

CALIFORNIA LAW REVISION COMMISSION

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NEWS RELEASE
June 19, 2017
For Immediate Release

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Homestead Exemption: Dwelling

Request for Public Comment

The California Law Revision Commission seeks public comment on a tentative recommendation relating to the forced sale of property that is purported to be a dwelling.

Under existing law, an attempt by a judgment creditor to force the sale of a dwelling to satisfy a judgment must be authorized by court order. The purpose of that judicial review is to determine whether the property at issue is subject to a homestead exemption and, if so, to effectuate the exemption.

The statutes that establish and govern the judicial review requirement are phrased in a way that seems to presuppose that the property is, in fact, a dwelling. That phrasing could cause confusion about how to proceed when a judgment creditor believes that the property at issue is not a dwelling.

The Commission tentatively recommends that the law be revised to make clear that a judgment creditor may dispute whether property is a dwelling, as part of the existing process for judicial review of the proposed sale of a purported dwelling. The Commission believes that this would be a clarification of existing law, rather than a substantive change.

The tentative recommendation is available from the California Law Revision Commission, 4000 Middlefield Road, Room D-2, Palo Alto, CA 94303-4739. It is also available at the Commission's website (www.clrc.ca.gov) in the pull-down "Reports" menu.

The Commission often substantially revises its recommendations as a result of public comment. To receive timely consideration, comments should be submitted by **August 8, 2017**.

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