

Building Owners and Managers Association of California

2007 Legislative Year

Summary of Actions – High Priority Bills



In 2007, the California State Legislature introduced 2,760 separate pieces of legislation. All of these bills were read by staff by BOMA California staff and more than 90 were identified that could potentially impact the commercial real estate industry. Below is a summary of the highest priority of those bills and their outcome.

- * Rob Cord, President, BOMA California (BOMA Sacramento)
- * Ted Kimball, Chair, BOMA California Legislative Committee (BOMA San Diego)

SUPPORTED BILLS SIGNED BY GOVERNOR

AB 542	Gaines (R-Roseville)	Signed	Sponsored bill. Gives commercial real estate industry an appointment to the State Historical Building Safety Advisory Board. Bill adds a voice from BOMA California to this board which advises the State Architect on regulatory issues related to historical buildings.	SUPPORT
AB 691	Silva (R-Huntington Beach)	Signed	Extends the operation of the Davis-Stirling Common Interest Development Act, which establishes the regulation of common interest developments. Bill modifies requirements to be called a "certified common interest development manager" and would also revise various definitions.	SUPPORT
AB 1042	Spitzer (R-Orange)	Signed	Authorizes the clerk of a county board of equalization to accept electronically filed applications for a changed assessment containing an authenticated electronic signature.	SUPPORT
AB 1208	Silva (R-Huntington Beach)	Signed	Sponsored bill. Restores the industry supported Business Improvement Districts law back to its original intention after being changed for political purposes.	SUPPORT
SB 223	Machado (D-Linden)	Signed	Prohibits a licensed appraiser from engaging in any appraisal activity in connection with the purchase, sale, transfer, financing, or development of real property if his or her compensation is dependent on or affected by the value conclusion generated by the appraisal.	SUPPORT

OPPOSED BILLS SIGNED BY GOVERNOR

None	None	None	None	None
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OPPOSED BILLS VETOED BY GOVERNOR

AB 8	Nunez (D-Los Angeles)	Vetoed	Creates the Cooperative Health Insurance Purchasing Program as a statewide purchasing pool for health care coverage by employers. Requires employers to make health care expenditures equivalent to 7.5% at a minimum of the employer's total social security wages or, to elect to pay an employer fee of that equivalent amount. AB 8 VETO MESSAGE.	OPPOSE
AB 35	Ruskin (D-Redwood City)	Vetoed	LEED mandate for State Buildings. Requires a state agency that commences construction of a state building, or renovation of a state building, to design, construct, and operate the building to meet, U.S. Green Building Council's Leadership in Energy and Environmental Design for a gold rating. AB 35 VETO MESSAGE.	OPPOSE
AB 343	Solorio (D-Santa Ana)	Vetoed	Requires the State Department of Health Care Services and the Managed Risk Medical Insurance Board, each year, to collaborate to transmit to the Legislature a report identifying all employers who employ 25 or more persons who are, or support, beneficiaries of certain state welfare programs. AB 343 VETO MESSAGE.	OPPOSE
AB 779	Jones (D-Sacramento)	Vetoed	Amends existing law which imposes certain duties upon persons or businesses to destroy customer records, maintain security, disclose a breach of security and provide information to a customer regarding disclosure of information to 3rd parties. Prohibits a person, business or public agency that sells goods or services to any state resident and accepts a credit card, debit card, or other payment device, from storing, retaining, sending or failing to limit access to related information. Requires notification. AB 779 VETO MESSAGE.	OPPOSE
AB 785	Hancock (D-Berkeley)	Vetoed	Specifies that the failure of a licensed contractor to comply with the building energy efficiency standards constitutes a cause for disciplinary action and civil penalties. Requires the State Contractor Licensing Board to compile data and to submit a report to the Legislature that includes the number of related fines. Requires the State Air Resources Board to be the lead agency on a task force to develop a plan for how to include urban heating island mitigation measure in air quality compliance standards. AB 785 VETO MESSAGE.	OPPOSE



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AB 843	Eng (D-Monterey Park)	Vetoed	Provides that the penalty under the Property Tax Law for failing to file a change of ownership statement applies if the transferee fails to file the statement within a specified number of days of a request by the assessor. Requires the State Board of Equalization to consult with interested parties before prescribing the contents of a change in ownership statement. Provides a penalty caps for nonwillful failure to file. Requires the Board of Equalization to prescribe the contents of the ownership report. AB 843 VETO MESSAGE.	OPPOSE
AB 888	Lieu (D-Torrance)	Vetoed	LEED Mandate – Commercial Buildings. Mandates that commercial buildings over 50,000 s.f. be built to LEED “gold” standards. Shifts the development of "green building" standards for residential, commercial and government buildings from the Building Standards Commission, which considers cost impact in its development of standards, to other state entities, which do not consider cost impact and have no experience in the development or adoption of building standards. AB 888 VETO MESSAGE.	OPPOSE
AB 1058	Laird (D-Santa Cruz)	Vetoed	LEED Building Mandate – Residential. Imposes mandatory “minimum building standards” and the proscribes a cumbersome administrative method in which those building standards would be developed. Shifts authority away from the Building Standards Commission to other state entities and designates Cal-EPA as the lead agency do draft these new building guidelines. AB 1058 VETO MESSAGE.	OPPOSE
SB 936	Perata (D-Oakland)	Vetoed	Relates to existing law that creates the Workers' Compensation System and requires the payment of disability benefits to eligible individuals for injuries sustained in the course of employment that cause permanent disability, and specifies that the amount of those payments be computed in accordance with a prescribed formula. Revises the formula for computing those payments for injuries causing permanent disability, which occur on or after a specified date. SB 936 VETO MESSAGE.	OPPOSE
SB 1001	Perata (D-Oakland)	Vetoed	Relates to regional water boards and their responsibilities under the federal Clean Water Act and Porter-Cologne. Requires the State Water Resources Control Board, with the Department of Finance, to prepare a detailed report on the financial basis and programmatic effectiveness of its water quality programs. Requires the Legislative Analyst's office to prepare a report on the financial basis and programmatic effectiveness of the board's fee-based water quality programs. Requires related regulations. SB 1001 VETO MESSAGE.	OPPOSE

“FIXED” BILLS SIGNED BY GOVERNOR (amended in a way that removed opposition)



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AB 5	Wolk (D-Davis)	Signed	Renames the Reclamation Board and requires the new board to work independently of the Department of Water Resources. Requires the department to prepare, and the board to adopt a schedule for mapping areas at risk of flooding in the Sacramento River and San Joaquin River drainage and a flood control system report for the State Plan of Flood Control. Requires a local agency responsible for project levees to submit a specified report to the department. Relates to flood control project enhancements.	MON/OPP
AB 70	Wolk (D-Sacramento)	Signed	Provides that a city or county may be required to contribute its fair and reasonable share of the property damage caused by a flood to the extent that it has increased the state's exposure to liability for property damage by unreasonably approving new development in a previously undeveloped area that is protected by a state flood control project, unless the city or county meets specified requirements.	MON/OPP
AB 349	Salas (D-Chula Vista)	Signed	Provides that a translation in English of an instrument executed or certified in whole or in part in any language other than English may be presented to the county clerk for verification that the translation was performed by a certified or registered court interpreter or by an accredited translator. Authorizes the clerk to charge a specified fee for verification and certification of each document.	MON/OPP
AB 715	Laird (D-Santa Cruz)	Signed	Requires all water closets and urinals sold or installed shall use no more than a specified average amount of water per flush. Requires all water closets and urinals, other than blow-out urinals, sold or installed to be high-efficiency. Requires manufacturers selling water closets or urinals to offer high-efficiency models for sale in a specified percentage of all models offered. Requires a nonwater-supplied urinal approved for installation or sold to meet requirements and building standards therefor.	MON/OPP
AB 980	Calderon C (D-Whittier)	Signed	Defines a real estate transfer fee as a fee imposed in any covenant, restriction, or condition contained in any deed, contract, security instrument, or other document affecting the transfer or sale of real property to be paid upon the transfer of the real property, with specified exceptions. Requires a receiver of a transfer fee, the person or entity imposing the fee, and the transferor of the real estate to record specified documents regarding the property and the fee.	MON/OPP
AB 1103	Saldana (D-San Diego)	Signed	Requires electric and gas utilities to maintain records on the energy consumption data of all nonresidential buildings to which they provide service, in a specified format, for a specified period. Requires the nonresidential building owner or operator disclose Energy Star Portfolio Manager benchmarking data and ratings, for a specified period, to a prospective buyer, lessee of the entire building, or lender that would finance the entire building of the benchmarking data and ratings for the building.	MON/OPP



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AB 1109	Huffman (D-San Rafael)	Signed	Enacts the Lighting Efficiency and Toxics Reduction Act. Prohibits a person from selling or offering for sale general purpose lights that contain levels of hazardous substances prohibited by the European Union pursuant to the RoHS Directive. Provides exceptions. Requires a manufacturer to prepare a technical document or other information showing that its general purpose lights comply with the requirements of that directive. Convenes a task force to consider collection and recycling of such lights.	MON/OPP
SB 666	Maldonado (R-Santa Maria)	Signed	Requires a proprietary private security officer to complete training in security officer skills within a specified period of time. Requires the Department of Consumer Affairs to develop a standard course and curriculum for such training to be administered by an employer, an organization, or a school approved by the department. Requires the convening of an advisory committee. Exempts certain peace officers from this requirement. Requires employers to provide annual review of training and to maintain records.	MON/OPP

OPPOSE & MON/OPPOSE BILLS THAT ARE DEAD OR TWO-YEAR BILLS

AB 109	Nunez (D-Los Angeles)	DEAD/ TWO- YEAR BILL	Requires the Governor, Treasurer's office, the Public Employees' Retirement and the State Teachers' Retirement systems to annually report to the Legislature information relating to greenhouse gas emissions and green investments. Requires all land conservancies to report to the Legislature on past, current, and future activities to sequester greenhouse gas emissions. Requires an annual on the Global Warming Solutions Act.	OPPOSE
AB 437	Wolk (D-Sacramento)	DEAD/ TWO- YEAR BILL	Specifies that when a cause of action for unlawful discrimination or unlawful employment practice with respect to compensation accrues for determining whether a complaint was filed within statutory guidelines.	OPPOSE
AB 564	Brownley (D-Santa Monica)	DEAD/ TWO- YEAR BILL	States the intent of the Legislature to enact legislation to require the State Energy Resources Conservation and Development Commission to adopt carbon neutral building standards for new residential and new nonresidential buildings.	MON\OPP
AB 1065	Lieber (D-Mountain View)	DEAD/ TWO- YEAR BILL	Requires the State Energy Resources Conservation and Development Commission to adopt standards that would reduce energy consumption per gross square foot of floorspace of a new residential and new nonresidential buildings, from offsite sources, on a specified schedule. Requires the commission to review or approve one or more computer programs for use in demonstrating compliance with these standards and to prescribe requirements for compliance software and to review and approve such software.	OPPOSE



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AB 1452	Wolk (D-Davis)	DEAD/ TWO- YEAR BILL	This bill would enact the Central Valley Flood Protection Act of 2008. The bill would prohibit the board from approving, and the department from providing, funding for any flood protection project that narrows flood channels or reduces the capacity of the flood protection system in the Sacramento-San Joaquin Valley to convey water. The bill would declare that it is the policy of the state that, to the maximum extent permitted by law, the expenditure of funds for flood protection in the Sacramento-San Joaquin Valley reflect specified priorities.	OPPOSE
SB 68	Kuehl (D-Santa Monica)	DEAD/ TWO- YEAR BILL	Relates to the Mining and Reclamation Act of 1975. Allows a writ of mandate under the act to compel the lead agency to carry out any duty imposed upon them by the act. Revises the definition of idle under the act relating to surface mining. Revises the appeal process for an affected mining operator to allege that the lead agency has failed to act, or has acted in violation of the act or the state's policies in approving or failing to approve a reclamation plan or financial assurances, or a mining permit.	OPPOSE
SB 375	Steinberg (D-Sacramento)	DEAD/ TWO- YEAR BILL	Limits increased transportation capacity and affordable housing, and thwarts intent of voters who approved broad-based transportation bonds, by blocking use of these funds except for narrowly defined "infill" development projects	OPPOSE
SB 464	Kuehl (D-Santa Monica)	DEAD/ TWO- YEAR BILL	The "Ellis Act" prohibits local governments from forcing a residential rental property owner to continue to lease or rent property. This bill would enact a statewide mandate compelling owners to remain in the rental business for at least 3 years before converting their property to another use.	OPPOSE
SB 670	Correa (D-Santa Ana)	DEAD/ TWO- YEAR BILL	voids any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument that contains a requirement that a transferee pay a fee upon transfer of real property with exemptions. Requires the application for a public report in connection with subdivided lands to state whether the property offered for sale or lease is subject to a fee. After a specified date permits the imposition of a fee on the transfer of subdivided real property under some circumstances.	OPPOSE



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SUPPORTED BILLS THAT ARE DEAD OR TWO-YEAR BILLS

AB 154	Nakanishi (R-Lodi)	DEAD/ TWO- YEAR BILL	Authorizes, in conformance with federal law, a deduction under the Person Income Tax and Corporate Tax laws for a taxpayer in an amount equal to the cost of an energy efficient commercial building located in the state, subject to specified restrictions.	SUPPORT
AB 528	Aghazarian (R-Stockton)	DEAD/ TWO- YEAR BILL	Establishes a graffiti prevention pilot program, to be known as the Tag You're It Act to fund, through grants, specified graffiti prevention and prosecution efforts.	SUPPORT
AB 844	Berryhill (R-Modesto)	DEAD/ TWO- YEAR BILL	Prohibits a junk dealer or recycler from providing payment for non ferrous material, the payment is made by check, the check is provide no earlier than 3 days after the date of sale, and the dealer or recycler obtains certain identifying information to be retained by the dealer or recycler for a certain period of time. Provides these provisions do not apply to the redemption of such materials of a certain value at a recycling center, a coin dealer, or automobile recyclers. Prohibits related actions.	SUPPORT
AB 887	De La Torre (D-South Gate)	DEAD/ TWO- YEAR BILL	Requires a redevelopment agency to comply with certain notification requirements prior to adopting a resolution of necessity for the purposes of acquiring property by eminent domain, and with a specified time prior to taking certain action relating to redevelopment. Requires the agency to provide certain relocation assistance to small businesses that are displaced by redevelopment and do not participate in the redevelopment project.	SUPPORT
AB 1574	Houston (R-San Ramon)	DEAD/ TWO- YEAR BILL	Provides that a transfer fee imposed upon residential or non residential real property not otherwise excepted may only be received and used by a public entity or a nonprofit organization to fund a project or facility or to provide a service that provides a public benefit. Requires the facility, project or service to be located in the same region where the real property is located. Prohibits total transfer fees imposed from exceeding 2% of the sale price of the property. Provides for subdivision disclosures.	SUPPORT
AB 1600	La Malfa (R-Biggs)	DEAD/ TWO- YEAR BILL	Provides that the State Board of Equalization shall have the burden of proof when alleging intent to evade or fraud, factual or legal issue ascertaining the tax liability of a taxpayer. Provides that any state agency shall have the burden of proof in any court or administrative tax proceeding with respect to any factual issue relevant to ascertaining the tax liability of a cooperating taxpayer.	SUPPORT



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SB 111	Ashburn (R-Bakersfield)	DEAD/ TWO- YEAR BILL	Deletes the current section of law implementing Proposition 23 and adds a new section that provides the exclusion for the specific portion of construction or reconstruction of seismic retrofitting components. By deleting this section, the exclusion would not be limited to 15 years, would be available to any building regardless of building materials or whether the improvement was required by local ordinance. The measure also mirrors statute implementing Proposition 127 by requiring the property owner, primary contractor, structural or civil engineer to certify to the building department those portions of the project that are covered by the exclusion and requires the building department to report the value of those portions to the Assessor.	SUPPORT
SB 371	Yee (D-San Francisco)	DEAD/ TWO- YEAR BILL	Permits a nonresidential landlord to use a deposit to compensate the landlord for damages resulting from the termination of the lease under specified provisions regarding unpaid rent, rental loss, and detriment proximately caused by the lessee's failure to perform or which is likely to occur in the ordinary course of events. Provides that a deposit may be used for repair of damages without requiring the deposit was made for that purpose.	SUPPORT
SB 544	Cox (R-Fair Oaks)	DEAD/ TWO- YEAR BILL	Prohibits marketing, distributing, offering for sale, or selling a fire alarm system or device unless it has been tested in accordance with standards adopted by the State Fire Marshal and is listed as nationally recognized testing laboratory that is approved by the State Fire Marshal. Prohibits the State Fire Marshal from creating additional requirements for these systems and devices. Deletes provisions relating to a working group convened by the State Fire Marshal.	SUPPORT
SB 691	Calderon R (D-Whittier)	DEAD/ TWO- YEAR BILL	Prohibits a junk dealer or recycler from providing payment for non ferrous material, the payment is made by check, the check is provide no earlier than 3 days after the date of sale, and the dealer or recycler obtains certain identifying information to be retained by the dealer or recycler for a certain period of time. Provides these provisions do not apply to the redemption of such materials of a certain value at a recycling center, a coin dealer, or automobile recyclers. Prohibits related actions.	SUPPORT
SB 747	Corbett (D-San Leandro)	DEAD/ TWO- YEAR BILL	A coalition of business groups is meeting with reform minded disability community representatives in an attempt to come to an agreement on policy changes to address the problem of ADA lawsuits unrelated to achieving access. This measure is the vehicle which advocates on both sides hope will provide for true reform of this important law.	MON/SUP

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