



CACM Final Hot/High Bill Report

October 10, 2011

[AB 350\(Solorio\)](#) Displaced Janitor Opportunity Act.

Introduced: 02/10/2011

Last Amend: 09/02/2011

Status: 09/10/2011-Read third time. Refused passage. (Ayes 17. Noes 18. Page 2488.).

Location: 09/06/2011-S THIRD READING

Summary: Existing law, the Displaced Janitor Opportunity Act, requires contractors and subcontractors, that are awarded contracts or subcontracts by an awarding authority to provide janitorial or building maintenance services at a particular job site or sites, to retain, for a period of 60 days, certain employees who were employed at that site by the previous contractor or subcontractor. The act requires the successor contractors and subcontractors to offer continued employment to those employees retained for the 60-day period if their performance during that 60-day period is satisfactory. The act authorizes an employee who was not offered employment or who has been discharged in violation of these provisions by a successor contractor or successor subcontractor, or an agent of the employee, to bring an action against a successor contractor or successor subcontractor in any superior court of the state having jurisdiction over the successor contractor or successor subcontractor, as specified. This bill would rename the act the Displaced Property Service Employee Opportunity Act and make the provisions of the act applicable to property services, which would consist of licensed security, as defined, window cleaning, food cafeteria and dietary services, janitorial services, and building maintenance services. This bill would exclude from the definitions of "contractor" and "subcontractor" specified types of food service providers. The bill also would make conforming changes.

Laws: An act to amend Sections 1060, 1061, and 1064 of, and to amend the heading of Chapter 4.5 (commencing with Section 1060) of Part 3 of Division 2 of, the Labor Code, relating to employment.

Position: Oppose

Priority: High

[AB 771\(Butler\)](#) Common interest developments: requests for documents: fees.

Introduced: 02/17/2011

Last Amend: 07/12/2011

Status: 09/01/2011-Chaptered by the Secretary of State, Chapter Number 206, Statutes of 2011

Location: 09/01/2011-A CHAPTERED

Summary: The Davis-Stirling Common Interest Development Act requires an owner of a separate interest in a common interest development to provide specified documents to a prospective purchaser of that interest. Existing law requires a homeowners' association to provide these documents to the owner of the separate interest within 10 days of the mailing or delivery of the request, and limits the amount of fees charged for the provision of the documents to the association's actual costs to procure, prepare, and reproduce the requested documents. This bill would require that the seller also provide a copy of specified minutes of the meetings of the association's board of directors, if requested by the prospective purchaser. This bill would also require an association to provide to the seller a written or electronic estimate of the fees that will

be assessed to provide the specified documents. The bill would permit the association to collect a reasonable fee based on the association's actual cost for procuring, preparing, reproducing, and delivering the requested documents and would prohibit charging additional fees for electronic delivery of documents. The bill would permit the association to contract with any person or entity to provide the documents on behalf of the association. The bill would require the owner of a separate interest to also provide a form for billing disclosures, as specified, to a prospective purchaser, and would also require the association to provide this form to a recipient authorized by the owner of the separate interest. This bill contains other related provisions.

Laws: An act to amend Section 1368 of, and to add Section 1368.2 to, the Civil Code, relating to common interest developments.

Position: Oppose

Priority: Hot

[AB 805\(Torres\)](#) Common interest developments.

Introduced: 02/17/2011

Last Amend:

Status: 07/08/2011-Failed Deadline pursuant to Rule 61(a)(10). (Last location was T. & H. on 5/12/2011)

Location: 07/08/2011-S 2 YEAR

Summary: Existing law, the Davis-Stirling Common Interest Development Act defines and regulates common interest developments. This bill, on and after January 1, 2014, would comprehensively reorganize and recodify the Davis-Stirling Common Interest Development Act. The bill would also revise and recast provisions regarding notices and their delivery, standardize terminology, establish guidelines on the relative authority of governing documents, and establish a single procedure for amendment of a common interest declaration. The bill would guarantee the right of an owner of a separate interest to make changes in that separate interest, as specified, in a common interest development other than a condominium project, in which that right currently exists. The bill would establish an express list of conflicts of interest that may disqualify members of a board of directors of an association that manages a common interest development from voting on certain matters. The bill would also, among other things, revise provisions related to elections and voting, establish standards for the retention of records, and broaden the requirement that liens recorded by the association in error be released.

Laws: An act to add Part 5 (commencing with Section 4000) to Division 4 of, and to repeal Title 6 (commencing with Section 1350) of Part 4 of Division 2 of, the Civil Code, relating to common interest developments.

Position: Watch

Priority: High

[AB 806\(Torres\)](#) Common interest developments.

Introduced: 02/17/2011

Last Amend:

Status: 07/08/2011-Failed Deadline pursuant to Rule 61(a)(10). (Last location was T. & H. on 5/12/2011)

Location: 07/08/2011-S 2 YEAR

Summary: The Davis-Stirling Common Interest Development Act provides for the creation and regulation of common interest developments. This bill, operative January 1, 2014, would make various technical conforming changes to reflect a proposed revision and recodification of the Davis-Stirling Common Interest Development Act, and the operation of this bill would be contingent upon the enactment and operation of that revision and recodification.

Laws: An act to amend Sections 10131.01, 10153.2, 10177, 11003, 11003.2, 11004, 11004.5, 11010.10, 11018.1, 11018.12, 11018.6, 11211.7, 11500, 11502, 11504, 11505, 23426.5, and 23428.20 of the Business and Professions Code, to amend Sections 51.11, 714, 714.1, 782, 782.5, 783, 783.1, 798.20, 799.10, 800.25, 895, 935, 945, 1098, 1102.6a, 1102.6d, 1133, 1633.3, 1864, 2079.3, 2924b, 2929.5, and 2955.1 of the Civil Code, to amend Sections 86, 116.540, 564, 726.5, 729.035, and 736 of the Code of Civil Procedure, to amend Sections 12191, 12956.1, 12956.2, 53341.5, 65008, 65915, 65995.5, 66411, 66412, 66424, 66427, 66452.10, 66475.2, and 66477 of the Government Code, to amend Sections 1597.531, 13132.7, 19850, 25400.22,

25915.2, 25915.5, 33050, 33435, 33436, 33769, 35811, 37630, 37923, 50955, 51602, and 116048 of the Health and Safety Code, to amend Section 790.031 of the Insurance Code, to amend Section 2188.6 of the Revenue and Taxation Code, to amend Sections 21107.7, 22651, 22651.05, and 22658 of the Vehicle Code, and to amend Section 13553 of the Water Code, relating to common interest developments.

Position: Watch

Priority: High

[AB 818\(Blumenfield\)](#) Solid waste: multifamily dwellings.

Introduced: 02/17/2011

Last Amend: 07/01/2011

Status: 09/07/2011-Chaptered by the Secretary of State, Chapter Number 279, Statutes of 2011

Location: 09/07/2011-A CHAPTERED

Summary: The California Integrated Waste Management Act of 1989 establishes an integrated waste management program administered by the Department of Resources Recycling and Recovery. The act requires a local jurisdiction to adopt an ordinance requiring the provision of adequate areas for collecting and loading recyclable materials in development projects, including residential buildings having 5 or more living units. A local agency is prohibited from issuing a building permit to a development project, unless the project provides adequate areas for collecting and loading recyclable materials. This bill would enact the Renters' Right to Recycle Act, to require an owner of a multifamily dwelling, defined as a residential facility that consists of 5 or more living units, to arrange for recycling services that are appropriate and available for the multifamily dwelling, consistent with state or local laws or requirements applicable to the collection, handling, or recycling of solid waste, except as provided. This bill contains other related provisions.

Laws: An act to add Section 42913 to the Public Resources Code, relating to recycling.

Position: Watch

Priority: High

[AB 1211\(Silva\)](#) Not-for-profit corporations.

Introduced: 02/18/2011

Last Amend: 08/29/2011

Status: 10/03/2011-Chaptered by the Secretary of State, Chapter Number 442, Statutes of 2011

Location: 10/03/2011-A CHAPTERED

Summary: Existing law provides for the formation and operations of nonprofit corporations. Existing law provides for establishing a quorum of a board of directors to take action at a meeting and allows the articles of incorporation or bylaws to require the presence of specified directors in order to constitute a quorum. Existing law provides that the death of a director excuses requiring the presence of that director to establish a quorum. Existing law authorizes a board of directors to take action by unanimous written consent in lieu of a meeting without the consent of an interested director, as defined. This bill would instead provide that death or nonexistence of a director excuses requiring the presence of a specified director to establish a quorum. The bill would also revise the definition of an "interested director," as specified. This bill contains other related provisions and other existing laws.

Laws: An act to amend Sections 1113, 5211, 5212, 5213, 5222, 5235, 5913, 6010, 6019.1, 6321, 6324, 6615, 6716, 7211, 7212, 7213, 8010, 8019.1, 8324, 8615, 9211, 9212, 9213, 9250, 9640, 12311, 12351, 12352, and 12353 of, and to add Sections 7914, 9634, and 18122 to, the Corporations Code, relating to not-for-profit corporations.

Position: Watch

Priority: High

[AB 1321\(Wieckowski\)](#) Mortgages and deeds of trust: recordation.

Introduced: 02/18/2011

Last Amend:

Status: 05/13/2011-Failed Deadline pursuant to Rule 61(a)(3). (Last location was JUD. on 3/21/2011)

Location: 05/13/2011-A 2 YEAR

Summary: Existing law authorizes the recording of an instrument affecting the title to or possession of real property, as well as the recording of an assignment of a mortgage or a deed of trust. Under existing law, the recordation of an interest in real property provides notice of that interest to subsequent purchasers and mortgagees. Existing law provides that an unrecorded conveyance of real property is void against a duly recorded interest by a subsequent purchaser or mortgagee, if he or she acted in good faith and paid valuable consideration. This bill would instead require that mortgages and deeds of trust as well as assignments of a mortgage or a deed of trust be recorded within 30 days of the execution of the deed or other document creating a security interest in the real property or within 30 days of execution of the assignment. The bill would further require that either the promissory note or a specified certificate affirming the existence of the promissory note be attached at the time of recordation. This bill contains other related provisions and other existing laws.

Laws: An act to amend Section 2934 of, and to add Sections 1214.5 and 2923.7 to, the Civil Code, and to amend Section 27280 of the Government Code, relating to mortgages and deeds of trust.

Position: Watch

Priority: High

[SB 53\(Calderon\)](#) Real estate licensees.

Introduced: 12/16/2010

Last Amend: 08/29/2011

Status: 10/09/2011-Chaptered by the Secretary of State, Chapter Number 717, Statutes of 2011

Location: 10/09/2011-S CHAPTERED

Summary: The Real Estate Law provides for the regulation and licensure of real estate brokers and real estate salespersons by the Real Estate Commissioner and makes any person who willfully violates or knowingly participates in the violation of its provisions guilty of a crime. Existing law authorizes the commissioner, upon his or her own motion, and requires the commissioner upon the verified complaint in writing of any person, to investigate the actions of a real estate licensee who has engaged in specified acts. If the commissioner finds that a licensee has committed those acts, existing law authorizes the commissioner to suspend or revoke the license of the licensee or to, instead, impose specified monetary penalties, which are required to be credited to the Recovery Account in the Real Estate Fund. This bill would authorize the commissioner to issue citations to unlicensed persons the commissioner believes to be engaging in activities for which a real estate license is required or to licensees who are in violation of any provision of the Real Estate Law or any rule or order thereunder. The bill would authorize citations to include an order to correct the violation or to include an administrative penalty of up to \$2,500. The bill would require any fines collected pursuant to these provisions to be credited to the Recovery Account, to be made available upon appropriation by the Legislature. The bill would make additional changes with regard to the commissioner's authority pertaining to discipline and, on and after July 1, 2012, licensure renewal. This bill contains other related provisions and other existing laws.

Laws: An act to amend Sections 10079, 10176, 10237, and 10238 of, to amend, repeal, and add Sections 10156.2 and 10177 of, to add Sections 10080.9, 10088, 10141.6, and 10236.7 to, to repeal Section 10239.4 of, and to repeal Article 6 (commencing with Section 10237) and Article 6.5 (commencing with Section 10239) of Chapter 3 of Part 1 of Division 4 of, the Business and Professions Code, and to add Section 1808.51 to the Vehicle Code, relating to real estate licensees.

Position: Watch

Priority: High

[SB 150\(Correa\)](#) Common interest developments.

Introduced: 02/01/2011

Last Amend: 06/09/2011

Status: 07/08/2011-Chaptered by Secretary of State - Chapter 62, Statutes of 2011.

Location: 07/08/2011-S CHAPTERED

Summary: Existing law, the Davis-Stirling Common Interest Development Act, requires the declaration of a common interest development recorded on or after January 1, 1986, to contain a legal description of the development and the restrictions on the use or enjoyment of any portion of

the development. Existing law also provides that the covenants and restrictions in the declaration of a common interest development shall be enforceable equitable servitudes, unless unreasonable. This bill would prohibit the owner of a separate interest in a common interest development from being subject to a provision in a governing document, or a provision in an amendment to a governing document, that prohibits the rental or leasing of all or any of the separate interests in that common interest development to a renter, lessee, or tenant unless that governing document, or amendment thereto, was effective prior to the date the owner acquired title to his or her separate interest. The bill would also authorize that owner to expressly consent to be subject to a governing document or amendment thereto with that specified prohibition. This bill contains other related provisions and other existing laws.

Laws: An act to amend Sections 1368 and 1373 of, and to add Section 1360.2 to, the Civil Code, relating to common interest developments.

Position: Oppose

Priority: Hot

[SB 209\(Corbett\)](#) Common interest developments: electric vehicle charging stations.

Introduced: 02/08/2011

Last Amend: 06/06/2011

Status: 07/25/2011-Chaptered by the Secretary of State, Chapter Number 121, Statutes of 2011

Location: 07/25/2011-S CHAPTERED

Summary: The Davis-Stirling Common Interest Development Act defines and regulates common interest developments, which include community apartment projects, condominium projects, planned developments, and stock cooperatives. This bill would provide that any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a common interest development, or any provision of the governing documents of a common interest development, that effectively prohibits or restricts the installation or use of an electrical vehicle charging station is void and unenforceable. The bill would authorize an association, as defined, to impose reasonable restrictions on those stations, as specified, and would impose requirements with respect to an association's approval process for those stations. If the station is to be placed in a common interest area or an exclusive use common area, the homeowner would be responsible for various costs associated with maintaining and repairing the station, as well as costs for damage to common areas and adjacent units resulting from installation and maintenance of the station. The bill would impose other responsibilities on the homeowner, including maintaining an umbrella liability coverage policy of \$1,000,000 that names the common interest development as an additional insured. An association that violates the bill's provisions would be liable for damages and a civil penalty, as specified.

Laws: An act to add Section 1353.9 to the Civil Code, relating to common interest developments.

Position: Watch

Priority: Hot

[SB 561\(Corbett\)](#) Common interest developments: delinquent assessments.

Introduced: 02/17/2011

Last Amend: 04/12/2011

Status: 07/08/2011-Failed Deadline pursuant to Rule 61(a)(10). (Last location was JUD. on 6/13/2011)

Location: 07/08/2011-A 2 YEAR

Summary: The Davis-Stirling Common Interest Development Act provides for the establishment and regulation of common interest developments. Existing law authorizes an association to levy regular and special assessments, and, if an assessment is delinquent, authorizes the association to recover reasonable costs and attorney's fees incurred in collecting the assessment in accordance with certain requirements. This bill would prohibit an association from assigning or pledging the association's right to collect payments or assessments to a 3rd party, or to contract with a 3rd party to collect delinquent payments or assessments, unless the 3rd party agrees to comply with the same requirements imposed on the association. The bill would specify that a waiver by an owner of his or her rights and a waiver by an association of the association's responsibilities under the act is void as contrary to public policy, and would prohibit a foreclosure proceeding from being initiated or proceeding if it is based on an agreement that is void. The bill

would prohibit a 3rd party from acting as a trustee in a foreclosure proceeding. The bill would make a related statement of legislative intent.

Laws: An act to amend Sections 1367.1 and 1367.4 of the Civil Code, relating to common interest developments.

Position: Oppose

Priority: Hot

[SB 563](#)(Committee on Transportation and Housing) Common interest developments: meetings.

Introduced: 02/17/2011

Last Amend: 07/05/2011

Status: 09/06/2011-Chaptered by the Secretary of State, Chapter Number 257, Statutes of 2011

Location: 09/06/2011-S CHAPTERED

Summary: Existing law provides for the creation of common interest developments and requires that a common interest development be managed by an association that may or may not be incorporated. Existing law prescribes requirements for meetings of the board of directors of the association that manages the development, and requires notice of the time and place of a meeting of the board of directors to be given to the members of the association at least 4 days prior to the meeting, except as specified. This bill would require notice for a meeting that will be held solely in executive session to be given to members of the association at least 2 days prior to the meeting, except as specified. The bill would provide that, if a member consents, notice may be given to the member electronically, and would also delete provisions that generally allow the board of directors to consider any proper matter at a meeting even if it has not been noticed as an action item for the meeting. This bill contains other related provisions and other existing laws.

Laws: An act to amend Sections 1363, 1363.05, and 1365.2 of the Civil Code, relating to common interest developments.

Position: Oppose

Priority: Hot

[SB 730](#)(Kehoe) Plug-In Electric Vehicle Readiness Pilot Program.

Introduced: 02/18/2011

Last Amend: 05/11/2011

Status: 05/28/2011-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/23/2011)

Location: 05/28/2011-S 2 YEAR

Summary: Existing law establishes the Alternative and Renewable Fuel and Vehicle Technology Program, administered by the State Energy Resources Conservation and Development Commission (Energy Commission), to provide to specified entities, upon appropriation by the Legislature, grants, loans, loan guarantees, revolving loans, or other appropriate measures, for the development and deployment of innovative technologies that transform California's fuel and vehicle types to help attain the state's climate change goals. Existing law specifies that only certain projects or programs are eligible for funding, including a program to provide funding for homeowners who purchase an electric vehicle to offset costs associated with modifying electrical sources to include a residential plug-in electric vehicle charging station. This bill would establish the Plug-In Electric Vehicle Readiness Pilot Program to be administered by the commission. The bill would require that the program include, but not be limited to, strategies that address several objectives relating to the permitting and planning of plug-in electric vehicle residential charging. The bill would also require the commission to solicit statewide the involvement of cities and counties for participation in the program. The bill would repeal these provisions on January 1, 2015 .

Laws: An act to add and repeal Article 2.5 (commencing with Section 44273.5) of Chapter 8.9 of Part 5 of Division 26 of the Health and Safety Code, relating to air resources.

Position: Watch

Priority: High

[SB 759](#)(Lieu) Common interest developments: artificial turf.

Introduced: 02/18/2011

Last Amend: 03/22/2011

Status: 07/15/2011-Vetoed by the Governor

Location: 07/15/2011-S VETOED

Summary: Existing law requires a local agency to adopt a specified model ordinance regarding water-efficient landscapes or a water-efficient landscape ordinance that is at least as effective in conserving water as the model ordinance. Existing law allows certain water providers to take specified actions regarding water conservation. This bill would provide that a provision of any of the governing documents of a common interest development shall be void and unenforceable if it prohibits, or includes conditions that have the effect of prohibiting, the use of artificial turf or any other synthetic surface that resembles grass. This prohibition would not prohibit an association from applying landscape rules and regulations established in governing documents that establish design standards and quality standards for the installation of artificial turf, or any other synthetic surface that resembles grass, to the extent the rules and regulations do not prohibit the use of artificial turf or any other synthetic surface that resembles grass. This bill contains other existing laws.

Laws: An act to amend Section 1353.8 of the Civil Code, relating to common interest developments.

Position: Watch

Priority: Hot