



**CALIFORNIA
STRATEGIC
ADVISORS**
**NEW LAWS
FOR 2023**

**Ronald M. Kingston
&
Tyler Greer**

INSTALLATION “SPECS” DURING RETROFIT OF EXISTING MULTI-FAMILY STRUCTURE

CALIFORNIA’S LEGISLATURE HAS DETERMINED THAT TRANSPORTATION ELECTRIFICATION IS A KEY STRATEGY IN REDUCING EMISSIONS. AS A RESULT, BY 2035, ONLY ELECTRIC VEHICLES (EVs) WILL BE PERMITTED FOR SALE IN CALIFORNIA. IN ORDER TO SUPPORT THE NUMBER OF EV’S, CALIFORNIA AS SET A TARGET TO PROVIDE 250,000 EV CHARGING STATIONS TO SUPPORT THE ESTIMATED 5 MILLION EVs BY 2030.

BEGINNING IN EARLY 2024 THE *CALIFORNIA BUILDING STANDARDS COMMISSION* AND THE *DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT* SHALL RESEARCH AND DEVELOP, AND MAY PROPOSE MANDATORY BUILDING STANDARDS FOR THE INSTALLATION OF EV CHARGING STATIONS WITH LOW POWER LEVEL 2 OR DIRECT CURRENT FAST CHARGER ELECTRIC VEHICLE CHARGING STATIONS, ***IN EXISTING MULTIFAMILY DWELLINGS DURING “SPECIFIED” RETROFITS, ADDITIONS, AND ALTERATIONS TO EXISTING PARKING FACILITIES*** REQUIRING A BUILDING PERMIT , OR DURING “OTHER SIGNIFICANT CONSTRUCTION OR REPAIR”.

DURING THE RESEARCH AND DEVELOPMENT STAGE, THE DEPARTMENT MUST CONSULT WITH INTERESTED PARTIES, WHICH INCLUDES “APARTMENT OWNERS”, AND INVITE THE PUBLIC TO PARTICIPATE IN THE CONSTRUCTION OF THE BUILDING STANDARDS.

NOTE: IT WILL BE IMPERATIVE TO PARTICIPATE IN CREATING THE STANDARDS TO AVOID UNNECESSARY COSTS ASSOCIATED WITH THE INSTALLATION OF EV CHARGING STATIONS IN PARKING LOTS OF EXISTING MULTIFAMILY HOUSING.

CREDIT REPORTING FOR RENTERS

UNTIL JULY 1, 2025, PROPERTY OWNERS OF ASSISTED HOUSING DEVELOPMENTS, WITH 16 OR MORE DWELLING UNITS, ARE REQUIRED TO OFFER LESSEES THE OPTION OF HAVING THEIR RENTAL PAYMENTS REPORTED TO AT LEAST ONE CONSUMER REPORTING AGENCY.

EXISTING LAW STATES THAT IF A RENTER ELECTS TO HAVE RENTAL PAYMENTS REPORTED, THE PROPERTY OWNER MAY EITHER COLLECT THE ACTUAL COST OF THE SERVICE OR \$10.00 PER MONTH.

- ❖ IF A RENTER FAILS TO PAY THE COST ASSOCIATED WITH THE SERVICE PROVIDED FOR 30 DAYS OR MORE, A PROPERTY OWNER MAY STOP THE REPORTING.
- ❖ PROPERTY OWNERS ARE PROHIBITED FROM TERMINATING TENANCY FOR NOT PAYING THE FEE.
- ❖ PROPERTY OWNERS ARE PROHIBITED FROM DEDUCTING THE UNPAID FEE FROM ANY SECURITY DEPOSIT.

THE DEPARTMENT OF FINANCIAL PROTECTION AND INNOVATION MUST EVALUATE THE IMPACT OF RENTAL PAYMENT REPORTING FROM JULY 1, 2021, THROUGH JUNE 30, 2024. THE REPORT SHALL INCLUDE THE FOLLOWING INFORMATION:

- ❖ THE ESTIMATED PERCENTAGE OF ASSISTED HOUSING DEVELOPMENTS IN COMPLIANCE WITH THIS SECTION.
- ❖ ANY SIGNIFICANT BARRIERS TO COMPLIANCE.
- ❖ THE ESTIMATED NUMBER OF PARTICIPATING RESIDENTS.
- ❖ ANY SIGNIFICANT BARRIERS TO PARTICIPATION EXPERIENCED BY RENTERS.
- ❖ THE ESTIMATED IMPACT OF PARTICIPATION ON THE CREDIT SCORES OF THOSE PARTICIPATING RESIDENTS.
- ❖ PROVIDE RECOMMENDATIONS FOR ANY CHANGES, IF ANY, TO THE RENTAL PAYMENT REPORTING PROCESS

HOUSEHOLD PETS ON LEASHES ~~X~~

IF A HOUSING DEVELOPMENT IS FINANCED PURSUANT TO THE ZENOVICH-MOSCONE-CHACON HOUSING AND HOME FINANCE ACT ON OR AFTER JANUARY 1, 2023...

OR

IF A HOUSING DEVELOPMENT RECEIVES MONEY ADMINISTERED OR PROVIDED BY THE DEPARTMENT OF HOUSING COMMUNITY DEVELOPMENT...

OR

IF A HOUSING DEVELOPMENT RECEIVES A LOW-INCOME HOUSING TAX CREDIT...

THEN

ALL RESIDENTS MUST BE AUTHORIZED TO OWN OR OTHERWISE MAINTAIN ONE OR MORE **“COMMON HOUSEHOLD PETS”** WITHIN THE RESIDENT’S DWELLING UNIT. (SUBJECT TO APPLICABLE STATE LAWS AND LOCAL GOVERNMENT ORDINANCES RELATED TO PUBLIC HEALTH, ANIMAL CONTROL, AND ANIMAL ANTICRUELTY, AND SUBJECT TO **“OTHER REASONABLE CONDITIONS”**).

A **“COMMON HOUSEHOLD PET”** MEANS A DOMESTICATED ANIMAL, WHICH INCLUDES, BUT IS NOT LIMITED TO A DOG OR CAT, THAT IS COMMONLY KEPT FOR PLEASURE RATHER THAN COMMERCIALY.

“OTHER REASONABLE CONDITIONS” INCLUDES, BUT ARE NOT LIMITED TO, POLICIES ON NUISANCE BEHAVIORS, LEASHING REQUIREMENTS, LIABILITY INSURANCE COVERAGE REQUIREMENTS, LIMITATIONS ON THE NUMBER OF ANIMALS IN A UNIT OR VICIOUS DOGS.

PROPERTY OWNERS MAY NOT PROHIBIT A PARTICULAR BREED OF DOG OR PLACE A WEIGHT LIMITATION.

THIS BILL WILL HAVE NO AFFECT ON ASSISTANCE; SERVICE; OR SUPPORT ANIMALS, NOR DOES IT ALTER OR AFFECT PROPERTY OWNER’S RIGHTS AND DUTIES TO PREVENT HARM TO THIRD PARTIES CAUSED BY A RESIDENT’S PET.

CHANGES A CIVIL PENALTY TO A STATUTORY DAMAGE IF A PROPERTY OWNER REFUSES TO TERMINATE A RESIDENT'S TENANCY IF THAT RESIDENT, RESIDENT'S HOUSEHOLD MEMBER, OR RESIDENT'S IMMEDIATE FAMILY MEMBER WAS A VICTIM OF DOMESTIC ABUSE AND THE RESIDENT PROVIDES NOTICE TO TERMINATE WITHIN 180-DAYS FROM THE RECORDED DATE THE ABUSE OCCURRED.

- ❖ THE SAME PENALTY CHANGES TO STATUTORY DAMAGES IF A PROPERTY OWNER COLLECTS RENT FOR 15 OR MORE DAYS FOLLOWING RECEIPT OF A RESIDENT'S NOTICE TO TERMINATE TENANCY.
- ❖ A PROPERTY OWNER'S VIOLATION WILL PERMIT THE RESIDENT TO CONTEND THE VIOLATION AS AN AFFIRMATIVE DEFENSE IF THE PROPERTY OWNER FILES AN UNLAWFUL DETAINER THAT IS BASED UPON AN ACT OF ABUSE OR VIOLENCE.
- ❖ THE JUDICIAL COUNCIL MUST UPDATE THE NOTICE FORM PROVIDED TO A PROPERTY OWNER BY A RESIDENT.



TENANCY TERMINATION BASED ON ABUSE OR VIOLENCE

“TENANT SCREENING REPORTS”

PERMITS (BUT DOES NOT REQUIRE) PROPERTY OWNERS TO ACCEPT A REUSABLE CONSUMER REPORT FROM PROSPECTIVE RESIDENTS TO OBTAIN INFORMATION ABOUT THEIR CREDITWORTHINESS DURING THE APPLICATION PROCESS.

- ❖ IF A REUSABLE TENANT SCREENING REPORT IS ACCEPTED FOR THIS USE, THE APPLICANT SHALL NOT BE CHARGED AN APPLICATION SCREENING FEE.
- ❖ THE REPORT SHALL INCLUDE THE APPLICANT’S:
 - NAME
 - CONTACT INFORMATION
 - EMPLOYMENT VERIFICATION
 - LAST KNOWN ADDRESS
 - RESULTS OF AN EVICTION HISTORY
- ❖ THE PROSPECTIVE RENTER MUST PROVIDE THE REPORT TO THE PROPERTY OWNER WITHIN 30 DAYS FROM THE REPORT’S DATE.
- ❖ THE PROSPECTIVE RENTER MUST ACKNOWLEDGE THAT NO MATERIAL ALTERATIONS WERE MADE TO THE ORIGINAL REPORT.
- ❖ THE PROPERTY OWNER MAY RECEIVE THE REPORT AS A HARD COPY OR OBTAIN IT ELECTRONICALLY FROM A THIRD-PARTY CONSUMER REPORTING AGENCY; HOWEVER, THE PROPERTY OWNER SHALL NOT CHARGE THE APPLICANT TO ACCESS THE THIRD-PARTY AGENCY’S REPORT.



PUBLIC HOUSING PROJECTS

REPEALS ARTICLE 34 OF THE CALIFORNIA CONSTITUTION.

THIS MEANS THAT ANY STATE PUBLIC BODY MAY DEVELOP, CONSTRUCT, OR ACQUIRE A LOW-RENT HOUSING PROJECT
WITHOUT THE APPROVAL OF THE ELECTORATE.

DFEH ACTS IN THE “PUBLIC INTEREST”



CODIFIES CASE LAW DECLARING THE FUNCTIONS AND DUTIES EXERCISED AND PERFORMED BY THE DFEH REPRESENT THE INTERESTS OF THE STATE AND ACTS IN THE PUBLIC INTEREST WHEN EXERCISING THOSE POWERS AS SET FORTH UNDER FEHA.

THIS MEANS THAT IF THE DFEH BRINGS A CLAIM AGAINST A PROPERTY OWNER FOR AN ALLEGED FEHA VIOLATION AND THE PROPERTY OWN PREVAILS, THE PROPERTY OWNER IS NO LONGER ENTITLED TO SEEK ATTORNEY’S FEES AND COSTS FROM DFEH TO DEFEND AGAINST THE SUIT FILED.

INDOOR RESIDENTIAL WATER USAGE



CHANGES WATER
USE STANDARDS
RELATING TO
INDOOR
RESIDENTIAL
WATER USE.

BEGINNING JANUARY 1,
2030, THE STANDARD SHALL
BE 42 GALLONS PER CAPITA
DAILY.

THROUGH DECEMBER 31,
2024, THE STANDARD SHALL BE
55 GALLONS PER CAPITA DAILY.

FROM JANUARY
1, 2025,
THROUGH
DECEMBER 31,
2029, THE
STANDARD SHALL
BE 47 GALLONS
PER CAPITA
DAILY.

CALIFORNIA LAW REVISION COMMISSION

STUDY OF RESIDENTIAL RENTAL HOUSING LEGAL TERMINOLOGY

Assembly Bill No. 2503

Passed the Assembly August 25, 2022

Chief Clerk of the Assembly

Passed the Senate August 24, 2022

Secretary of the Senate

This bill was received by the Governor this ____ day
of _____, 2022, at ____ o'clock ____m.

Private Secretary of the Governor

160 YEARS OF CALIFORNIA CODE AND CASE LAW SURROUNDING THE TERMS OF “LANDLORD” AND “TENANT” HAS RESULTED IN APPROXIMATELY 25 DIFFERENT WORDS TO DESCRIBE THESE TERMS.

ONE OF THE MOTIVATIONS OF THIS BILL IS TO ESTABLISH CONSISTENT VOCABULARY IN THIS AREA OF LAW, SO THAT IF AN IDENTICAL TERM IS USED IN DIFFERENT CODE PROVISIONS, ONE CAN REASONABLY ASSUME THAT THE SAME LEGAL RIGHTS AND OBLIGATIONS ADHERE TO THE PERSON BEING DESCRIBED BY THAT TERM; WHEREAS IF DIFFERENT TERMS ARE USED, ONE CAN SAFELY PRESUME THAT THE LEGAL RIGHTS AND OBLIGATIONS IN QUESTION DIFFER IN ONE OR MORE RESPECTS.

THE BILL DIRECTS THE CLRC TO STUDY TERMINOLOGY USED TO DEFINE THE PARTIES TO A RESIDENTIAL RENTAL AGREEMENT AND DELIVER TO THE LEGISLATURE, BEFORE DECEMBER 31, 2024, A REPORT TO ESTABLISH CONSISTENT TERMINOLOGY, DETERMINE, THEN RECOMMEND WHAT MODERN TERMS ARE APPROPRIATE TO DEFINE “LANDLORD” AND “TENANT”.

SHELTER PROGRAM PARTICIPANT OCCUPANT

PROHIBITS THE CALIFORNIA BUILDING STANDARDS CODE FROM CAUSING A MOTEL OR HOTEL TO BE DESIGNATED AS NON-TRANSIENT SOLELY AS A RESULT OF A SHELTER PROGRAM PARTICIPANT'S OCCUPANCY IN THE MOTEL OR HOTEL BEYOND A 30-DAY PERIOD.

AN OCCUPANT OF A MOTEL OR HOTEL, WHO IS A PARTICIPANT OF A SHELTER PROGRAM SHALL NOT BE CONSIDERED A "PERSON WHO HIRES" FOR PURPOSES OF AN UNLAWFUL DETAINER ACTION IF THE SHELTER PROGRAM MEETS THE CORE COMPONENTS OF HOUSING FIRST.

"SHELTER PROGRAM" MEANS A CITY-, COUNTY-, CONTINUUM OF CARE-, STATE-, OR FEDERALLY FUNDED SHELTER PROGRAM IN WHICH THE GOVERNMENT ENTITY RETAINS AN OVERSIGHT AND ACCOUNTABILITY ROLE IN ENSURING COMPLIANCE WITH PROGRAM REGULATIONS AND PROPER PROGRAM ADMINISTRATION.

PROHIBITS A MOTEL OR HOTEL FROM ADOPTING TERMINATION POLICIES, RESTRICTING ACCESS RIGHTS, OR IMPOSING CHARGES OR FEES SPECIFICALLY FOR SHELTER PROGRAM PARTICIPANTS THAT DO NOT APPLY TO OTHER OCCUPANTS.

PROHIBITS A MOTEL OR HOTEL FROM REQUIRING SHELTER PROGRAM PARTICIPANTS TO CHECK OUT AND REREGISTER, MOVE OUT OF ROOMS OR BETWEEN ROOMS, OR FROM THE MOTEL OR HOTEL WHILE ACTIVELY ENROLLED IN THE SHELTER FOR PURPOSES OF PREVENTING OCCUPANTS FROM ESTABLISHING RIGHTS OF TENANCY.

ADUs & JADUs



- MAKES NUMEROUS CHANGES TO THE LAWS GOVERNING ADUs, AND JADUs.
- INCREASES THE MINIMUM ADU HEIGHT LIMIT THAT A LOCAL AGENCY MAY IMPOSE.
- REQUIRES THAT STANDARDS IMPOSED ON ADUs BY LOCAL GOVERNMENTS MUST BE OBJECTIVE, RATHER THAN SUBJECTIVE.
- SPECIFIES THAT THE REQUIREMENT FOR PERMITTING AGENCY TO ACT WITHIN 60 DAYS ON AN ADU OR JADU APPLICATION MEANS THAT THEY MUST EITHER APPROVE OR DENY THE APPLICATION IN THAT TIMEFRAME.
- PROHIBITS A LOCAL AGENCY FROM REQUIRING A ZONING CLEARANCE OR SEPARATE ZONING REVIEW FOR EITHER AN ATTACHED OR DETACHED ADUs THAT MEETS THE OBJECT CRITERIA SPECIFIED IN STATE LAW.
- PROHIBITS A LOCAL AGENCY FROM DENYING A PERMIT FOR A CONSTRUCTED, UNPERMITTED ADU BUILT BEFORE JANUARY 1, 2018, FOR SPECIFIED REASONS.
- PROVIDES THAT JADUs CAN BE BUILT WITHIN ATTACHED GARAGES.
- PROVIDES THAT THE CONSTRUCTION OF AN ADU ON A PROPERTY DOES NOT TRIGGER A REQUIREMENT FOR FIRE SPRINKLERS TO BE INSTALLED IN THE PROPOSED EXISTING PRIMARY DWELLING.
- PROVIDES THAT A LOCAL AGENCY CANNOT REQUIRE, AS A CONDITION FOR MINISTERIAL APPROVAL OF A PERMIT APPLICATION FOR THE CREATION OF AN ADU OR A JADU, THE CORRECTION OF A VIOLATION ON THE PRIMARY DWELLING UNIT, PROVIDED THAT CORRECTING THE VIOLATION IS NOT NECESSARY TO PROTECT HEALTH AND SAFETY.

CHANGES THE FACTORS AND MULTIPLIERS WHEN GARNISHING WAGES PURSUANT TO THE ENFORCEMENT OF A MONEY JUDGEMENT.

THESE CHANGES WOULD MAKE IT VIRTUALLY IMPOSSIBLE TO SEEK RECOVERY OF LOST RENT DUE TO NON-PAYMENT.

Debtor	Earnings	Disposable Earnings	Current Earnings Post-Garnishment	SB 1477 Earnings Post-Garnishment
Low-income individual earning state minimum wage of \$15/hr	\$600.00/week	\$480.00/week	\$480.00/week (= \$0/week garnished)	\$480.00/week (= \$0/week garnished)
Middle-income individual in Sacramento, supporting two children	\$1576.92/week	\$1261.54/week	\$946.15/week (= \$315.38/week garnished)	\$1255.39/week (= \$6.00/week garnished)
High-income individual in Sacramento	\$2416.35/week	\$1961.54/week	\$1471.15/week (= \$490.38/week garnished)	\$1667.31/week (= \$294.23/week garnished)

WAGE GARNISHMENT

DURING THE NEXT LEGISLATIVE SESSION, IT WILL BE IMPERATIVE TO SUPPORT AN INITIATIVE TO AMEND THIS LAW AND THE NEW WAGE GARNISHMENT LAW TO EXCLUDE PROPERTY OWNERS SEEKING REPAYMENT OF NON-PAYMENT OF RENT.

REDUCES POST-JUDGMENT INTEREST RATE ON MONEY JUDGMENTS FOR PERSONAL DEBT, WHICH INCLUDES MONEY OWED ARISING OUT OF A TRANSACTION PRIMARILY FOR PERSONAL, FAMILY, OR HOUSEHOLD PURPOSES.

CURRENT INTEREST RATE THAT ACCRUES ON THE PRINCIPAL AMOUNT IS 10%. THIS BILL CAPS THE RATE ACCORDING TO THE U.S. PRIME RATE THAT EXISTED ON DECEMBER 31 OF THE YEAR PRIOR TO THE THE YEAR OF THE MONEY JUDGMENT FOR PERSONAL DEBT UNDER \$50,000.00.

FURTHER, FORBIDS RENEWAL OF THESE TYPES OF MONEY JUDGMENTS AFTER TEN YEARS.

TURF REPLACEMENT WATER CONSERVATION PROGRAM

FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY 1, 2022, AND BEFORE JANUARY 1, 2027,
GROSS INCOME DOES NOT INCLUDE ANY AMOUNT RECEIVED AS A REBATE, VOUCHER, OR OTHER
FINANCIAL INCENTIVE ISSUED BY A PUBLIC WATER SYSTEM, LOCAL GOVERNMENT, OR STATE AGENCY FOR
PARTICIPATION IN A TURF REPLACEMENT WATER CONSERVATION PROGRAM.

PUBLIC WATER SYSTEM FINANCIAL INCENTIVES, INCLUDING CONSUMER REBATES, ARE AMONG THE MOST IMPORTANT AND COST-EFFECTIVE TOOLS AVAILABLE TO LOCAL WATER PROVIDERS TO ACHIEVE WATER USE EFFICIENCY OBJECTIVES (PARTICULARLY FOR TURF REPLACEMENT, IRRIGATION CONTROLLERS, LEAK DETECTION DEVICES, AND OTHER HIGH-COST WATER SAVING OPTIONS). INDIVIDUAL CONSUMERS AND BUSINESSES SHOULD NOT BE TAXED FOR PROVIDING THIS STATEWIDE BENEFIT.



LOS ANGELES COUNTY REGIONAL HOUSING FINANCE ACT

CREATES THE LOS ANGELES COUNTY REGIONAL HOUSING FINANCE ACT AND ESTABLISHES AUTHORIZATION TO RAISE AND ALLOCATE NEW REVENUE THROUGH ALL THE FOLLOWING FUNDING MECHANISMS:

- ❖ A PARCEL TAX
- ❖ A GROSS RECEIPTS BUSINESS LICENSE TAX
- ❖ A DOCUMENT TAX
- ❖ THE ISSUANCE OF BONDS, INCLUDING GENERAL OBLIGATION BONDS, REVENUE BONDS, MORTGAGE REVENUE BONDS, AND PRIVATE ACTIVITY BONDS.



**ANY
QUESTIONS?**