write "SC-500, Item 4" at the top.

5 You must ask the defendant (in person, in writing, or by phone) to pay you before you sue. Have you done this?

Yes No If no, explain why not:

\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
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\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

Plaintiff (list names):

Case Number:

6 Why are you filing your claim at this courthouse?

This courthouse covers the area (check one that applies):

- a. Where the defendant lives or does business.
b. Where the rental agreement, lease, or contract (written or spoken) was made, signed, performed, or broken by the defendant or where the defendant lived or did business when the defendant made the contract.
c. Other (specify):

7 List the zip code of the place checked in 6 above (if you know it):

8 Have you filed more than 12 other small claims within the last 12 months in California?

Yes No If yes, the filing fee for this case will be higher.

9 Plaintiff must make a good-faith effort to help defendant obtain rental assistance before filing this case. Check all that apply below. You must also attach documentation of those efforts or, if you do not have documentation, describe your effort below.

Plaintiff made a good-faith effort to help defendant obtain rental assistance before filing this case, as required under Code of Civil Procedure section 871.10(a), by:

- a. Investigating whether governmental rental assistance is available to the tenant;
b. Seeking governmental rental assistance for the tenant; or
c. Cooperating with the tenant's efforts to obtain rental assistance from any governmental entity or other third party.
Check here if documentation is attached. If not attached, describe your efforts below.

Blank lines for describing efforts to obtain rental assistance.

10 I understand that the court cannot issue a judgment for me if I have received rental assistance for the amounts I am claiming from defendant. (Both statements must be true.)

- a. I have not received rental assistance or other financial compensation from any other source corresponding to any of the amount claimed in item 3 above; and
b. I do not have any application pending for rental assistance or other financial compensation from any other source corresponding to any of the amount claimed in item 3 above.

11 I understand that by filing a claim in small claims court, I have no right to appeal this claim.

I declare under penalty of perjury under the laws of the State of California that the information above and on any attachments to this form is true and correct.

Date: Plaintiff types or prints name here Plaintiff signs here

Date: Second plaintiff types or prints name here Second plaintiff signs here



Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the trial. For these and other accommodations, contact the clerk's office for Disability Accommodation Request (form MC-410). (Civ. Code, § 54.8.)





**"Small claims court"** is a special court where generally only claims for \$12,500 or less are decided. This limitation has been lifted for cases for recovery of COVID-19 rental debt.\* The process is quick and cheap. The rules are simple and informal. You are the *defendant*—the person being sued. The person who is suing you is the *plaintiff*.

**Do I need a lawyer?** You may talk to a lawyer before or after the case. But you *may not* have a lawyer represent you in court (unless this is an appeal from a small claims case).

**How do I get ready for court?** Read form [SC-500-INFO, COVID-19 Rental Debt in Small Claims Court](#). You don't have to file any papers before your trial, unless you think this is the wrong court for your case. But bring to your trial any witnesses, receipts, and evidence that support your case. And read "Be Prepared for Your Trial" at [www.courts.ca.gov/smallclaims/prepare](http://www.courts.ca.gov/smallclaims/prepare).

**Where can I get the court forms I need?** Go to any courthouse or your county law library, or get forms at [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms).

**What if I need an accommodation?** If you have a disability or are hearing impaired, fill out form [MC-410, Disability Accommodation Request](#). Give the form to your court clerk or the ADA/Access Coordinator.

**What if I don't speak English well?** Ask the court clerk as soon as possible for a court-provided interpreter. You may use form [INT-300, Request for Interpreter \(Civil\)](#), or a local court form to request an interpreter. If a court interpreter is unavailable for your trial, it may be necessary to reschedule your trial. You cannot bring your own interpreter for the trial unless the interpreter has been approved by the court as a certified, registered, or provisionally qualified interpreter. (See Cal. Rules of Court, rule 2.893, and form [INT-140](#).)

**What happens at the trial?** The judge will listen to both sides. The judge may make a decision at your trial or mail the decision to you later.

**What if I lose the case?** If you lose, you may appeal. You'll have to pay a fee. (Plaintiffs cannot appeal their own claims.)

- If you were at the trial, file form [SC-140, Notice of Appeal](#). You must file within 30 days after the clerk hands or mails you the judge's decision (judgment) on form [SC-200](#) or form [SC-130, Notice of Entry of Judgment](#).
- If you were *not* at the trial, fill out and file form [SC-135, Notice of Motion to Vacate Judgment and Declaration](#), to ask the judge to cancel the judgment (decision). If the judge does not give you a new trial, you have 10 days to appeal the decision. File form [SC-140](#).

For more information on appeals, see [www.courts.ca.gov/smallclaims/appeals](http://www.courts.ca.gov/smallclaims/appeals).

**Do I have options?** Yes. If you are being sued, you can:

- **Settle your case before the trial.** If you and the plaintiff agree on how to settle the case before the trial, the plaintiff must file form [CIV-110, Request for Dismissal](#) or a written and signed settlement agreement with the clerk. Ask the Small Claims Advisor for help.

\*Limits do not apply in an action to recover COVID-19 rental debt, which is unpaid rent or other financial obligations of a tenant that are due between March 1, 2020, and Sept. 30, 2021. (See Code Civ. Proc., §§ 116.223 & 1179.02.) Read [SC-500-INFO, COVID-19 Rental Debt in Small Claims Court](#).

- **Prove this is the wrong court.** Send a letter to the court before your trial explaining why you think this is the wrong court. Ask the court to dismiss the claim. You must serve (give) a copy of your letter (by mail or in person) to all parties. (Your letter to the court must say you have done so.)
- **Go to the trial and try to win your case.** Bring witnesses, receipts, and any evidence you need to prove your case. To have the court order a witness to go to the trial, fill out form [SC-107, Small Claims Subpoena and Declaration](#) and have it served on the witness.
- **Sue the person who is suing you.** If you have a claim against the plaintiff, and the claim is for \$12,500 or less, you may file *Defendant's Claim and ORDER to Go to Small Claims Court* (form [SC-120](#)) and bring the claim in this action. If your claim is for *more* than allowed in small claims court, you may still file it in small claims court if you give up the amount over the small claims value amount, or you may file a claim for the full value of the claim in the appropriate court. If your claim is for more than allowed in small claims court *and* relates to the same contract, transaction, matter, or event that is the subject of the plaintiff's claim, you may file your claim in the appropriate court and file a motion to transfer the plaintiff's claim to that court to resolve both matters together. You can see a description of the amounts allowed in the paragraph above, titled "**Small Claims Court**."
- **Agree with the plaintiff's claim and pay the money.** Or, if you can't pay the money now, go to your trial and say you want to make payments.
- **Let the case "default."** If you don't settle and do not go to the trial (default), the judge may give the plaintiff what he or she is asking for plus court costs. If this happens, the plaintiff can legally take your money, wages, and property to pay the judgment. (But not your rental unit; this is not an eviction case.)

### What if I need more time?

You can change the trial date if:

- You cannot go to court on the scheduled date (you will have to pay a fee to postpone the trial), or
- You did not get served (receive this order to go to court) at least 15 days before the trial (or 20 days if you live outside the county).

Ask the Small Claims Clerk about the rules and fees for postponing a trial. Or fill out form [SC-150](#) (or write a letter) and mail it to the court *and* to all other people listed on your court papers before the deadline. Enclose a check for your court fees, unless a fee waiver was granted.



### Need help?

Your county's Small Claims Advisor can help for free.

Santa Clara County Small Claims Advisor

Go to [www.sccourt.org](http://www.sccourt.org), click "Small Claims Help"

Or go to [www.courts.ca.gov/smallclaims/advisor](http://www.courts.ca.gov/smallclaims/advisor).



La “**Corte de reclamos menores**” es una corte especial donde generalmente se deciden casos por \$12,500 o menos. Se suspendió este límite para acciones para reclamar una deuda de alquiler del COVID-19.\* El proceso es rápido y económico. Las reglas son sencillas e informales. Usted es el Demandado—la persona que se está demandando. La persona que lo está demandando es el Demandante.

**¿Necesito un abogado?** Puede hablar con un abogado antes o después del caso. Pero no puede tener a un abogado que lo represente ante la corte (a menos que se trate de una apelación de un caso de reclamos menores).

**¿Cómo me preparo para ir a la corte?** Lea el formulario SC-500-INFO, *La deuda de alquiler del COVID-19 en la corte de reclamos menores*. No tiene que presentar ningún documento antes del juicio, a menos que piense que ésta es la corte equivocada para su caso. Pero lleve al juicio los testigos, recibos y pruebas que apoyan su caso. Y lea “Esté preparado para su juicio” en [www.courts.ca.gov/reclamosmenores/preparesse](http://www.courts.ca.gov/reclamosmenores/preparesse).

**¿Dónde puedo obtener los formularios de la corte que necesito?** Vaya a cualquier edificio de la corte, la biblioteca legal de su condado, o imprima los formularios en [www.courts.ca.gov/smallclaims/forms](http://www.courts.ca.gov/smallclaims/forms) (página está en inglés).

**¿Qué hago si necesito una modificación?** Si tiene una discapacidad o tiene impedimentos de audición, puede llenar el formulario MC-410, *Solicitud de modificaciones para discapacidad*. Entregue el formulario al secretario de la corte o al Coordinador de Acceso/ADA de su corte.

**¿Qué pasa si no hablo bien inglés?** Solicite un intérprete al secretario de la corte lo más pronto posible. Puede usar el formulario INT-300 o un formulario de su corte local. Si no está disponible un intérprete de la corte para su juicio, es posible que se tenga que cambiar la fecha de su juicio. No puede llevar su propio intérprete para el juicio a menos que el intérprete haya sido aprobado por la corte como un intérprete certificado, registrado, o provisionalmente calificado. (Vea la regla 2.893 de las Reglas de la Corte de California, y el formulario INT-140.)

**¿Qué pasa en el juicio?** El juez escuchará a ambas partes. El juez puede tomar su decisión durante la audiencia o enviársela por correo después.

**¿Qué pasa si pierdo el caso?** Si pierde, puede apelar. Tendrá que pagar una cuota. (El Demandante no puede apelar su propio reclamo.)

- Si estuvo presente en el juicio, llene el formulario SC-140, *Aviso de apelación* (Notice of Appeal). Tiene que presentarlo dentro de 30 días después de que el secretario le entregue o envíe la decisión (fallo) del juez en el formulario SC-200 o SC-130, *Aviso de publicación del fallo* (Notice of Entry of Judgment).
- Si no estuvo en el juicio, llene y presente el formulario SC-135, *Aviso de petición para anular el fallo y Declaración* para pedirle al juez que anule el fallo (decisión). Si la corte no le otorga un nuevo juicio, tiene 10 días para apelar la decisión. Presente el formulario SC-140.

Para obtener más información sobre las apelaciones, vea [www.courts.ca.gov/reclamosmenores/apelaciones](http://www.courts.ca.gov/reclamosmenores/apelaciones).

**¿Tengo otras opciones?** Sí. Si lo están demandando, puede:

- **Resolver su caso antes del juicio.** Si usted y el Demandante se ponen de acuerdo en cómo resolver el caso antes del juicio, el Demandante tiene que presentar el formulario CIV-110 *Solicitud de desestimación* (Request for Dismissal) o un acuerdo de resolución escrito y firmado al secretario de la corte. Pídale al Asesor de Reclamos Menores que lo ayude.

- **Probar que es la corte equivocada.** Envíe una carta a la corte antes del juicio explicando por qué cree que es la corte equivocada. Pídale a la corte que despida el reclamo. Tiene que entregar (dar) una copia de su carta (por correo o en persona) a todas las partes. (Su carta a la corte tiene que decir que hizo la entrega.)
- **Ir al juicio y tratar de ganar el caso.** Lleve testigos, recibos y cualquier prueba que necesite para probar su caso. Si desea que la corte emita una orden de comparecencia para que los testigos vayan al juicio, llene el formulario SC-107, *Citatorio de reclamos menores* (Small Claims Subpoena) y entrégueselo legalmente al testigo.
- **Demandar a la persona que lo demandó.** Si tiene un reclamo contra el Demandante, y el reclamo se puede presentar en la corte de reclamos menores, tal como se describe en este formulario, puede presentar el formulario SC-120, *Reclamo del demandado* (Defendant's Claim) y presentarlo en este mismo caso. Si su reclamo excede el límite permitido en la corte de reclamos menores, puede igualmente presentarlo en la corte de reclamos menores si está dispuesto a limitar su reclamo al máximo permitido, o puede presentar un reclamo por el monto total en la corte apropiada. Si su reclamo excede el límite permitido en la corte de reclamos menores y está relacionado con el mismo contrato, transacción, asunto o acontecimiento que el reclamo del Demandante, puede presentar su reclamo en la corte apropiada y presentar una moción para transferir el reclamo del Demandante a dicha corte, para poder resolver los dos reclamos juntos. Puede ver una descripción de los montos permitidos en el párrafo anterior titulado “Corte de reclamos menores”.
- **Aceptar el reclamo del Demandante y pagar el dinero.** O, si no puede pagar en ese momento, vaya al juicio y diga que quiere hacer los pagos a plazos.
- **No ir al juicio y aceptar el fallo por falta de comparecencia.** Si no llega a un acuerdo con el Demandante y no va al juicio (fallo por falta de comparecencia), el juez le puede otorgar al Demandante lo que está reclamando más los costos de la corte. En ese caso, el Demandante legalmente puede tomar su dinero, su sueldo o sus bienes para cobrar el fallo. (Pero no su hogar alquilado; esto no es un caso de desalojo.)

**¿Qué hago si necesito más tiempo?** Puede cambiar la fecha del juicio si:

- No puede ir a la corte en la fecha programada (tendrá que pagar una cuota para aplazar el juicio), o
- No le entregaron los documentos legalmente (no recibió la orden para ir a la corte) por lo menos 15 días antes del juicio (o 20 días si vive fuera del condado).

Pregúntele al secretario de reclamos menores sobre las reglas y las cuotas para aplazar un juicio. O llene el formulario SC-150 (o escriba una carta) y envíelo antes del plazo a la corte y a todas las otras personas que figuran en sus papeles de la corte. Adjunte un cheque para pagar los costos de la corte, a menos que le hayan dado una exención.



**¿Necesita ayuda?** El Asesor de Reclamos Menores de su condado le puede ayudar sin cargo.

**Santa Clara County Small Claims Advisor**

Go to [www.scscourt.org](http://www.scscourt.org), click "Small Claims Help"

O visite [www.courts.ca.gov/reclamosmenores/asesores](http://www.courts.ca.gov/reclamosmenores/asesores).

# **PROOF OF SERVICE**

## **TO BE COMPLETED BY THE SERVER**

See SC-100-INFO, SC-104B and SC-104C attached to the instructions for more information about how to serve.





Case name: \_\_\_\_\_

**4 Fill out "a" or "b" below:**a.  **Personal Service:** I personally gave copies of the documents checked in (3) to the person in (1) :On (date): \_\_\_\_\_ At (time): \_\_\_\_\_  a.m.  p.m.

At this address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

b.  **Substituted Service:** I personally gave copies of the documents checked in (3) (a, b, or d) to (check one): A competent adult (at least 18) at the **home** of, and living with the person in (1) , or An adult who seems to be in charge where the person in (1) usually **works**, or An adult who seems to be in charge where the person in (1) usually **receives mail**, or has a private post office box (not a U.S. Post Office box), if there is no known physical address for the person in (1).

I told that adult, "Please give these court papers to (name of person in (1))."

I did this on (date): \_\_\_\_\_ At (time): \_\_\_\_\_  a.m.  p.m.

At this address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Name or description of the person I gave the papers to: \_\_\_\_\_

After serving the court papers, I put copies of the documents listed in (3) in an envelope, sealed the envelope, and put first-class prepaid postage on it. I addressed the envelope to the person in (1) at the address where I left the copies.

I mailed the envelope on (date): \_\_\_\_\_ from (city, state): \_\_\_\_\_

by leaving it (check one):

a.  At a U.S. Postal Service mail drop, orb.  At an office or business mail drop where I know the mail is picked up every day and deposited with the U.S. Postal Service, orc.  With someone else I asked to mail the documents to the person in (1), and I have attached that person's completed Form SC-104A.**5 Server's Information**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Fee for service: \$ \_\_\_\_\_

*If you are a registered process server:*

County of registration: \_\_\_\_\_ Registration number: \_\_\_\_\_

**6** I declare under penalty of perjury under California state law that I am at least 18 years old and not named in this case and that the information above is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
Type or print server's name\_\_\_\_\_  
Server signs here after serving

## **Substitute Service**

**If your Plaintiff's Claim was served by handing it to someone, other than the defendant, at their home or place of business, your server must also mail a copy to that SAME address.**

**Your server will complete both form SC-104 and SC-104A Proof of Mailing.**

**Then file BOTH forms with the Clerk's Office at least 5 days before the hearing date.**





Case Number: \_\_\_\_\_

This form is attached to Form SC-104. Use this form ONLY if you mailed the documents in ① and someone else personally gave them to the person, business, or public entity served.

**Notice to Server**

You must:

- Be at least 18 and **not listed in this lawsuit.**
- Fill out ① - ⑥ of this form and attach it to Form SC-104.

① **Documents served by mail:**

- a.  SC-100, *Plaintiff's Claim and ORDER to Go to Small Claims Court*
- b.  SC-120, *Defendant's Claim and ORDER to Go to Small Claims Court*
- c.  Other (*specify*) : **SC-500**

② **Name and address of the person, business, or public entity served:**

a. If you served a **person**, write the person's name and address below:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

*Street City State Zip*

b. If you served a **business** or **public entity**, write the name and address of the business or public entity, the person authorized for service, and that person's job title:

Business or Public Entity Name	Person Authorized for Service	Job Title
Address: _____		
<i>Street</i>	<i>City</i>	<i>State Zip</i>

③ I put copies of the documents listed in ① above in an envelope, sealed the envelope, and put first-class prepaid postage on it. I addressed the envelope to the person, business, or public entity listed in ② and mailed the envelope by leaving it at (*check one*) :

- a.  A U.S. Postal Service mail drop *or*
- b.  An office or business mail drop where I know the mail is picked up every day and deposited with the U.S. Postal Service.

④ I mailed the envelope:

a. On (*date*) : \_\_\_\_\_ b. From (*city, state*) : \_\_\_\_\_

⑤ My address is: \_\_\_\_\_

⑥ I declare, under penalty of perjury under California State law, that the information above is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Type or print server's name*

▶

\_\_\_\_\_  
*Server signs here after mailing*