



**MEETING AGENDA**

**Monday July 27, 2015**

Mt. San Jacinto College Campus, Room 805

**Presiding: Alex Braicovich, Chair**

**2015 Strategic Initiatives**

*Budget & Tax Reform / Job Creation and Retention / Healthcare / Infrastructure & The Environment*

**Call to Order, Roll Call & Introductions: 12:00 p.m.**

**Chair Report**

**Agenda Items**

- 1. Approval of June 2015 Meeting Minutes Action**

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- 2. Legislative Report #7 Action**
  - 1. [AB 718 \(Chu\) Local government: powers.](#)
  - 2. [AB 1520 \(Committee on Judiciary\) Public Records.](#)
  - 3. [AB 12 \(Cooley\) State government: administrative regulations: review.](#)
  - 4. [AB 172 \(Rodriguez\) Emergency departments: assaults and batteries.](#)
  - 5. [AB 807 \(M Stone\) Real estate transfer fees: recorded documents.](#)
  - 6. [AB 349 \(Gonzalez\) Common interest developments: property use and maintenance.](#)

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- 3. Guest speaker: Assembly Member Melissa Melendez**

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- 4. Legislator, Staff and Stakeholder Updates Information**

**Federal:** Senators Feinstein & Boxer. Representatives Calvert & Hunter  
**State:** Governor Brown, Senators Stone & Morrell, Assembly Members Melendez, Waldron, Jones & Medina  
**Local:** County, Cities, Utilities, EDC, Healthcare, League of Cities

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- 5. Chamber & Council Member Announcements Information**

**Adjourn – Next meeting August 17, 2015.**



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## **Southwest California Legislative Council**

**Menifee Valley Chamber of Commerce**

**Murrieta Chamber of Commerce**

**Temecula Valley Chamber of Commerce**

**Lake Elsinore Chamber of Commerce**

**Wildomar Chamber of Commerce**

**Perris Valley Chamber of Commerce**

### **Meeting Minutes**

**Monday, June 22, 2015**

Legislative Consultant: Gene Wunderlich

2015 Chair: Alex Braicovich, Chair

#### **Directors Attendance:**

Alex Braicovich, CR&R, Inc.

Ali Mazarei, Perris Chamber of Commerce

Andy Morris, EVMWD

Brad Neet, Southwest Healthcare Systems

Dennis Frank, D.R. Frank & Associates

Gary Thornhill, City of Hemet

Gene Wunderlich

Joan Sparkman, SWHS

Judy Guglielmana, Town & Country Real Estate

Matt Buck, California Apartment Association

Pietro Canestrelli, Reid & Hellyer APC

Steve Amante, Amante & Associates

Vicki Carpenter, Coldwell Banker

#### **Directors Absent:**

Don Murray, Commerce Bank of Temecula

Glen Daigle, Oakgrove Equities

Greg Morrison, EVMWD

Jason Hope, JD Promotions

Shaura Olsen, Wal-Mart

Tony LoPiccolo, LoPiccolo Consultants

#### **Guests:**

Brenda Dennstedt, Rep Ken Calvert & WMWD

Brian Ambrose, City of Murrieta

Clint Lorimore, BIA

Danielle Coats, Eastern Municipal Water District

Darlene Wetton, Temecula Valley Hospital

Debbie Kosum, Realty One Group

Doug McAllister, McAllister Storage

Erin Sasse, League of Cities

Gregory Foster, Diane Harkey BOE

Jennings Immel, U.S Chamber

John Kelliher, Visit Temecula Valley

Karen Nolan, LCL Realty & Property Mgmt

Kassen Klein, Murrieta Cemetery

Maryann Edwards, Senator Jeff Stone

Meggan Valencia, Rancho California Water District

Michael Garrison, Assembly member Melissa Melendez

Nathan Miller, BIA

Peter Chlebek, Solar Broker

Randi Johl-Olsen, City of Temecula

Rebecca Shear'Ree, Shear'Ree Realty Group

Roger Schultz, Mt. San Jacinto College

Roger Ziemer, Rancho California Water District

Tammy Marine, Habitat for Humanity/TVCC

Tom Stinson, Assembly member Marie Waldron

Walter Wilson, Walter Wilson Realty

Kim Kelliher, Temecula Valley Chamber of Commerce

Staff:

- Alice Sullivan – Temecula Valley Chamber of Commerce
- Cindy Espinoza, Perris Valley Chamber of Commerce
- Kimberly Niebla, Menifee Valley Chamber of Commerce
- Laura Turnbow – Temecula Valley Chamber of Commerce

Meeting called to order at: 12:12 by Chair Alex Braicovich

**1. Approval of Minutes**

**Action**

**Motion was made to approve the minutes with the above changes. Motion was seconded and carried by a unanimous vote.**

**2. Legislative Items**

**Action**

- 1. SB-248 (Pavley) Oil and Gas

**Motion was made to OPPOSE: SB-248. Motion was seconded and carried.**

- 2. SB-226 (Pavley) Sustainable Groundwater Management Act: Groundwater Rights

**Motion was made to OPPOSE: SB-226. Motion was seconded and carried.**

- 3. AB-1390 (Alejo) Groundwater Adjudication

**Motion was made to SUPPORT: AB-1390. Motion was seconded and carried.**

- 4. AB-645 (Williams) Electricity: California renewable portfolio standard

**Motion was made to OPPOSE: AB-645. Motion was seconded and carried.**

- 5. AB-1266 (Gonzalez) Electrical and Gas Corporations.

**Motion was made to OPPOSE: AB-1266. Motion was seconded and carried.**

- 6. AB-883 (Low) Employment: Public employee status.

**Motion was made to OPPOSE: AB-883. Motion was seconded and carried.**

- 7. SB-358 (Jackson) Conditions of Employment: Gender wage differential

**Motion was made to SUPPORT: SB-358. Motion was seconded and carried.**

- 8. AB-339 (Gordon) Health Care coverage: outpatient prescription drugs

**Motion was made to OPPOSE: AB-339. Motion was seconded and carried.**

**3. Guest Speaker: Jennings Immel, U.S. Chamber of Commerce, Western Region Manager**

**Information**

Report on TPA (Trade Promotion Authority) and its legislative status. TPA passed in House, waiting for Senate approval. TPP (Trans-Pacific Partnership) and TTIP (Transatlantic Trade and Investment Partnership) need TPA to pass. Also reported on Highway trust fund, tax reform, healthcare rulings, and EPA's extreme regulations.

**4. Legislator, Staff and Stakeholder Updates**

**Information**

**Representative Ken Calvert**

Reported by Brenda Dennstedt: Report on Congressman's upcoming events.

**Senator Jeff Stone**

Reported by Maryann Edwards: Report on legislative updates; SB 149-Right to try, SB 417- Early Counting of Ballots for large Counties, SB 495-Capital Gains Tax on Real Estate, SB 590 Intern Hours for Pharmacists, SB 638-Funding & Reform for Developmental Centers, SB 666- Felons on Prison Grounds, SB 690-Updating Stalking Provisions, SB 737- Increased Fines for Texting while Driving

**Senator Mike Morrell**

Reported by Nick Calero: Senator is working on a bill to increase transparency, considered a landmark bill.

**Assemblywoman Melissa Melendez**

Reported by Michael Garrison: Report on legislative updates and bills to keep an eye on; AB 150-Gun Theft, AB 218-State Highway 74 Relinquishment, AB 225-False Petitions for Gun Violence Restraining Orders, AB 289 Whistleblower Protection-Legislative Employees, AB 333- Continual Education Credit for AED Training, AB 545-Domestic Violence, AB 585-Drought Friendly Landscaping- State income Tax Credit, AB 950-Firearm Transfers, HR 14-Bill Introduction Limit, AB 278-District Based municipal elections, AB 2-Community revitalization authority, SB 277 Public health: Vaccinations.

**Assembly Member Marie Waldron**

Reported by Tom Stinson: Report on legislative updates. Budget has passed. Reaction to passage of SB 88

**City of Murrieta**

Reported by Brian Ambrose: Report on legislative focus.

**City of Eastvale**

Report by Clint Lorimore: Report on budget trailer bill

**City of Temecula**

Report on legislative focus; Keep an eye on AB 718 and budget proposal.

**Water District**

Report; Controlling sprawl should not be water districts responsibility.

**4. Chamber and Council Member Announcements**

**Information**

**Temecula Valley Chamber of Commerce**

Report by Laura Turnbow on upcoming events.

**Murrieta Valley Chamber of Commerce**

Report by Andy Morris on upcoming events

**Menifee Valley Chamber of Commerce**

Report by Vicki Carpenter on upcoming events.

**Perris Valley Chamber of Commerce**

Report by Ali Mazarei on upcoming events.

**6. Today's Lunch Sponsor**

Lunch provided by Sun Pro Solar.

**Adjournment – Next Meeting July 27, 2015**

Motion to adjourn at 1:32 p.m.

**AB 718 (Chu) Local government: powers.**

**Recommended action: OPPOSE**  
**Presentation: Gene Wunderlich**

**Description:**

This bill prohibits local governments from penalizing, by impoundment or other method, the act of sleeping in a lawfully parked motor vehicle.

**Existing law:**

- 1) Allows a city to “make and enforce within its limits, all local, police, sanitary and other ordinances and regulations not in conflict with general laws, known as the police power of cities.”
- 2) Allows local governments to regulate parking in a variety of ways, including by establishing where vehicles may park or stop or requiring permits for parking in some areas.

**This bill:**

- 1) Prohibits any city, county, or city and county—including charter cities and counties—from prohibiting or otherwise penalizing the act of sleeping or resting in a lawfully parked vehicle.
- 2) Prohibits removing and impounding a vehicle for the same reason.
- 3) States that nothing in the bill shall be interpreted to:
  - a) Prohibit a law enforcement officer from arresting, citing, or otherwise penalizing an occupant of a motor vehicle for any criminal activity or violation of the vehicle code.
  - b) Exempt an occupant of a motor vehicle from any state and local laws, as specified.
  - c) Exempt a vehicle owner from compliance with a local ordinance that restricts the use of public streets for vehicle storage.

**Background:**

Purpose of the bill. Some local jurisdictions have enacted ordinances that essentially criminalize the act of being homeless, by penalizing individuals for activities that they have no choice but to perform. However, for many individuals experiencing homelessness, sleeping or living in a vehicle is often the only option for shelter in the absence of adequate shelter beds across the state. Citing these individuals because they sleep in their car can subject them to fines they may not be able to afford to pay. As a result, they run the risk of arrest or vehicle seizure, which worsens their situation and exacerbates mental health problems, ensuring that more people remain homeless longer. AB 718 protects some of California’s most vulnerable citizens by preventing local jurisdictions from enacting or enforcing these policies and sends a clear message that these types of policies must be prohibited.

Unreasonable restriction on police power. The police power is a fundamental power of local governments. Local ordinances arise and are adopted by communities to address specific issues affecting health, safety, and broader public welfare. At the same time, local governments are sensitive to the challenges that the homeless face and the measures that are needed to provide them with assistance. These issues are debated in the chambers of local governments across the state, and the policies that result reflect elected officials’ best judgments of how to balance the needs of all of their constituents. AB 718 will severely constrain local governments from making and enforcing laws that elected officials consider necessary to preserve the welfare of their citizens. Furthermore, this bill may make it harder for local agencies to enforce other laws that preserve public safety. For example, would this bill prevent a police officer from approaching a vehicle to investigate potential criminal activity? Finally, some people who are not homeless may take advantage of AB 718 to camp on public streets, with potential negative impacts on public safety, traffic, and local businesses.

**SUPPORT: (Verified 7/14/15)**

Housing California (source)  
 Abode Services  
 Affordable Homeless Housing Alternatives, Humboldt  
 County

American Civil Liberties Union of California  
 Caduceus Justice  
 California Catholic Conference  
 California Labor Federation

Coalition of California Welfare Rights Organization  
Corporation for Supportive Housing  
County Welfare Directors Association of California  
East Bay Community Law Center  
Ella Baker Center for Human Rights  
Homeless Lives Matter – Berkeley  
Kings/Tulare Homeless Alliance  
LA Human Right to Housing Collective  
Law Foundation of Silicon Valley  
Los Angeles Anti-Eviction Campaign  
Los Angeles Community Action Network  
National Association for the Education of Homeless Children and Youth

River City Food Bank  
Sacramento Homeless Organizing Committee  
Sacramento Regional Coalition to End Homelessness  
San Diego Housing Federation  
San Francisco Coalition on Homelessness  
Share the Bulb  
St. Anthony Foundation  
St. Mary’s Center  
Venice Community Housing Corporation  
WellSpace Health  
Western Center on Law and Poverty  
Western Regional Advocacy Project

**OPPOSITION: (Verified 7/14/15)**

American Planning Association, California Chapter  
California Association of Code Enforcement Officers  
California Business Properties Association  
California College and University Police Chiefs Association  
California Law Enforcement Association of Records Supervisors  
California Police Chiefs Association  
Central City Association  
City of Calimesa  
City of Colton  
City of Encinitas  
City of Fortuna  
City of Glendale

City of Hesperia  
City of Highland  
City of Los Angeles  
City of Montclair  
City of Ontario  
City of Palm Desert  
City of Palos Verdes Estates  
City of Rocklin  
International Council of Shopping Centers  
League of California Cities  
Los Angeles Area Chamber of Commerce  
Marin County Council of Mayors and Council Members  
Venice Stakeholders Association

**Status:** Active - Senate floor

**Assembly floor votes:** YES : Jones, Linder, Melendez, Medina NO: Waldron

Legislative Item #2	Action
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**AB 1520 (Committee on Judiciary) Public Records.**

**Recommended action:** **OPPOSE**  
**Presentation:** Gene Wunderlich

**Description:**

This bill, under the California Public Records Act, would clarify the exemption from public disclosure for specified personal information of residential utility customers.

This bill would clarify that the public disclosure exemption for the name, credit history, utility usage data, home address, and telephone number of utility customers of local agencies applies to residential customers.

This bill would provide legislative findings and declarations that this bill furthers the purposes of the California Constitution as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies, it is in the public’s interest to know the usage rates of industrial, institutional, and commercial water and energy users, and, unlike residential utility users, the privacy interests of industrial, institutional, and commercial users are not sufficient to justify granting an exemption from the public disclosure requirements, in this context.

**Background**

The four year drought in California has, among other things, led to calls for water conservation reductions, especially for urban users. Efforts by newspapers and others to determine the largest water users within a district or city, in order to determine whether they were meeting conservation goals, have been stymied by Government Code Section 6254.16.

However, when Government Code Section 6254.16 was added to the [California Public Records Act (CPRA)] in 1997, it was primarily concerned about the privacy rights of individual, residential users. Commercial, industrial, and institutional users do not have the same privacy concerns. AB 1520 would continue to protect the legitimate privacy interests of

residential users while serving the public's interest in determining whether the largest users are meeting conservation goals. Although the drought is the primary impetus for this bill, it should be noted that this bill would apply to all utilities, not just water.

### **Pro:**

The First Amendment Coalition, in support, argues that “the public is entitled to know – indeed, the public has a need to know – water usage data of commercial and other institutional users.

### **Con:**

The opposition, a coalition of business groups, asserts that this bill “inappropriately makes industrial, institutional, and commercial water and energy use public information. It is an attempt to shame business under the guise of ensuring that large users are meeting conservation goals.” Further, the opposition argues that current utility usage information privacy protections serve an important purpose and protect commercial users from their competitors gaining information and knowledge regarding energy and water usage, which could be used by competitors to determine production capacity and other production information. The opposition argues that this usage information serves no public purpose other than to exploit business operations and to shame businesses who may be considered unfavorable to some and provide an avenue for protest.

In response, the author states that the coalition's argument that the usage data would be improperly used by competitors is essentially a trade secret argument, for which there is already an exemption from disclosure under the CPRA. With respect to the coalition's arguments, the author also writes: “They claim that this would create an ‘uneven playing field’ because investor-owned utilities (IOU) like PG&E are not ‘exempted’ from [C]PRA request. . . . Actually, IOUs are not ‘exempted’ from the [C]PRA; as a private enterprise they are not covered by [C]PRA at all, so there is no need for an exemption. [C]PRA only covers government entities. Also, IOUs are regulated by the PUC, and PUC records are subject to [C]PRA.”

As for the coalition's assertion that this bill would be an effort to shame businesses, the author states that “this is partly true. But it is also a way for people, the press, and policy-makers to get a handle on who the major users are, so as to encourage and/or make policies accordingly.”

### **Support** (As of 5/19/15)

California Newspaper Publishers Association;  
Californians Aware;  
California Coastal Protection Network;  
California League of Conservation Voters;  
Clean Water Action;  
Community Water Center;

Environmental Justice Coalition for Water;  
Environmental Working Group;  
First Amendment Coalition;  
Natural Resources Defense Council;  
Sierra Club California;  
TreePeople

### **Opposition:**

African American Farmers of California;  
Agricultural Council of California;  
American Pistachio Growers;  
American Planning Association;  
Association of California Egg Farmers;  
Automotive Specialty Products Alliance;  
Building Owners and Managers Association of California;  
California Association of Nurseries and Garden Centers;  
California Business Properties Association;  
California Chamber of Commerce;  
California Citrus Mutual;  
California Construction and Industrial Materials Association;  
California Cotton Ginners Association;  
California Cotton Growers Association;  
California Farm Bureau Federation;  
California Fresh Fruit Association;  
California Grain and Feed Association;  
California League of Food Processors;  
California Manufacturers and Technology Association;

California Municipal Utilities Association;  
California Paint Council;  
California Restaurant Association;  
California Seed Association;  
California Tomato Growers Association;  
California Warehouse Association;  
Consumer Specialty Products Association;  
Grocery Manufacturers of America;  
Independent Energy Producers;  
International Council of Shopping Centers;  
NAIOP – Commercial Real Estate Development Association;  
National Federation of Independent Business;  
National Hmong American Farmers;  
Nisei Farmers League;  
Pacific Coast Rendering Association;  
Sacramento Municipal Utility District;  
Western Plant Health Association;  
Wine Institute

**Status:** Active to Senate.

**Assembly floor votes:** YES: Medina, Waldron NO: Jones NVR: Linder, Melendez

<b>Legislative Item #3</b>	<b>Action</b>
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**AB 12 (Cooley) State government: administrative regulations: review.**

**Recommended action: SUPPORT**  
**Presentation: Gene Wunderlich**

**Summary:**

This bill requires each state agency, on or before January 1, 2018, to review, adopt, amend or repeal any applicable regulations that are duplicative, overlapping, inconsistent, or out of date and revise those identified regulations, as specified.

**Existing law:**

- 1) Provides a process, known as the Administrative Procedure Act (APA), for the adoption, amendment, or repeal of regulations by state agencies charged with the implementation of statutes, and for legal review of those regulatory actions by the Office of Administrative Law (OAL). (Government Code Section 11340 et seq.)
- 2) Directs OAL, at the request of any standing, select, or joint committee of the Legislature, to initiate a priority review of any regulation that the committee believes does not meet the standards of (a) necessity, (b) authority, (c) clarity, (d) reference, and (e) nonduplication. (Government Code Section 11349.7)
- 3) Specifies that if OAL is notified of, or on its own becomes aware of, an existing regulation for which the statutory authority has been repealed or becomes ineffective, then the OAL shall order the agency to show cause why the regulation should not be repealed, and shall notify the Legislature in writing of this order. (Government Code Section 11349.8)
- 4) Authorizes an agency that is considering adopting, amending, or repealing a regulation to consult with interested persons before initiating any regulatory action. (Government Code Section 11346)

**This bill:**

- 1) Requires state agencies, on or before January 1, 2018, to adopt, amend or repeal, using procedures provided in current law, those regulations identified as duplicative, overlapping, inconsistent or out of date.
- 2) Requires state agencies to hold at least one public hearing, notice that hearing on the Internet and accept public comment on proposed revisions.
- 3) Requires state agencies to notify the appropriate policy and fiscal committees of the Legislature of the proposed revisions to regulations, and then to report to the Governor and the Legislature the number and content of the regulations identified as duplicative, overlapping, inconsistent, or out of date and actions to address those regulations.
- 4) Requires specified agencies to identify any existing regulations of a department, board, or other unit within that agency that may be duplicative, overlapping or inconsistent with regulations of other departments, boards or units within that agency.
- 5) Contains various legislative findings that the APA does not require agencies to individually review their regulations to identify overlapping, inconsistent, duplicative, or out-of-date regulations that may exist. Also, finds and declares that it is important that state agencies systematically undertake to identify, publicly review, and eliminate overlapping, inconsistent, duplicative, or out-of date regulations, both to ensure they more efficiently implement and enforce laws and to reduce unnecessary and outdated rules and regulations.
- 6) Contains a January 1, 2019 sunset provision.



## **Background:**

The author's office notes that "numerous economists and business leaders agree that **one of the greatest obstacles to California job growth is the 'thicket' of government regulations that constrain business owners.**" Under current law, any state agency may review, adopt, amend or repeal any regulation within its statutory authority at any time. The OAL reports that as of December 26, 2014, the number of regulations adopted totaled 67,176. Of those, state agencies had repealed 14,319, or approximately 21%. With **52,857 regulations still active**, the author believes more needs to be done.

This bill requires state agencies to review their regulatory framework within a two-year timeframe. The author's office cites an October 2011 report published by the Milton Marks Little Hoover Commission on California State Government Organization and Economy (Little Hoover Commission) titled, Better Regulation: Improving California's Rulemaking Process which contained several recommendations for improving the state's rulemaking process, including the state establishing a lookback mechanism to determine if regulations are effective and still needed.

According to the author's office, **this bill is intended to implement the "look-back mechanism"** approach by establishing a two-year window within which agencies, and the departments, boards and other units within them, must review all regulations that pertain to the mission and programs under their statutory authority. Upon completion of this review, the identified regulations that are deemed to be duplicative, overlapping, inconsistent or out of date may be repealed using the existing processes already provided in the APA.

This bill also provides for public hearings and comments and requires that regulatory changes be reported to the Legislature and the Governor.

## **Arguments in Support**

Proponents state that "AB 12 simply directs agencies to look at their regulations and ask the basic questions of necessity, contradiction and complication. We believe that the answers to these regulations will provide greater balance to the laws and regulations and open the door for modernization as the California economy changes with the advent of new industries and technologies." Proponents also contend that reducing regulatory overlaps, contradictions, and complications would diminish the cost of compliance for California businesses without lowering environmental, health, and safety standards.

## **Supporting:**

American Federation of State, County and Municipal Employees  
Associated Builders and Contractors of California  
Building Owners and Managers Association of California  
California Asian Pacific Chamber of Commerce  
California Association of Bed & Breakfast Inns  
**California Building Industry Association**  
California Business Properties Association  
California Business Roundtable  
**California Chamber of Commerce**  
California Construction and Industrial Materials Association  
California Grocers Association  
California Hotel & Lodging Association

California League of Food Processors  
California Manufacturers & Technology Association  
California Retailers Association  
**California Taxpayers Association**  
Commercial Real Estate Development Association  
Consumer Specialty Products Association  
Family Business Association  
Industrial Environmental Association  
International Council of Shopping Centers  
**National Federation of Independent Business/California Small Business**  
USANA Health Services, Inc.  
Western States Petroleum Association

## **OPPOSITION:**

None on record

**Status:** Active - To Senate

**Assembly Votes:** Yes: Jones, Linder, Medina, Melendez, Waldron

<b>Legislative Item #4</b>	<b>Action</b>
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**AB 172 (Rodriguez) Emergency departments: assaults and batteries.**

**Recommended action: **SUPPORT****

**Presentation: Gene Wunderlich**

**Summary:**

The purpose of this legislation is to increase the penalties for assault and battery committed against a physician, nurse, or other health care worker engaged in performing services within the emergency department, if the person committing the offense knows or reasonably should know that the victim is a physician, nurse, or other health care worker engaged in performing services within the emergency department, as specified.

**Background:**

Under current law, an assault or battery against a physician or nurse rendering emergency medical care outside of a hospital, clinic or health care facility is a misdemeanor punishable by a fine of up to \$2,000, or a one year in county jail, or both. However, if an assault or battery occurs inside the health care facility, the crime is punishable as a lower misdemeanor with a jail time of up to six months. If a serious injury is sustained, or weapons are used, a battery is a felony punishable by a fine up to \$2,000, or a one year in county jail or both; or by a jail time of 16 months, two or three years. AB 172 specifically, increases the penalties for an assault or battery committed against a healthcare worker providing emergency services inside the emergency department equal to the punishment for an assault or battery committed outside a hospital, clinic, or other health care facility. Also, AB 172 allows a health facility that maintains and operates an emergency department to post a notice in the emergency room stating that an assault and battery against hospital staff is a crime and may result in a felony conviction.

**Arguments in Support:**

According to the California Hospital Association, who is in support of the legislation: As a community resource, hospitals have an obligation to treat all members of the community, including gang members, behavioral health patients, substance abusers and victims of domestic violence. Unfortunately, these situations may increase the chance of violence, particularly in the emergency department.

Hospitals are very concerned about creating a safe environment for patients, employees and visitors and this takes a variety of steps to balance the creation of a healing environment AB 172 (Rodriguez ) Page 5 of 5 with a safe workplace. This includes use of screening techniques, alarms and security staff. Hospitals welcome yet another tool towards this effort

**Arguments in Opposition:**

Legal Services for Prisoners with Children, opposes the legislation, stating: The stated goal of this bill is to try and ensure the safety of health care workers. Unfortunately, this bill is misguided and would not produce the intended results. The vast majority of assaults on health care workers are caused by individuals who are severely mentally ill, suffering from dementia, or undergoing significant psychological stress. Such individuals are not likely to be deterred by the threat of an increased penalty. Moreover, sending mentally ill individuals to jails is no substitute for treatment. Cycling mentally ill people in and out of jail would not prevent the assaults that AB 172 seeks to address.

**Support**

California Correctional Supervisors Organization  
California Hospital Association  
California State Sheriffs' Association

Emergency Nurses Association  
Los Angeles County Board of Supervisors

**Opposition**

California Public Defenders Association  
Legal Services for Prisoners with Children

**Status:** Active - To Senate Committee on Appropriations

**Assembly Vote:** Yes: Jones, Linder, Medina, Melendez, Waldron

**AB 807 (M Stone) Real estate transfer fees: recorded documents.****Recommended action: SUPPORT****Presentation: Gene Wunderlich****Summary:**

This bill makes declaratory and clarifying changes to existing law pertaining to the disclosure of real estate transfer fees, including, among other things, providing that transfer fees due at times other than upon the transfer or sale of a property are subject to disclosure under existing law.

**Background:**

Under existing law, various fees may be included in the price of a residential real estate transfer. Those fees, such as transfer taxes and homeowner association processing fees, are generally expected when purchasing homes within California. In recent years, a new type of transfer fee has appeared within California. Deemed a “private real estate transfer fee,” the fee amounts to a percentage of the sale price of a home, and is generally paid to a third party not involved in the transaction.

According to a recent news story: A private transfer fee, sometimes called a “property transfer fee,” occurs when the builder adds a covenant to the deed of each new home. Sometimes the recipient of the fee is a charity or government agency, which provides housing for low-income families. But sometimes builders themselves pocket the money as pure profit. In Placer County . . . one builder agreed to impose the fee, effective for 20 years, as part of a deal to placate two environmental groups, the Sierra Club and the Audubon Society. In some cases, though, the covenant runs with the deed for 99 years, meaning that each time the house changes hands, subsequent buyers must also pay the fee. And because the charge is a covenanted mandate, it is difficult to reverse once in place . . . Moreover, most buyers often don’t realize they are paying the fee. The builder or seller (if a subsequent seller even knows of it) doesn’t tell them about it, and because they pay so little attention to the closing statement, it escapes their view altogether.

But even if they do question the charge, there isn’t anything they can do about it short of backing out of the deal. (HeraldTribune, *Some States Ban Private Transfer Fees* (July 4, 2010) [as of May 29, 2015].) In 2007, the Legislature passed AB 980 (Calderon, Chapter 689, Statutes of 2007), which requires any person or entity that imposes, or has imposed, a transfer fee on real property to document and record the fee in the property’s records held by the county recorder prior to collecting the fee. AB 980 also imposed a duty on sellers of residential property to provide a disclosure statement notifying buyers about the transfer fee, as well as the amount, recipients, purpose, and expiration (if any) of the fee. This bill makes several clarifying changes to the requirements enacted by AB 980, including clarifying that transfer fee disclosures must be made whenever the obligation to pay such a fee arises “as a result of” the transfer of real property.

**Arguments in Support:**

This bill seeks to ensure that all private transfer fees [PTFs] on real property are recorded with the county and disclosed to prospective purchasers in a transparent manner, consistent with the intent of existing law, AB 980 (Stats. 2007). To further the intent of this current law, this bill clarifies the following:

- (1) the definition of PTF to capture any fee that must be paid “as the result of” the transfer of the property;
- (2) the method of calculating the PTF if the fee is neither a flat fee, nor a percentage of the sales price; and
- (3) required disclosures about the PTF must appear in a single document and cannot be incorporated by reference into other documents.

AB 807 is needed to ensure continued notification and disclosure of PTFs to homebuyers because some PTFs are now being structured very differently than previously seen since AB 980 became law in 2007. For example, these new types of PTFs may be structured so that they are not necessarily based on the sale price of the home or paid immediately upon transfer of the home, as was contemplated by AB 980. As a result, prospective homebuyers may not be made aware of such fees, contrary to the intent of existing law, if these new types of PTFs are ever determined by the courts to fall outside the current statute requiring recordation and disclosure. Recent court cases have documented various efforts to structure PTFs to avoid the recordation requirements of AB 980; therefore, elements of the current statute should be clarified to further the Legislature’s intent to protect homebuyers. Prior Legislation SB 670 (Correa, 2007) would have

restricted the use of private transfer fees recorded against real property by, among other things, directing that transfer fee funds go to a non-profit entity to fund facilities or services that provide a public benefit to the real property subject to the fee. The bill died in the Senate Transportation and Housing Committee.

**Support:** (Verified 6/9/15)

California Association of Realtors (source)  
Community Associations Institute

**Opposition:** (Verified 6/9/15)

None received

**Status:** Active Bill - In Floor Process

**Assembly votes:** Yes: Medina, Jones. Linder, Melendez, Waldron

<b>Legislative Item #6</b>	<b>Action</b>
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**AB 349 (Gonzalez) Common interest developments: property use and maintenance.**

**Recommended action:** **SUPPORT**

**Presentation:** Gene Wunderlich

**Summary:**

There are over 50,220 CIDs in the state that comprise over 4.8 million housing units, or approximately one quarter of the state's housing stock. This bill would render void and unenforceable any provision of the governing documents or architectural or landscaping guidelines or policies of an HOA that prohibits, or includes conditions that have the effect of prohibiting, the use of artificial turf or any other synthetic surface that resembles grass. This bill would provide that the owner of a separate interest upon which water-efficient landscaping measures have been installed in response to a declaration of a state of emergency shall not be required by an HOA to reverse or remove the water-efficient landscaping measures upon the conclusion of the state of emergency.

**Purpose of bill:**

According to the author: California is suffering from a prolonged and unprecedented drought. The Governor is mandating a 25% statewide reduction in water use. The State Water Resources Control Board has adopted emergency mandatory water use restriction regulations, which identify very specific per capita daily water use targets for every community in California, ranging up to a mandated 36% reduction for many communities in the state.

When AB 2104 was legislated in 2014 to clarify that a homeowners' association's governing documents cannot prohibit a homeowner from installing low water-using plants or complying with local water savings ordinances, California was also in a drought. Today, as our state attempts to advance the water use efficiency ethic and the tools available to reduce per capita water use, it's appropriate to focus on outdoor irrigation, which can account for 50% or more of a home's total water consumption. AB 349 would make the governing documents of a common interest development void and unenforceable if they prohibit the use, or include conditions that effectively prohibit the use, of artificial turf or any other synthetic surface that resembles grass.

### **Arguments in Support:**

Governing documents of a Homeowners Association (HOA) regulate the rules and procedures of the community by which owners agree to abide. In 2014, AB 2104 (Gonzalez), clarified that neither provisions in governing documents or board decisions can prohibit homeowners from replacing existing landscaping with low-water use plants. AB 349 expands upon AB 2104 by protecting homeowners who replace existing landscaping with low-water use landscapes (e.g., synthetic turf).

Residents of HOAs in common interest developments should be permitted to undertake landscape modifications that foster more efficient water usage without risking a monetary fine by the HOA.

### **Arguments in Opposition:**

The Educational Community for Homeowners (ECHO), in opposition, raises several concerns with this bill. They state: Among ECHO's many concerns with AB 349 is the urgency language that states "While in the middle of a water shortage crisis, homeowner associations are not allowing homeowners to make voluntary sacrifices and are still forcing them to maintain grass lawns, and fining them if they are out of compliance." This statement is inaccurate. Homeowner associations are allowing homeowners to make voluntary sacrifices and have no control over many of those sacrifices such as collecting shower water to reuse to water potted plants—to suggest that associations control a homeowner's voluntary sacrifices is absurd. While there may have been some associations that have not allowed the installation of synthetic turf, this is not the rule in all associations and given recent legislation signed by Governor Brown requiring associations to allow the installation of low-water using plants, the statement that associations are not allowing homeowners to make voluntary sacrifices and forcing owners to maintain grass lawns is inaccurate and inflammatory.

(Statement modified by author - re: 'forcing them to maintain grass lawns' replaced by 'prohibiting them from installing synthetic or other turf.')

ECHO also raises environmental and public health concerns related to the installation of artificial turf, including the "possible unknown health impacts that could be caused by synthetic turf," and "concerns that the end of the life of synthetic turf will be in landfills."

### **Support**

San Diego County Water Authority (sponsor)  
Association of Water Agencies  
California Association of Realtors  
California Municipal Utilities Association

Desert Water Agency  
Lakeside Water District  
Valley Water Municipal Water District

### **Opposition**

Educational Community for Homeowners (ECHO)

**Status:** Active Bill - In Floor Process

**Assembly votes:** Yes: Linder, Medina, Jones, Melendez, Waldron