



# Legislative Action Committee Meeting Agenda

## Virtual Meeting via Zoom

April 14, 2022 6:00 PM

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*More info on public comment and accessibility given at the end of the agenda.*

### Committee Members

**Chair: Hon. Neysa Fligor, Los Altos**

Campbell	Hon. Liz Gibbons / Alternate: Hon. Anne Bybee
Cupertino	Hon. Darcy Paul / Alternate: Hon. Liang Chao
Gilroy	Hon. Peter Leroe-Muñoz / Alternate: Hon. Marie Blankley
Los Altos	Hon. Neysa Fligor / Alternate: Hon. Anita Enander
Los Altos Hills	Hon. Stanley Mok / Alternate: Hon. Lisa Schmidt
Los Gatos	Hon. Rob Rennie / Alternate: Hon. Marico Sayoc
Milpitas	Hon. Carmen Montaña / Alternate: Hon. Evelyn Chua
Monte Sereno	Hon. Javed Ellahie / Alternate: Hon. Bryan Mekechuk
Morgan Hill	Hon. Rich Constantine / Alternate: Hon. Gino Borgioli
Mountain View	Hon. Ellen Kamei / Alternate: Hon. Pat Showalter
Palo Alto	Hon. Pat Burt / Alternate: Hon. Lydia Kou
San Jose	Hon. Chappie Jones / Alternate: Hon. Matt Mahan
Santa Clara	Hon. Kathy Watanabe / Alternate: Hon. Anthony Becker
Saratoga	Hon. Tina Walia / Alternate: Hon. Kookie Fitzsimmons
Sunnyvale	Hon. Gustav Larsson / Alternate: Hon. Alysia Cisneros

*Discussion & action may be taken on any of the items below. Times are approximate.*

## **WELCOME AND ROLL CALL (Fligor, 6:00 PM)**

<b>1. Consent Agenda</b>
Approval of March Legislative Action Committee Meeting Minutes Attachment: <a href="#">Minutes</a>
<b>2. AB 2164 (Lee) Disability Access: Funding</b>
Action item to discuss and vote on a recommendation to the Board of Directors. Presentation by Zane Barnes (City of San José), Vanessa Gonzalez, and Steve Cruz (Cruz Strategies)
Attachments: <ul style="list-style-type: none"><li>• <a href="#">AB 2164 Bill Text</a></li><li>• <a href="#">AB 2164 Fact Sheet</a></li><li>• <a href="#">City of San Jose's Support Letter</a></li><li>• Letters of Support from the following organizations:<ul style="list-style-type: none"><li>○ <a href="#">CA Chamber of Commerce/CA Business Properties Association</a></li><li>○ <a href="#">CA Hotel and Lodging Association</a></li><li>○ <a href="#">Consumer Attorneys of CA</a></li><li>○ <a href="#">Disability Rights CA</a></li><li>○ <a href="#">Cupertino Chamber of Commerce</a></li><li>○ <a href="#">Fremont Chamber of Commerce</a></li><li>○ <a href="#">San Jose Chamber of Commerce</a></li></ul></li></ul>
<b>3. AB 1944 (Lee) Local government: open and public meetings</b>
Action item to discuss and vote on a recommendation to the Board of directors. Attachments: <a href="#">Fact sheet</a> , <a href="#">Bill Analysis - City of Santa Clara</a>
<b>4. Other Bills</b>
The Legislative Action Committee may also consider any of the bills listed below or any other 2022 California bill or measure at this meeting, time permitting. A member requesting to consider a bill or measure needs to provide an overview of

the bill/measure and if available, any positions taken in support and against the bill/measure.

<b>SENATE BILLS (SB)</b>	<b>ASSEMBLY BILLS (AB)</b>
SB 54 (Allen) Plastic Pollution Producer Responsibility Act.	AB 1670 (Bryan) Criminal Justice. Commission on Alternatives to Incarceration.
SB 513 (Hertzberg) Homeless Shelters Grants: Pets and Veterinary Services.	AB 1985 (R. Rivas) Organic Waste. List. Available Products.
SB 884 (McGuire) Electricity. Expedited Utility Distribution and Transmission Infrastructure Undergrounding Program.	AB 2247 (Bloom) Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) and PFAS Products and Product Components. Publicly Accessible Reporting Platform.
SB 1393 (Archuleta) Energy. Appliances. Local Requirements.	AB 2538 (R. Rivas) State Warning Center. Wildfire Smoke Notification.
SB 886 (Wiener) Student and Faculty Housing	AB 1944 (Lee) Local Government. Open and Public Meetings.
SB 852 (Dodd) Climate Resilience Districts. Formation. Funding Mechanisms.	AB 2449 (B. Rubio) Open Meetings: Local Agencies. Teleconferences.
SB 1217 (Allen and Cortese) State-Regional Collaborative for Climate, Equity, and Resilience.	AB 2097 (Friedman) Parking Requirements.
SB 1383 Local Assistance Grant Program Budget Ask – \$180 million	AB 2328 (Flora) Local Ordinances. Home Experience Sharing.
SB 891 (Hertzberg) Business Licenses. Stormwater Discharge Compliance.	AB 1951 (Grayson) Manufacturing Exemptions.
SB 1067 (Portantino) Parking Requirements.	AB 2622 (Mullin) Zero Emission Bus Exemption.
SB 1466 (Stern) Affordable Housing and Community Development Investment Program.	AB 1702 (Levine) COVID-19 Prevention and Response Goods.
SB 1449 (Caballero) Annexation Incentive Grant Program.	AB 2398 (Villapudua) Catalytic Converters.
SB 1326 (Caballero) Cannabis. Interstate Agreements.	AB 2062 (Salas) Local Law Enforcement Hiring Grants.
SB 1186 (Wiener) Medicinal Cannabis Patients' Right of Access Act.	AB 2428 (Ramos) Impact Fees.

SB 1038 (Bradford) Law enforcement: Facial Recognition and Other Biometric Surveillance.	AB 2295 (Bloom) School Property. Housing.
SB 1328 (McGuire) Prohibited Investments and Contracts. Russia and Belarus.	AB 2705 (Quirk-Silva) Very High Fire Hazard Severity Zones.
SB 1173 (L. Gonzalez) Public Retirement Systems. Fossil Fuels. Divestment.	AB 2053 (Lee) Social Housing.
SB 1369 (Wieckowski) Adaptive Reuse. By-Right.	AB 2234 (R. Rivas) Planning. Housing. Post-entitlement Phase Permit.
SB 1044 (Durazo) Employers. Natural Disasters. Retaliation.	AB 1748 (Seyarto) Surplus Lands Act.
SB 897 (Wieckowski) Accessory Dwelling Units.	AB 1976 (Santiago) Housing Element Compliance. Rezoning.
SB 1127 (Atkins) Workers' Compensation. Liability Presumptions.	AB 1945 (Aguiar-Curry) Affordable Disaster Housing Revolving Development and Acquisition Program.
SB 1100 (Cortese) Open Meetings. Orderly Conduct.	AB 1751 (Daly) Workers' Compensation. COVID-19. Critical Workers.
SB 1338 (Umberg) Community Assistance, Recovery, and Empowerment (CARE) Court Program.	AB 2808 (O'Donnell) Elections. Ranked Choice Voting.
SB 1154 (Eggman) Facilities for Mental Health or Substance Use Disorder Crisis. Database.	AB 2647 (Levine) Local Government. Open Meetings.
SB 929 (Eggman) Community Mental Health Services. Data Collection.	AB 2160 (Bennett) Coastal Resources. Coastal Development Permits. Fees.
SB 1047 (Limón) Early Learning and Care.	AB 2645 (Rodriguez) Local Emergency Plans. Integration of Access and Functional Needs. Community Resilience Centers.
SB 932 (Portantino) Circulation Element	AB 2547 (Nazarian) Housing Stabilization to Prevent and End Homelessness Among Older Adults and People with Disabilities Act.
	AB 2631 (O'Donnell) Government Claims Act.
	AB 2630 (O'Donnell) Housing. California Interagency Council on Homelessness. Report.
	AB 2593 (Boerner Horvath) Coastal Resources. Coastal Development Permits. Blue Carbon Projects.

AB 1737 (Holden) Children’s Camps. Local Registration and Inspections.
AB 2465 (Bonta) Pupil Instruction. Literacy Grant Programs.
AB 2953 (Salas) Recycled Material.
AB 2120 (Ward) Federal Funding in Local Bridges.
AB 1789 (Bennett) Trails and Greenways Program.
AB 2346 (Gabriel) Outdoor Recreation. Equitable Access Grant Program.
AB 2221 (Quirk-Silva) Substance Abuse Disorder
AB 2063 (Berman) Density Bonuses: affordable housing impact fees
AB 1911 (Bauer-Kahan, Berman, Bonta) Income Taxes: Credits
AB 2244 (Wicks) Religious Institution affiliated housing
AB 2357 (Ting) Surplus Land

**5. Announcements and Future Agenda Items (Committee Members)**

**PUBLIC COMMENT**

**ADJOURNMENT**

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**PUBLIC COMMENT**

Members of the public wishing to comment on an item on the agenda may do so in the following ways:

1. Email comments to [audin@citiesassociation.org](mailto:audin@citiesassociation.org)
  - Emails will be forwarded to the Legislative Action Committee
  - **IMPORTANT:** identify the Agenda Item number in the subject line of your email. All emails received will be entered into the record for the meeting.
2. Provide oral public comments during the meeting:

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- Phone participants:
  - \*6 - Toggle mute/unmute
  - \*9 - Raise hand

### **ACCESSIBILITY**

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# Legislative Action Committee Meeting Agenda

**Virtual Meeting via Zoom**  
**March 10, 2022 6:00 PM**

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Meeting recording available on YouTube [\[HERE\]](#)

Agenda in Black | Minutes in Blue

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*Discussion & action may be taken on any of the items below. Times are approximate.*

## **WELCOME AND ROLL CALL (Fligor)**

### **Members in attendance:**

- Liz Gibbons (Campbell)
- Neysa Fligor (Los Altos)
- Javed Ellahie (Monte Sereno)
- Darcy Paul (Cupertino)
- Marico Sayoc (Los Gatos)
- Gustav Larsson (Sunnyvale)
- Tina Walia (Saratoga)
- Ellen Kamei (Mountain View)
- Chappie Jones (San José)
- Pat Burt (Palo Alto)
- Peter Leroe-Muñoz (Gilroy)
- Kathy Watanabe (Santa Clara)
- Stanley Mok (Los Altos Hills)

- Carmen Montano (Milpitas)
- Rich Constantine (Morgan Hill)
- Larry Klein (Sunnyvale)

**Members absent:** None

**Others in attendance:**

- Joanne Benjamin (Acting ED)
- Girish Balachandran (CEO, SVCE)
- Bena Chang (SVCE)
- Assemblymember Alex Lee
- Melanie Perron (CalCities)
- Gary Baum (Counsel)
- Audin Leung (Clerk)
- Anita Enander (Los Altos Mayor)
- Lydia Kou (Palo Alto Councilmember)
- Zach Hilton (Gilroy Councilmember)
- Macey Banks (Member of the Public)
- Justin Trudo (Member of the Public)
- Aubrey Merrigan (LifeMoves)

<b>1. Consent Agenda</b>	
Approval of February Legislative Action Committee Meeting Minutes	
Motion to approve by Jones. Seconded by Gibbons. Motion adopted 14-0-1-0.	
Gibbons	AYE
Paul	AYE
Leroe-Muñoz	ABSTAIN
Fligor	AYE
Mok	AYE
Sayoc	AYE
Montano	AYE
Ellahie	AYE
Constantine	AYE



Kamei	AYE
Burt	AYE
Jones	AYE
Watanabe	AYE
Walia	AYE
Larsson	AYE

**2. Energy and Decarbonization-Related Legislative Landscape and Issues**

Presented by SVCE CEO Girish Balachandran and SVCE Government Affairs Manager, Bena Chang

**3. AB 1944 – Brown Act Modernization (Discussion and Action)**

Discussion facilitated by Assemblymember Alex Lee.  
 Potential action: Vote to recommend to the Cities Board to adopt a position (oppose, support, no position) on AB1944.

Motion by Kamei to recommend Support position to the Board of Directors.  
 Seconded by Jones. Motion adopted 12-0-3-0.

Gibbons	AYE
Paul	ABSTAIN
Leroe-Muñoz	ABSTAIN
Fligor	ABSTAIN
Mok	AYE
Sayoc	AYE
Montano	AYE
Ellahie	AYE
Constantine	AYE
Kamei	AYE
Burt	AYE
Jones	AYE
Watanabe	AYE

Walia	AYE
Larsson	AYE
<b>4. The California Legislature: What to expect in 2022?</b>	
Presentation by Melanie Perron, CalCities	
<b>5. Announcements and Future Agenda Items (Committee Members)</b>	
<b>6. Informational Item(s)</b>	
<ul style="list-style-type: none"><li>2022 Tentative Legislative Calendar (Revised 10.21.21)</li></ul>	

**PUBLIC COMMENT**

There were no speakers from the public.

**ADJOURNMENT**

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Respectfully submitted,



Audin Leung  
Board Clerk

## **PUBLIC COMMENT**

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**ASSEMBLY BILL**

**No. 2164**

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**Introduced by Assembly Member Lee**

February 15, 2022

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An act to amend Sections 4465 and 4467 of the Government Code, relating to disability access, and making an appropriation therefor.

LEGISLATIVE COUNSEL’S DIGEST

AB 2164, as amended, Lee. Disability access: funding.

(1) The federal Americans with Disabilities Act of 1990 and the California Building Standards Code require that specified buildings, structures, and facilities be accessible to, and usable by, persons with disabilities. Existing law establishes a Disability Access and Education Revolving Fund, a continuously appropriated fund, within the Division of the State Architect for purposes of increasing disability access and compliance with construction-related accessibility requirements and developing educational resources for businesses to facilitate compliance with federal and state disability laws, as specified.

This bill would expand the purpose of the fund to include providing financial assistance to small ~~businesses~~ *businesses, as defined*, for construction of physical accessibility improvements. By expanding the purpose of a continuously appropriated fund, this bill would make an appropriation.

(2) Existing law requires the State Architect to establish and publicize a program for voluntary certification by the state of any person who meets specified criteria as a certified access specialist (CAsp), as provided. Existing law, on and after January 1, 2018, and until December 31, 2023, inclusive, requires any applicant for an original or renewal

of a local business license or equivalent instrument or permit to pay an additional fee of \$4 for that license, instrument, or permit, or in any city, county, or city and county that does not issue a business license or an equivalent instrument or permit, existing law requires an applicant for a building permit to pay an additional fee of \$4, to be collected by the city, county, or city and county that issued the license, instrument, or permit for specified purposes related to disability access, including the CASp program. Commencing January 1, 2024, that fee is reduced to \$1. Existing law requires a portion of those fees to be deposited in the Disability Access and Education Revolving Fund.

This bill would repeal the provision reducing the fee to \$1 commencing January 1, 2024, thereby extending the operation of this fee at the amount of \$4 indefinitely. By expanding the increased fee deposited into the Disability Access and Education Revolving Fund, this bill would make an appropriation.

(3) Existing law requires that the city, county, or city and county retain a specified percentage of the fees collected under the above-described provision, to fund administrative costs and the remainder to be deposited in a special fund, established by the city, county, or city and county to be known as the “CASp Certification and Training Fund,” and used for increased CASp training and certification within that local jurisdiction. On and after January 1, 2018, and until December 31, 2023, the specified percentage to be retained is 90%. Commencing January 1, 2024, the percentage is reduced to 70%. Existing law requires that the remaining percentage of the fees be transmitted on a quarterly basis to the Division of the State Architect for deposit in the Disability Access and Education Revolving Fund.

This bill would repeal the provision reducing the percentage to be retained, thereby allocating 90% of the fees to be retained by the city, county, or city and county indefinitely. The bill would expand the purpose for which the moneys in the special fund may be used to include providing financial assistance to small business owners for accessibility-related inspection, renovation, and construction and would rename the fund to be known as the “Accessibility Compliance Fund.”

(4) Existing law requires a city, county, or city and county to submit a report to the Division of the State Architect on the total fees collected in the prior calendar year and distribution of the proceeds, as specified.

This bill would require a city, county, or city and county to also submit the report to the California Commission on Disability-Access. *Access, and require the report to include additional information regarding*

*financial assistance provided to small businesses for construction of physical accessibility improvements.* By imposing an additional requirement on a local government, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote:  $\frac{2}{3}$ . Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 4465 of the Government Code is amended  
2 to read:

3 4465. (a) There is hereby established in the Division of the  
4 State Architect a Disability Access and Education Revolving Fund,  
5 as set forth in Section 4470, for the purpose of increasing disability  
6 access and compliance with construction-related accessibility  
7 requirements by the following means:

8 (1) Increasing the number of private and public certified access  
9 specialists available to assist building owners and tenants to  
10 understand and comply with construction-related accessibility  
11 requirements by using some of the funds to moderate some of the  
12 costs of certification and testing.

13 (2) Establishing and maintaining oversight of the certified access  
14 specialist program, including, but not limited to, adopting best  
15 practices guidelines for certified access specialists, providing  
16 continuing education on construction-related accessibility  
17 requirements, and performing its audit and discipline functions  
18 under Sections 4459.7 and 4459.8.

19 (3) Increasing outreach efforts and developing educational  
20 resources for persons with disabilities and businesses to facilitate  
21 compliance with the federal Americans with Disabilities Act of  
22 1990 (42 U.S.C. Sec. 12101 et seq.), the Unruh Civil Rights Act  
23 (Section 51 of the Civil Code), and Title 24 of the California Code  
24 of Regulations, as they relate to providing full and equal access to  
25 public facilities for persons with disabilities.

1 (4) (A) Providing financial assistance to small businesses for  
2 construction of physical accessibility improvements.

3 (B) *For purposes of this paragraph, a “small business” is a*  
4 *business that has employed 50 or fewer employees on average*  
5 *over the past three years, or for the years it has been in existence*  
6 *if less than three years, as evidenced by wage report forms filed*  
7 *with the Employment Development Department.*

8 (b) In developing educational resources with this fund, emphasis  
9 shall be placed on the development and dissemination of  
10 educational materials, such as toolkits, modules, and checklists,  
11 as appropriate, to facilitate a commercial property owner’s or  
12 tenant’s understanding of, and compliance with, the  
13 construction-related accessibility requirements.

14 (c) In developing and disseminating educational resources with  
15 this fund, the Division of the State Architect shall consult and work  
16 with the Department of Rehabilitation and the California  
17 Commission on Disability Access, and may contract with those  
18 agencies to develop educational resources. It is the intent of the  
19 Legislature that any development or dissemination of educational  
20 resources under this section shall be coordinated with educational  
21 efforts by other state agencies so as to expand the reach and  
22 effectiveness of each effort or the combined efforts.

23 SEC. 2. Section 4467 of the Government Code is amended to  
24 read:

25 4467. (a) (1) On and after January 1, 2013, through December  
26 31, 2017, inclusive, any applicant for a local business license or  
27 equivalent instrument or permit, and from any applicant for the  
28 renewal of a business license or equivalent instrument or permit,  
29 shall pay an additional fee of one dollar (\$1) for that license,  
30 instrument, or permit, which shall be collected by the city, county,  
31 or city and county that issued the license, instrument, or permit.

32 (2) On and after January 1, 2018, the following shall apply:

33 (A) Any applicant for a local business license or equivalent  
34 instrument or permit, and any applicant for the renewal of a  
35 business license or equivalent instrument or permit, shall pay an  
36 additional fee of four dollars (\$4) for that license, instrument, or  
37 permit, which shall be collected by the city, county, or city and  
38 county that issued the license, instrument, or permit.

39 (B) In any city, county, or city and county that does not issue a  
40 business license or an equivalent instrument or permit, an applicant

1 for a building permit shall pay an additional fee of four dollars  
2 (\$4) for that building permit, which the city, county, or city and  
3 county that issued the building permit shall collect.

4 (b) (1) The city, county, or city and county shall retain 90  
5 percent of the fees collected under this section, of which up to 5  
6 percent of the retained moneys may be used for related  
7 administrative costs of this chapter. The city, county, or city and  
8 county shall deposit the remaining moneys in a special fund,  
9 established by the city, county, or city and county to be known as  
10 the “Accessibility Compliance Fund.” The moneys in the fund  
11 shall be used for increased certified access specialist (CASp)  
12 training and certification within that local jurisdiction and to  
13 facilitate compliance with construction-related accessibility  
14 requirements, to include providing financial assistance to small  
15 businesses for construction of physical accessibility improvements.  
16 The highest priority shall be given to the training and retention of  
17 certified access specialists to meet the needs of the public in the  
18 jurisdiction as provided in Section 55.53 of the Civil Code.

19 (c) The remaining amount of all fees collected under this section  
20 and not retained by the city, county, or city and county pursuant  
21 to subdivision (b) shall be transmitted on a quarterly basis to the  
22 Division of the State Architect for deposit in the Disability Access  
23 and Education Revolving Fund established under Sections 4465  
24 and 4470. The funds shall be transmitted within 15 days of the last  
25 day of the fiscal quarter. The Division of the State Architect shall  
26 develop and post on its internet website a standard reporting form  
27 for use by all local jurisdictions. Up to 75 percent of the collected  
28 funds in the Disability Access and Education Revolving Fund shall  
29 be used to establish and maintain oversight of the CASp program  
30 and to moderate the expense of CASp certification and testing.

31 (d) Each city, county, or city and county shall make an annual  
32 report, commencing March 1, 2014, to the Division of the State  
33 Architect, and, commencing March 1, 2023, to the California  
34 Commission on Disability Access, of the total fees collected in  
35 the previous calendar year and of its distribution, including the  
36 moneys spent on administrative services, the activities undertaken  
37 and moneys spent to increase CASp services, the activities  
38 undertaken and moneys spent to fund programs to facilitate  
39 accessibility compliance, *including the total amount of financial*  
40 *assistance provided to small businesses for construction of physical*



1 *accessibility improvements and the number of small businesses*  
2 *that obtained financial assistance for construction of physical*  
3 *accessibility improvements, and the moneys transmitted to the*  
4 *Disability Access and Education Revolving Fund.*  
5 *(e) For purposes of this section, a “small business” is a business*  
6 *that has employed 50 or fewer employees on average over the past*  
7 *three years, or for the years it has been in existence if less than*  
8 *three years, as evidenced by wage report forms filed with the*  
9 *Employment Development Department.*  
10 SEC. 3. No reimbursement is required by this act pursuant to  
11 Section 6 of Article XIII B of the California Constitution because  
12 a local agency or school district has the authority to levy service  
13 charges, fees, or assessments sufficient to pay for the program or  
14 level of service mandated by this act, within the meaning of Section  
15 17556 of the Government Code.

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# AB 2164

## ASSEMBLYMEMBER ALEX LEE

### THIS BILL

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AB 2164 will increase compliance with accessibility laws by allowing small businesses to access public funds to make accessibility-related improvements.

### BACKGROUND

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State law requires local jurisdictions to collect a dedicated fee—referred to as the “Disability Access and Education Revolving Fund” (DAERF)—to fund programs to expand access for patrons with disabilities ([Gov. Code §§ 4465-4470](#)). This fee must be used to facilitate Certified Access Specialist (CASp) training and develop outreach materials.

Local governments currently collect a \$4.00 fee for business licenses and business permit renewals ([Gov. Code § 4467](#)). Under current state law, this fee will drop to \$1.00 after December 31, 2023. This projected decrease in available funds, coupled with inflation and rising costs, makes it more difficult to stretch limited resources and continue successful accessibility compliance programs.

For Californians with disabilities, barrier-free access to businesses and other facilities is a constant concern. In 1990, the U.S. Congress passed the Americans with Disabilities Act (ADA) to protect individuals from discrimination on the basis of disability ([42 U.S.C. § 12101 et. seq.](#)). Its provisions include physical accessibility requirements for privately-owned businesses. In California state law, the Unruh Civil Rights Act provides similar protections for individuals with disabilities ([Civil Code § 51](#)), and the [California Building Code](#) provides comprehensive building accessibility standards.

### PROBLEM

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Federal, state, and local governments provide some resources to help businesses comply with these accessibility requirements and reduce barriers for patrons with disabilities. In California, this includes the CASp program, which certifies specially-trained professionals to inspect buildings for compliance with applicable state and federal construction-related accessibility standards.

Despite these legal protections and government assistance programs, business accessibility remains a concern. Some businesses struggle to understand the complex requirements and to raise funding for necessary physical improvements. There have been more than [1,400](#) ADA lawsuits filed in recent years related to small businesses, with San Jose being the city with the largest number of ADA claims.

Compliance can be particularly challenging for small business owners with limited English proficiency and restricted access to financial resources. These remaining accessibility barriers prevent Californians with disabilities from accessing important goods and services, and deprive local businesses of much-needed patronage.

### SOLUTION

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Support local jurisdictions with sustainable funding to improve accessibility in their regions by: (1) removing the January 1, 2024 fee sunset, enabling local governments to collect the \$4.00 DAERF fee indefinitely; and (2) clarifying local jurisdictions’ ability to use these funds for physical accessibility improvements.

Continuing the \$4.00 fee allows cities and counties to sustain critical accessibility efforts. Clarifying existing state law allows local governments to provide financial assistance for struggling small businesses to fund accessibility-related certification, design, and construction and permitting fees, which will improve access for patrons with disabilities.

AB 2164 allows local jurisdictions to continue their work to make California accessible, while supporting small businesses.

### SUPPORT

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- City of San José (Sponsor)
- California Business Properties Association
- California Chamber of Commerce
- California Hotel & Lodging Association
- Consumer Attorneys of California
- Cupertino Chamber of Commerce
- Disability Rights California
- Mountain View Chamber of Commerce

Brea Chamber of Commerce  
California Building Industry Association  
California Business Properties Association  
California Chamber of Commerce  
California Restaurants Association  
Carlsbad Chamber of Commerce  
CAWA – Representing the Automotive Parts Industry  
Auto Care Association  
Corona Chamber of Commerce  
Danville Area Chamber of Commerce  
El Dorado County Chamber of Commerce  
El Dorado Hills Chamber of Commerce  
Elk Grove Chamber of Commerce  
Family Business Association of California  
Folsom Chamber of Commerce  
Fountain Valley Chamber of Commerce  
Fremont Chamber of Commerce  
Fresno Chamber of Commerce  
Gilroy Chamber of Commerce  
Greater Conejo Valley Chamber of Commerce  
Greater High Desert Chamber of Commerce  
Imperial Valley Regional Chamber of Commerce  
La Cañada Flintridge Chamber of Commerce  
Laguna Niguel Chamber of Commerce  
Long Beach Area Chamber of Commerce  
Mission Viejo Chamber of Commerce  
National Federation of Independent Business  
Newport Beach Chamber of Commerce  
Official Police Garages of Los Angeles  
Rancho Cordova Area Chamber of Commerce  
Roseville Area Chamber of Commerce  
San José Chamber of Commerce  
Santa Ana Chamber of Commerce  
Santa Clarita Valley Chamber of Commerce  
Santa Maria Valley Chamber of Commerce  
Simi Valley Chamber of Commerce  
Tulare Chamber of Commerce  
United Chamber Advocacy Network  
Valley Industry & Commerce Association  
West Ventura County Business Alliance  
Yuba Sutter Chamber of Commerce

## CONTACT

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Maria Montchal | Legislative Aide  
Office of Assemblymember Alex Lee  
[Maria.Montchal@asm.ca.gov](mailto:Maria.Montchal@asm.ca.gov) | 916.319.2025

March 14, 2022

The Honorable Mark Stone, Chair  
Assembly Judiciary Committee  
1020 N Street, Room 104  
Sacramento, CA 95814

RE: AB 2164 (Lee): Disability Access Funding – SPONSOR

Dear Chair Stone,

The City of San José is pleased to sponsor AB 2164 by Asm. Alex Lee, which will allow local jurisdictions to continue programs ensuring that Californians with disabilities have barrier-free access to businesses.

For Californians with disabilities, barrier-free access to businesses and other facilities is a constant concern. Federal, state, and local governments provide some resources to help businesses comply with these accessibility requirements and reduce barriers for patrons with disabilities. State law also requires local jurisdictions to collect a dedicated fee of \$4.00 for business licenses and business permit renewals to fund programs improving barrier-free access to businesses (Cal. Gov. Code §§ 4465- 4470). Under current law, this fee will drop to \$1.00 after December 31, 2023.

Despite these legal protections and government assistance programs, business accessibility remains a concern. Some businesses struggle to understand the complex requirements and to raise funding for necessary physical improvements. Compliance can be particularly challenging for small business owners with limited English proficiency and restricted access to financial resources. The more than 1,400 recent disability access-related lawsuits in San José alone provide ample evidence that business accessibility remains a challenge. This projected decrease in available funds—coupled with inflation and rising costs—imperils local governments’ ability to stretch limited resources and continue successful accessibility compliance programs.

AB 2164 supports local jurisdictions by sustaining funding to improve accessibility in their regions. The bill removes the January 1, 2024 fee sunset, enabling local governments to collect the \$4.00 fee indefinitely. Additionally, AB 2164 would also clarify the ability for local jurisdictions to use these funds for grants to small businesses to fund accessibility-related certification, inspections, design, construction, and permitting fees.

AB 2164 allows local jurisdictions to continue helping businesses expand access and reduce barriers for residents with disabilities. For these reasons, the City of San José is proud to sponsor AB 2164.

Sincerely,



Sarah Zárate  
Director, Office of Administration, Policy,  
and Intergovernmental Relations



March 15, 2022

TO: Members, Assembly Judiciary Committee

FROM: California Chamber of Commerce, Ashley Hoffman, Policy Advocate *AH*  
California Business Properties Association

**SUBJECT: AB 2164 (LEE) DISABILITY ACCESS: FUNDING  
SUPPORT – AS INTRODUCED FEBRUARY 15, 2022**

The California Chamber of Commerce and the organizations listed below are pleased to **SUPPORT** your **AB 2164 (Lee)**, which will benefit both small businesses and customers by providing financial assistance to ensure facilities are accessible and will protect small businesses from frivolous litigation.

For years, small businesses have been targeted by bad actors who repeatedly file accessibility related lawsuits against businesses for technical violations. This has continued during the pandemic and has devastated small businesses trying to stay open. <sup>1</sup> **AB 2164** helps address this issue by providing small businesses with a financial pathway to proactively take steps to become accessible. The bill will provide small businesses with access to funds from the Disability Access and Education Revolving Fund to be used for construction of accessibility improvements. This proposal will assist businesses who are trying to ensure they are compliant with the law from being subject to frivolous claims or litigation. It will also allow such businesses the opportunity to dedicate their financial resources to improving accessibility for their customers rather than litigation costs.

For these and other reasons, we are pleased to **SUPPORT** your **AB 2164**.

cc: Legislative Affairs, Office of the Governor  
Alison Merrilees, Assembly Judiciary Committee  
Maria Montchal, Office of Assembly Member Lee  
Daryl Thomas, Assembly Republican Consultant

AH:am

---

<sup>1</sup> See, e.g., [SF's Chinatown Businesses Hit with Lawsuits by Prolific ADA Plaintiffs – NBC Bay Area](#)



LYNN S. MOHRFELD, CAE  
President + CEO

March 18, 2022

The Honorable Mark Stone, Chair  
Assembly Judiciary Committee  
1020 N Street, Room 104  
Sacramento, CA 95814

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PAST CHAIR  
**BIJAL PATEL, CHA**  
Coast Redwood Hospitality  
Ben Lomond

RE: AB 2164 (Lee): Disability access: funding – SUPPORT

Dear Chair Stone,

On behalf of the 6,000+ B&Bs, hotels, and motels located across the state, the California Hotel and Lodging Association is pleased to support AB 2164 by Asm. Alex Lee, which will help ensure that small businesses have access to funds to make accessibility-related improvements so that Californians with disabilities have barrier-free access to businesses and other facilities.

AB 2164 supports local jurisdictions by sustaining funding to improve accessibility in their regions. Specifically, the bill would remove the January 1, 2024 fee sunset, enabling local governments to collect the \$4.00 Disability Access and Education Revolving Fund (DAERF) fee indefinitely. Additionally, AB 2164 would also clarify the ability for local jurisdictions to use these funds for grants to small businesses to fund accessibility-related certification, design, construction, and permitting fees.

California’s lodging industry prides itself on promoting accessibility to all, and this measure would help many small businesses do just that. Specifically, many of California’s hospitality establishments, particularly smaller establishments, were constructed well before the Americans with Disabilities Act (ADA) was passed into law. Though the ADA has been in effect for many years, new small business owners continue to enter into the hospitality industry with converted or aged infrastructure and may need help identifying and remedying issues which may affect accessibility. CHLA strongly believes that this measure will help those hoteliers and provide an avenue to identify and remedy existing issues – thereby promoting access for all.

For Californians with disabilities, barrier-free access to businesses and other facilities is a constant concern and as historic ADA legislation enters its fourth decade, the ongoing goal should be simplicity of compliance without being overly

*Protecting the  
rights and interests  
of the California  
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burdensome to small businesses that have already been hit hard by the COVID-19 pandemic.

AB 2164 is a common-sense solution that seeks to continue to make funding available to provide more certainty and protection to those small businesses most at risk of complications. For these reasons, the California Hotel and Lodging Association is proud to support AB 2164.

Sincerely,

A handwritten signature in black ink, appearing to read "Lynn Mohrfeld". The signature is fluid and cursive, with a large initial "L" and "M".

Lynn Mohrfeld  
President & CEO  
California Hotel & Lodging Association

Cc: Members, Assembly Judiciary Committee





# CONSUMER ATTORNEYS OF CALIFORNIA

SEEKING JUSTICE FOR ALL

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NANCY DRABBLE

LEGISLATIVE DIRECTOR  
NANCY PEVERINI

DEPUTY LEGISLATIVE DIRECTOR  
JACQUELINE SERNA

SENIOR LEGISLATIVE COUNSEL  
SAVEENA TAKHAR

POLITICAL DIRECTOR  
LEA-ANN TRATTEN

March 14, 2022

TO: ASSEMBLY MEMBER ALEX LEE

FR: CONSUMER ATTORNEYS OF CALIFORNIA  
ADVOCATE CONTACTS: SAVEENA TAKHAR & NANCY PEVERINI

**RE: AB 2164 (Lee) – Support**

The Consumer Attorneys of California support AB 2164 (Lee) which is set to be heard on March 22, 2022 by the Assembly Judiciary Committee. AB 2164 will ensure that small businesses have access to funds to make accessibility-related improvement so that Californians with disabilities can have barrier free access to places of public accommodation.

Californians living with physical disabilities deserve to be able to do the same things that able-bodied citizens take for granted, whether it's shopping, dining out, using a public restroom or travelling. The state's disability access laws are intended to ensure full accessibility for all to business establishments, public facilities, hospitals, housing, sidewalks and roadways. The federal Americans with Disabilities Act was enacted by Congress in 1990, and violation of the ADA is a violation of California civil code.

CAOC has worked with the California Chamber of Commerce and other business groups as well as disability rights groups to help bridge the access gap. In 2009, CAOC supported SB 1608, which allowed businesses to shield themselves with legal protections if they hire a Certified Access Specialist (CAsp) to identify and correct disability access violations. With CAsp certification, a business owner can ask the court to put a 90-day hold on a disability access action and can request an early evaluation conference with a court officer who has had special training on ADA issues. A CAsp can also help put together a plan to make any changes needed for ADA compliance. A full list of CAsp professionals is available on this state web site. In 2012, CAOC participated in a working group to pass SB 1186, also aimed at promoting increased compliance without unwarranted litigation. In 2015, CAOC backed Sen. Richard Roth's SB 269 to ensure access to businesses for persons with disabilities by ensuring legal actions focus squarely on business compliance instead of seeking monetary damages but no access improvements.

AB 2164 furthers these efforts by supporting local jurisdictions by sustaining funding to improve accessibility in their regions. Specifically, the bill would remove the January 1, 2024 fee sunset, enabling local governments to collect the \$4.00 Disability Access and Education Revolving Fund fee indefinitely. AB 2164 also clarifies the ability for local jurisdictions to use these funds for grants to small businesses to fund accessibility-related certification, design, construction, and permitting fees.

People with disabilities should have full access to public accommodations. Similarly, businesses need some help in order to become compliant. AB 2164 attempts to help businesses provide full access to all Californians. For these reasons, CAOC supports AB 2164.

cc: Asm Judiciary Committee

## LEGISLATIVE DEPARTMENT

770 L STREET • SUITE 1200 • SACRAMENTO • CA 95814 • T (916) 442-6902 • F (916) 442-7734 • WWW.CAOC.ORG

CASCC Legislative Action Committee Meeting Packet  
April 14, 2022 | Page 25 of 36



**LEGISLATION &  
COMMUNICATIONS UNIT**

1831 K Street  
Sacramento, CA 95811-4114  
Tel: (916) 504-5800  
TTY: (800) 719-5798  
Intake Line: (800) 776-5746  
Fax: (916) 504-5807  
[www.disabilityrightsca.org](http://www.disabilityrightsca.org)

March 15, 2022

The Honorable Mark Stone, Chair  
Assembly Judiciary Committee  
1020 N Street, Room 104  
Sacramento, CA 95814

**RE: AB 2164 (LEE) as introduced February 15, 2022 – SUPPORT**

Dear Assemblymember Stone:

Disability Rights California (DRC), a non-profit advocacy organization that advances and protects the rights of Californians with disabilities, **supports AB 2164**, which will help ensure that small businesses have access to funds to make accessibility-related improvements so that Californians with disabilities have barrier-free access to businesses and other facilities. This bill is scheduled for hearing before Assembly Judiciary committee on March 22, 2022.

DRC works to stop disability discrimination and empower people with disabilities. We focus on disability discrimination law, including the Americans with Disabilities Act and Fair Housing Amendments Act.

AB 2164 supports local jurisdictions by sustaining funding to improve accessibility in their regions. Specifically, the bill would remove the January 1, 2024 fee sunset, enabling local governments to collect the \$4.00 Disability Access and Education Revolving Fund (DAERF) fee indefinitely. Additionally, AB 2164 would also clarify the ability for local jurisdictions to use these funds for grants to small businesses to fund accessibility-related certification, design, construction, and permitting fees.

For Californians with disabilities, barrier-free access to businesses and other facilities is a constant concern and the ongoing goal should be simplicity of compliance without being overly burdensome to small businesses that have already been hit hard by the COVID-19 pandemic.

There are some basic reasons why ensuring that barrier-free access to businesses and other facilities is so crucial. First, the disability population in the United States is estimated to be around 26% of adults. This does not only include wheelchair users, but other people with assistive devices, other physical disabilities, sensory disabilities, intellectual and developmental disabilities, mental health disabilities, chronic illnesses or pain and traumatic brain injury. This number also does not include people with injuries, pregnant people or others who would likely benefit from buildings being more accessible.

Next, disabled people are customers and employees who want to enjoy access to businesses in the same ways that non-disabled people do. For example, wheelchair users who want to go and eat together must have the same access with reasonable accommodations to a restaurant as anyone else who does not have a disability.

Third, customers and employees who are not disabled could have friends, family members, or colleagues who are disabled. If a business does not provide access to the disabled friend or family member, they could lose the business of an entire group of people. Often times, one disabled person can be connected to dozens or hundreds of other people, thus creating a small community of disabled advocates who are sensitive to the issues of access.

Finally, anyone can develop a disability at any time. Some disabled people are born with their disabilities, while others obtain their disabilities later in life. As many of us will age, we will inevitably have more disabilities, including a more difficult time walking, hearing, seeing, and in some cases our mental capacity can change over time. The longer people live, the more likely it is that they will experience disability.<sup>1</sup>

---

<sup>1</sup> Four Reasons Why Businesses Should Care About Disability Issues. Forbes. February 21, 2022. <https://www.forbes.com/sites/andrewpulrang/2022/02/21/4-reasons-why-businesses-should-care-about-disability-issues/?sh=47dc8be34c21>

AB 2164 is a common-sense solution that seeks to continue to make funding available to provide more certainty and protection to the small businesses most at risk of complications. This bill moves California in the right direction to ensure that people with disabilities have the access they need and deserve. For these reasons, DRC supports this bill. Please contact me if you have any questions about our position or if I can provide any further information.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Harris". The signature is stylized with a large "E" and a long horizontal stroke at the end.

Eric Harris  
Director of Public Policy  
Disability Rights California

cc: Honorable Members, Assembly Judiciary Committee  
The Honorable Alex Lee, California State Assembly  
Maria Montchal, Office of Assemblymember Lee



20455 Silverado Avenue  
Cupertino, CA 95014  
Tel (408) 252-7054  
www.cupertino-chamber.org

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Chief Executive Officer

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March 11, 2022

California Assembly Judiciary Committee  
Mark Stone, Chairperson  
1021 O Street, Suite 5740  
Sacramento, CA 94249

Chairperson Stone:

I am writing to express the **support** of the Cupertino Chamber of Commerce for **AB 2164 (Lee)**, legislation designed to increase certainty in ADA compliance and support for small businesses in their efforts to remain accessible and avoid legal action. This issue is a high priority to our membership, and we would urge the Judiciary Committee's approval of the legislation.

Budgeting certainty is a critical element of local government decision-making on whether to create or continue programs. By removing the uncertainty that the sunset date provides, AB 2164 would allow local governments such as Cupertino to continue and improve their CASp programs, thereby assisting more small businesses and increasing overall compliance.

Additionally, AB 2164 would reduce by 20% the amount of funding required for administrative costs, which would instead be put towards CASp certification and training. Again, this puts money where it is most impactful and most needed and would also benefit from increasing compliance and reducing lawsuits.

Traditionally, organizations like the Chamber of Commerce would not be supportive of continuing fees on business. However, the CASp program is a prime example of shared resources going towards a positive outcome, and the Cupertino Chamber of Commerce fully supports both provisions of AB 2164.

We would urge swift passage by the Judiciary Committee and thank you for your leadership and consideration of this request.

Sincerely,

Claudio Bono, President  
Cupertino Chamber of Commerce

CC:  
Vice-Chair James Gallagher  
Assemblymember Laurie Davies  
Assemblymember Chris Holden  
Assemblymember Ash Kalra  
Assemblymember Kevin Kiley  
Assemblymember Brian Maienschein  
Assemblymember Eloise Gomez Reyes  
Assemblymember Robert Rivas  
Assemblymember Evan Low  
Cupertino City Council



March 15, 2022

The Honorable Mark Stone, Chair  
Assembly Judiciary Committee  
1020 N Street, Room 104  
Sacramento, CA 95814

RE: AB 2164 (Lee): Disability access: funding – SUPPORT

Dear Chair Stone:

The Fremont Chamber of Commerce is pleased to support AB 2164 by Asm. Alex Lee, which will help ensure that small businesses have access to funds to make accessibility-related improvements so that Californians with disabilities have barrier-free access to businesses and other facilities.

AB 2164 supports local jurisdictions by sustaining funding to improve accessibility in their regions. Specifically, the bill would remove the January 1, 2024 fee sunset, enabling local governments to collect the \$4.00 Disability Access and Education Revolving Fund (DAERF) fee indefinitely. Additionally, AB 2164 would also clarify the ability for local jurisdictions to use these funds for grants to small businesses to fund accessibility-related certification, design, construction, and permitting fees.

For Californians with disabilities, barrier-free access to businesses and other facilities is a constant concern and the ongoing goal should be simplicity of compliance without being overly burdensome to small businesses that have already been hit hard by the COVID-19 pandemic.

AB 2164 is a common-sense solution that seeks to continue to make funding available to provide more certainty and protection to the small businesses most at risk of complications. For these reasons, the Fremont Chamber of Commerce is proud to support AB 2164.

Sincerely,

A handwritten signature in black ink, appearing to read "Cindy Bonior", is placed over a light gray rectangular background.

Cindy Bonior  
President/CEO

Cc: Members, Assembly Judiciary Committee

San Jose Chamber  
of Commerce

California Assembly Judiciary Committee  
Mark Stone, Chairperson  
1021 O Street, Suite 5740  
Sacramento, CA 94249

February 25, 2022

Chairperson Stone:

I am writing to express the **support** of the San Jose Chamber of Commerce for **AB 2164 (Lee)**, legislation designed to increase certainty in ADA compliance and support for small businesses in their efforts to remain accessible and avoid legal action. This issue is a high priority to our membership, and we would urge the Judiciary Committee's approval of the legislation.

San Jose is a model certified access specialist program (CASp) which, since its creation in February, 2020, has assisted countless small businesses in their efforts to achieve ADA-compliance and remain out of the court system. Funded by a \$4 fee on business licenses or building permits, the CASp program is set to have its funding mechanism sunset on December 31, 2023. AB 2164 would remove this sunset date and allow this successful program to continue in perpetuity.

As you know, budgeting certainty is a key element in local government decision-making on whether to ramp up programs, no matter how successful. By removing the uncertainty that the sunset date provides, AB 2164 would allow local governments such as San Jose to continue and enhance their CASp programs, thereby assisting even more small businesses and increasing overall compliance.

Additionally, AB 2164 would reduce by 20% the amount of funding required for administrative costs which would instead be put towards CASp certification and training. This is putting money where it is most impactful, as well as most needed, and would also have the benefit of increasing compliance and reducing lawsuits.

Traditionally, organizations like the Chamber of Commerce would not be supportive of continuing fees on business. However, the CASp program is a prime example of shared resources going towards a positive outcome, and the San Jose Chamber of Commerce fully supports both provisions of AB 2164.

San Jose Chamber  
of Commerce

We would urge swift passage by the Judiciary Committee and thank you for your leadership and consideration of this request.

Sincerely,



Derrick Seaver  
President & CEO

CC: Assemblymember Alex Lee  
Vice Chair James Gallagher  
Assemblymember Laurie Davies  
Assemblymember Chris Holden  
Assemblymember Ash Kalra  
Assemblymember Kevin Kiley  
Assemblymember Brian Maienschein  
Assemblymember Eloise Gomez Reyes  
Assemblymember Robert Rivas





# BROWN ACT MODERNIZATION

## AB 1944 | ASSEMBLYMEMBER ALEX LEE

### THIS BILL

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This bill would allow members of a local legislative body, upon majority vote, to allow members to waive Brown Act requirements of publishing their private address, and making their private address open to members of the public. It would also require a remote participation option for members of the public to address the body.

### BACKGROUND

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The Ralph M. Brown Act passed in 1953 requires local government business to be conducted at open and public meetings, except in certain limited situations. Existing law allows the legislative body of a local agency to use teleconferencing as long as a quorum of the members participate from locations within the boundaries of the agency's jurisdiction.

In order to teleconference, each teleconference location is required to be identified in the notice and agenda of the meeting, as well as be accessible to the public.

On March 2020, Governor Newsom issued Executive Order N-29-20 which waived the teleconference requirements for local agencies during the COVID-19 pandemic. This order has since expired.

AB 361 (Rivas, 2021) permits local agencies to continue to meet virtually and remotely during a state-declared emergency without having to meet a quorum and other requirements of teleconference meetings under the Brown Act. Local legislative bodies may continue to meet virtually pursuant to AB 361 until the end of the current state of emergency and during any future state of emergency up until January 1, 2024. The legislative body is required to take a majority vote every 30 days in order to continue allowing members to participate virtually without meeting existing Brown Act requirements.

### PROBLEM

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Given the last few years of the COVID-19 pandemic, many members of Brown Act bodies have participated remotely in official business, and have shown effective leadership while keeping themselves and their families healthy and safe. However, even with existing legislation, the protections are only in place during a declared state of

emergency. In addition, if there is no majority vote every 30 days, members who choose to teleconference are required to make private addresses publicly known and accessible.

Since there are many members of Brown Act bodies who have families that may be immunocompromised or may need to teleconference from a private location that cannot be made accessible to the public, there are still many concerns with existing legislation.

For example, if outside of the pandemic a local elected is teleconferencing from a hospital room after giving birth, she would be forced to either reveal the location she is teleconferencing from or make the room publicly available, or she would not be able to attend the meeting and partake in her official duties.

Another example is if a Planning Commissioner is immunocompromised, or has immunocompromised family members at home, they may choose to teleconference into meetings. However, they would be required to share their private home address and make it publicly accessible.

### SOLUTION

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AB 1944 would ensure that:

- Brown Act bodies have the ability to vote to allow their members to teleconference into a meeting without having to reveal private addresses or make private addresses accessible to the public, in order to best continue performing their official duties
- Livestreams of meetings are required whenever members teleconference into meetings so the public has access to observe and participate in meetings
- Members of the public are able to address their elected officials either through a call-in or video option, ensuring that they are able to participate in government

## SUPPORT

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Gilroy City Councilmember Zach Hilton  
Santa Clara School Board Member Vickie Fairchild  
Santa Clara School Board Member Bonnie Lieberman  
Seaside City Councilmember Jon Wizard  
South San Francisco Councilmember James Coleman  
San Bruno Park District Trustee Andriana Shea  
Santa Ana City Councilmember Jessie Lopez  
Sacramento City Councilmember Katie Valenzuela  
North Westwood Neighborhood Councilmember Andrew  
Lewis

## CONTACT

---

Maria Montchal, Legislative Aide  
Office of Assemblymember Alex Lee  
916-319-2025 | [Maria.Montchal@asm.ca.gov](mailto:Maria.Montchal@asm.ca.gov)

MEMO

To: City of Santa Clara  
From: Townsend Public Affairs, Inc.  
Date: March 3, 2022  
Subject: Bill Analysis: AB 1944 (Lee)

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**AB 1944 (Lee) Local government: open and public meetings.**

Bill Information

The official text of AB 1944 can be found [here](#).

Summary

This bill allows members of a local legislative body, upon majority vote, to waive the Brown Act requirements of publishing their private address on the meeting agenda and making this address open to members of the public. It also requires a remote participation option for members of the public to address the body, only during meetings when the legislative body elects to use teleconferencing.

AB 361 (R. Rivas, Statutes of 2021) permits local agencies to continue to meet virtually and remotely during a state-declared emergency without having to meet a quorum and other requirements of teleconference meetings under the Brown Act. Local legislative bodies may continue to meet virtually pursuant to AB 361 until the end of the current state of emergency and during any future state of emergency up until January 1, 2024. The legislative body is required to take a majority vote every 30 days in order to continue allowing members to participate virtually without meeting existing Brown Act requirements.

Under AB 361, members of a legislative body are only given modified Brown Act protections during a declared state of emergency. Further, in the case where there is no majority vote every 30 days, members who choose to teleconference are required to make private addresses publicly known and accessible, should they elect to participate remotely in a meeting.

AB 1944 would modify the Brown Act to allow members of a local legislative body to teleconference into a meeting without having to reveal private addresses or make private addresses accessible to the public, *whether there exists a state of emergency or not*. Whenever members of a local legislative body elect to use teleconferencing, the local agency must also ensure there are teleconferencing mechanisms in place for public participation.

### Status

AB 1944 has been referred to the Assembly Local Government Committee and is currently pending an official hearing date.

### Support

According to the author: *“Since there are many members of Brown Act bodies who have families that may be immunocompromised or may need to teleconference from a private location that cannot be made accessible to the public, there are still many concerns with existing legislation.*

*For example, if outside of the pandemic a local elected is teleconferencing from a hospital room after giving birth, she would be forced to either reveal the location she is teleconferencing from or make the room publicly available, or she would not be able to attend the meeting and partake in her official duties.”*

According to the author’s office, supporters of AB 1944 include: a dozen individual city council and school board members, primarily from the Bay Area. Additional support is anticipated once the committee analysis, with the official list of supporters, is released prior to the committee hearing.

### Opposition

Since AB 1944 has not yet been set for hearing, there is no list of official opposition available yet.

### TPA Staff Recommendation

#### Support

AB 1944 aims to provide local agencies, and individual elected officials, a level of privacy by not requiring the disclosure of the address of the remote participation location is a location that is not open to the public. The measure balances privacy with public access by requiring local agencies who have members that elect to participate remotely to also provide teleconferencing options for public participation, as well as video streaming of the meeting.

AB 1944 also provides a level of discretion for local agencies, by only imposing the video streaming and public teleconference access requirements in instances where one or more members of a local agency elect to remotely participate in a meeting.