



## CACM Final Governor's Actions Report

**October 10, 2011**

(Deadline to sign or veto legislation was 10/9/11 at midnight)

**[AB 221\(Carter\)](#) The Housing and Emergency Shelter Trust Fund Acts of 2002 and 2006: supportive housing.**

**Status:** 10/07/2011-Chaptered by the Secretary of State, Chapter Number 541, Statutes of 2011

**Location:** 10/07/2011-A CHAPTERED

**Summary:** Would require that the funds transferred to the Emergency Housing and Assistance Fund pursuant to both acts also be made available for supportive housing purposes, as specified.

**Position:** Watch

**Priority:** Low

**[AB 275\(Solorio\)](#) Rainwater Capture Act of 2011.**

**Status:** 10/09/2011-Vetoed by the Governor

**Location:** 10/10/2011-A VETOED

**Summary:** Would enact the Rainwater Capture Act of 2011, which would authorize residential, commercial, and governmental landowners to install, maintain, and operate rain barrel systems, as defined, and rainwater capture systems, as defined, for specified purposes, provided that the systems comply with specified requirements. The bill would require a local agency to provide notification to the operator of a public water system, as defined, if the local agency chooses to adopt a permitting program for rainwater capture systems and approves a permit for a rainwater capture system connected to the public water system. This bill contains other related provisions and other existing laws.

**Governor's Message:** I am returning Assembly Bill 275 without my signature. This measure seeks to adopt an interim standard for rainwater capture outside the established Building Standards Commission process. Without some urgency or a more compelling reason, I think it is better to stick with the process and follow existing California law. Sincerely, Edmund G. Brown Jr.

**Position:** Watch

**Priority:** Medium

**[AB 341\(Chesbro\)](#) Solid waste: diversion.**

**Status:** 10/06/2011-Chaptered by the Secretary of State, Chapter Number 476, Statutes of 2011

**Location:** 10/06/2011-A CHAPTERED

**Summary:** Would make a legislative declaration that it is the policy goal of the state that not less than 75% of solid waste generated be source reduced, recycled, or composted by the year 2020, and would require the department, by January 1, 2014, to provide a report to the Legislature that provides strategies to achieve that policy goal and also includes other specified information and recommendations. The bill would allow the department to provide the report required by the bill in conjunction with the annual progress report, if the combined report is submitted by January 1,

2014. The bill would repeal the report requirement on January 1, 2017. This bill contains other related provisions and other existing laws.

**Position:** Watch

**Priority:** Low

**[AB 631\(Ma\)](#) Public utilities: electric vehicle charging stations.**

**Status:** 10/06/2011-Chaptered by the Secretary of State, Chapter Number 480, Statutes of 2011

**Location:** 10/06/2011-A CHAPTERED

**Summary:** Would provide that the ownership, control, operation, or management of a facility that supplies electricity to the public only for use to charge light duty plug-in electric vehicles, as defined, does not make the corporation or person a public utility for purposes of the act.

**Position:** Watch

**Priority:** Low

**[AB 681\(Wieckowski\)](#) Aboveground storage tanks: funds.**

**Status:** 10/08/2011-Chaptered by the Secretary of State, Chapter Number 574, Statutes of 2011

**Location:** 10/08/2011-A CHAPTERED

**Summary:** Would make the fund and account operative until July 1, 2013, and would repeal the fund and the account on January 1, 2014.

**Position:** Watch

**Priority:** Low

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

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

**Location:** 09/01/2011-A CHAPTERED

**Summary:** 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.

**Position:** Oppose

**Priority:** Hot

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

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

**Location:** 09/07/2011-A CHAPTERED

**Summary:** 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.

**Position:** Watch

**Priority:** High

**[AB 849\(Gatto\)](#) Water: use efficiency: graywater building standards.**

**Status:** 10/08/2011-Chaptered by the Secretary of State, Chapter Number 577, Statutes of 2011

**Location:** 10/08/2011-A CHAPTERED

**Summary:** Would repeal the authority of a city, county, or other local agency to adopt building standards that prohibit entirely the use of graywater and instead authorize the adoption, under

specified requirements, of standards that are more restrictive than that adopted pursuant to state requirements. The bill would require that an ordinance enacted pursuant to this authority include the local climatic, geological, topographical, or public health conditions requiring different building standards. The bill would also require a city, county, or other local agency to seek consultation with the local public health department prior to commencing the issuance of permits for indoor graywater systems, as specified.

**Position:** Watch  
**Priority:** Medium

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

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

**Location:** 10/03/2011-A CHAPTERED

**Summary:** 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.

**Position:** Watch  
**Priority:** High

**[SB 4\(Calderon\)](#) Mortgages.**

**Status:** 09/06/2011-Chaptered by the Secretary of State, Chapter Number 229, Statutes of 2011

**Location:** 09/06/2011-S CHAPTERED

**Summary:** Would additionally require, beginning April 1, 2012, that the notice of sale, given pursuant to a deed of trust or mortgage secured by real property containing from one to 4 single-family residences, contain language notifying potential bidders of specified risks involved in bidding on property at a trustee's sale, and a notice to the property owner informing the owner about how to obtain information regarding any postponement of the sale. The bill would require a good faith effort to be made to provide current information regarding sale dates and postponements and that the information be available free of charge. The bill would permit the information to be provided by any means that provides continuous access, as specified.

**Position:** Watch

**[SB 6\(Calderon\)](#) Real estate: appraisal and valuation.**

**Status:** 10/09/2011-Chaptered by the Secretary of State, Chapter Number 716, Statutes of 2011

**Location:** 10/09/2011-S CHAPTERED

**Summary:** Would delete that provision and would instead prohibit a licensee from knowingly or intentionally misrepresenting the value of real property. The bill would also prohibit a licensee that offers or provides an opinion of value of residential real property related to the origination of a mortgage loan from having a prohibited interest in the property, as specified under federal law. This bill contains other related provisions and other existing laws.

**Position:** Watch  
**Priority:** Medium

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

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

**Location:** 10/09/2011-S CHAPTERED

**Summary:** 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.

**Position:** Watch

**Priority:** High

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

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

**Location:** 07/08/2011-S CHAPTERED

**Summary:** 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.

**Position:** Oppose

**Priority:** Hot

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

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

**Location:** 07/25/2011-S CHAPTERED

**Summary:** 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.

**Governor's Message:** To the Members of the California State Senate: Senate Bill 209 advances the important state interests of lowering vehicle emissions and of decreasing dependency on foreign oil. These interests are advanced statutorily by removing unreasonable burdens in common interest developments to the installation of plug-in vehicle charging stations. Charging stations are part of the infrastructure that must be built to integrate electric vehicles into our daily lives by allowing plug-in vehicles to be recharged faster and to minimize impact to the electrical grid. I enthusiastically support this bill. This bill, unfortunately, contains language that could permit individual homeowners to unreasonably use or occupy common areas. The author has assured me that she will pursue legislation that clearly protects the right of the common interest developments to establish reasonable rules for any use of common areas for charging stations. Sincerely, Edmund G. Brown Jr.

**Position:** Watch

**Priority:** Hot

**[SB 221\(Simitian\)](#) Small claims court: jurisdiction.**

**Status:** 07/08/2011-Chaptered by Secretary of State - Chapter 64, Statutes of 2011.

**Location:** 07/08/2011-S CHAPTERED

**Summary:** Would increase the jurisdiction of the small claims court by increasing that amount to \$10,000, except as specified. The bill, until January 1, 2015, would confer jurisdiction on the small claims court in an action brought for damages for bodily injuries resulting from an automobile accident if the demand does not exceed \$7,500, and the defendant is covered by an insurance

policy that includes a duty to defend. The bill would also make a technical change by deleting a duplicate code section that contains identical provisions.

**Position:** Watch

**Priority:** Low

**[SB 562](#)(Committee on Transportation and Housing) Housing omnibus bill.**

**Status:** 09/06/2011-Chaptered by the Secretary of State, Chapter Number 239, Statutes of 2011

**Location:** 09/06/2011-S CHAPTERED

**Summary:** Would specify that in cases where only a portion or none of the bonds are issued, the committee may return all or part of the deposit if it determines there is good cause to do so. This bill contains other related provisions and other existing laws.

**Position:** Watch

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

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

**Location:** 09/06/2011-S CHAPTERED

**Summary:** 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.

**Position:** Oppose

**Priority:** Hot

**[SB 706](#)(Price) Business and professions.**

**Status:** 10/09/2011-Chaptered by the Secretary of State, Chapter Number 712, Statutes of 2011

**Location:** 10/09/2011-S CHAPTERED

**Summary:** Would state that protection of the public shall be the highest priority for the department and the office in exercising their licensing, regulatory, and disciplinary functions. This bill contains other related provisions and other existing laws.

**Position:** Watch

**Priority:** Low

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

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

**Location:** 07/15/2011-S VETOED

**Summary:** 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.

**Governor's Message:** I am returning Senate Bill 759 without my signature. Under this bill, homeowners associations that govern Common Interest Developments would be forced to approve the installation of Astro Turf. The decision about choosing synthetic turf instead of natural vegetation should be left to individual homeowners associations, not mandated by state law. For this reason, I am returning this bill. Sincerely, Edmund G. Brown Jr.

**Position:** Watch

**Priority:** Hot

**[SB 837\(Blakeslee\)](#) Residential real property disclosures.**

**Status:** 07/05/2011-Chaptered by the Secretary of State, Chapter Number 61, Statutes of 2011

**Location:** 07/05/2011-S CHAPTERED

**Summary:** Would revise the form described above to require that a transferor of real property, as described above, disclose whether or not the property is equipped with water-conserving plumbing fixtures.

**Position:** Watch

**Priority:** Medium