



# San Mateo County Chamber of Commerce Alliance

## March 2016 Legislative Report

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### Legislative Report

- SB 710 (Galgiani – D) Real estate licensees: fictitious business names: team names
- SB 876 (Liu – D) Homelessness

### 2016 Ballot Measures – **UPDATE**

### Calchamber Capitol Summit & Sacramento Host Breakfast

# Legislative Report

## SB 876 (Liu – D) Homelessness

### Summary

1. SB 876 would afford persons experiencing homelessness the right to use public spaces without discrimination based on their housing status and describe basic human and civil rights that may be exercised without being subject to criminal or civil sanctions, including the right to use and to move freely in public spaces, the right to rest in public spaces and to protect oneself from the elements, the right to eat in any public space in which having food is not prohibited, and the right to perform religious observances in public spaces.

### Background

2. SB 876 would state the intent of the Legislature that these provisions be interpreted broadly so as to prohibit policies or practices that are discriminatory in either their purpose or effect.
3. SB 876 would also authorize a person whose rights have been violated pursuant to these provisions to enforce those rights in a civil action in which the court may award the prevailing party plaintiff injunctive and declaratory relief, restitution, damages, statutory damages of \$1,000 per violation, and fees and costs.
4. SB 876 would also require all applicants for the United States Department of Housing and Urban Development's Continuum of Care Homeless Assistance Program to annually provide to the Department of Housing and Community Development's Division of Housing Policy Development a copy of its application for funding from the United States Department of Housing and Urban Development that includes the organization's response to the application question regarding steps that its community is taking to reduce criminalization of homelessness.
5. Because the bill would require local agencies to perform additional duties, it would impose a state-mandated local program.
6. Current law provides that no person shall, on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, genetic information, or disability, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state.
7. California is the eighth largest economy in the world, yet home to the nation's largest homeless population.<sup>1</sup> According to the U.S. Department of Housing and Urban Development, approximately 113,952 people were homeless in California in
8. 2014.<sup>2</sup> During the 2013-2014 school year, 284,086 children experienced homelessness, according to the U.S. Department of Education.
9. Researchers from the Policy Advocacy Clinic at the University of California at Berkeley Law School identified over 500 municipal laws criminalizing resting or sharing of food in public places, in 58 of the State's largest cities, nearly nine laws per city, on average.
10. The study also found that the number of ordinances targeting those behaviors increased with the rise in homelessness. Since 2000, statewide arrests for violations of laws related to rest increased by 77 percent, the study showed.
11. Arresting and ticketing the homeless for simply engaging in behaviors necessary for their survival often creates a criminal record that produces other consequences including rejection for jobs, education loans, and housing, and further blocks an individual's pathway out of poverty.
12. At the federal level, steps have also been taken to discourage the criminalization of homelessness.
13. In 2015, the U.S. Department of Justice (DOJ) submitted a statement of interest in opposition to the criminalization of people who are homeless, calling it cruel and unusual punishment and a violation of their constitutional rights.
14. SB 876 is currently pending a hearing in the Senate Transportation and Housing Committee as of March 7, 2016.

### Arguments in Support

15. No arguments in support on file at this time.

### **Arguments in Opposition**

16. Opponents argue that SB 876 seeks to make the state of “homelessness” a protected class, hindering the ability of local law enforcement’s public safety efforts, and obstructs a city from implementing their local ordinances.

### **Supporting**

Lawyers’ Committee for Civil Rights of the San (Sponsors)  
Francisco Bay Area (Sponsors)  
JERICHO: A Voice for Justice (Sponsors)  
Western Center on Law and Poverty (Sponsors)  
Western Regional Advocacy Project (Sponsors)  
Affordable Homeless Housing Alternatives, Inc.  
Alchemist Community Development Corporation  
Building Opportunities for Self-Sufficiency  
California Central Valley Journey for Justice  
California Partnership  
Civic Center Roundtable  
Coalition on Homelessness San Francisco  
Compass Family Services  
Critical Resistance Oakland  
Critical Resistance Los Angeles  
Episcopal Community Services of San Francisco  
Grey Panthers of San Francisco  
Homeless Advocates for CHRIST  
Hospitality House  
Hunger Action Los Angeles  
Humboldt Unitarian Universalist Fellowship Social Action Committee  
Larkin Street Youth Services  
Los Angeles Community Action Network  
Los Angeles Human Right to Housing Collective  
Los Angeles Poverty Department  
People Organized for Westside Renewal  
Resources for Independent Living  
Sacramento Homeless Organizing Committee  
Sacramento Loaves and Fishes  
Sacramento Regional Coalition to End  
Homelessness  
Safe Ground Sacramento  
San Francisco Tenants Union  
St. Anthony Foundation  
St. James Infirmary  
St. Mary’s Center  
Venice Community Housing Corporation  
Women Organizing Resources, Knowledge and Services

### **Opposing**

American Planning Association – California Chapter  
Association of California Cities – Orange County  
City of Bellflower  
City of Clearlake  
City of Colton  
City of Fountain Valley  
City of Glendora  
City of La Quinta  
City of Lakeport  
City of Los Banos

City of Merced  
City of Montclair  
City of Norwalk  
City of Ontario  
City of Palos Verdes Estates  
City of Redding  
City of Sacramento  
City of San Marino  
City of San Rafael  
City of Signal Hill  
City of Thousand Oaks  
City of Tracy  
City of Vista  
City of Watsonville  
League of California Cities  
Los Angeles Area Chamber of Commerce  
Marin County Council of Mayors and Council Members  
South Park Business Improvement District  
Town of Danville  
Venice Stakeholders Association

**Summary**

1. SB 710 would revise the definition of "responsible broker's identity" to mean the name, the associated license identification number, or both the name and associated license identification number.

**Background**

2. The Real Estate Law provides for the licensure and regulation of real estate brokers and real estate salespersons by the Bureau of Real Estate headed by the Real Estate Commissioner.
3. That law requires advertising and solicitation materials using a fictitious business name or that contain a team name to display the responsible broker's identity, as provided.
4. Current law defines "responsible broker's identity" to mean a name and the associated license identification number under which the responsible broker is currently licensed and conducts business in general or is a substantial division of the real estate firm.
5. SB 710 was "gut and amended" in February 2016. Real estate professional will want to know if this legislative proposal directly impacts their industry.
6. SB 710 is currently pending a hearing in the Assembly Local Government Committee.

**Arguments in Support**

7. None on file at this time.

**Arguments in Opposition**

8. None on file at this time.

**Supporting**

None on file at this time.

**Opposing**

None on file at this time.

## 2016 Ballot Measures – UPDATE

*The following is a list of statewide measures that have qualified for the ballot. An eligible initiative measure is one in which the required number of signatures have been submitted to and verified by the county elections officials. Eligible initiatives will become qualified for the ballot on the 131st day prior to the next Statewide General Election unless withdrawn by the proponents prior to its qualification by the Secretary of State. In future Legislative Reports, full summary and background will be provided. Four ballot measures have been added since ballot measures were included in the January 2016 legislative report.*

### June 2016 Statewide Ballot Measures

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#### 1. SCA 17 (Resolution Chapter 127, Statutes of 2014), Steinberg. Members of the Legislature: suspension.

##### Summary

This ballot measure would specify when suspending a Member of either house of the Legislature, a motion or resolution to that effect shall be adopted by a vote of the majority of the membership of the house. Prohibits a suspended Member from exercising any rights, privileges, duties, or powers of his or her office, or any resources of the Legislature, while under suspension. Requires that same vote to remove the suspension. Authorizes the forfeiture of salary and benefits as well.

### November 2016 Statewide Ballot Measures

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#### 2. Referendum to Overturn Ban on Single-Use Plastic Bags.

##### Summary

Current law prohibits grocery and certain other retail stores from providing single-use bags but permits sale of recycled paper bags and reusable bags. This ballot measure would overturn current law (SB 270) which was passed last legislative session, and would overturn the ban on single-use plastic bags.

#### 3. SB 1174 (Chapter 753, Statutes of 2014), Lara. English language education.

##### Summary

This ballot measure amends and repeals provisions of Proposition 227 (1998). Deletes the sheltered English immersion and waiver provisions. Provides school districts and county offices of education shall provide English learners with a structured English immersion program. Authorizes parents and legal guardians to choose a program that best suits their child. Requires parent and community input in establishing language acquisition programs. Deletes provisions regarding liability for fees and actual damages for non-implementation.

#### 4. State Fees on Hospitals. Federal Medi-Cal Matching Funds.

##### Summary

Increases required vote to two-thirds for the Legislature to amend a certain existing law that imposes fees on hospitals (for purpose of obtaining federal Medi-Cal matching funds) and that directs those fees and federal matching funds to hospital-provided Medi-Cal health care services, to uncompensated care provided by hospitals to uninsured patients, and to children's health coverage. Eliminates law's ending date. Declares that law's fee proceeds shall not be considered revenues for purposes of applying state spending limit or determining required education funding. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: State savings from increased revenues that offset state costs for children's health coverage of around \$500 million beginning in 2016-17 (half-year savings) to over \$1 billion annually by 2019-20, likely growing between 5 percent to 10 percent annually thereafter. Increased revenues to support state and local public hospitals of around \$90 million beginning in 2016-17 (half-year) to \$250 million annually by 2019-20, likely growing between 5 percent to 10 percent annually thereafter.

CalChamber Position: Support

#### 5. Revenue Bonds. Statewide Voter Approval. – UPDATED

##### Summary

Requires statewide voter approval before any revenue bonds can be issued or sold by the state for projects that are financed, owned, operated, or managed by the state or any joint agency created by or including the state, if the bond amount exceeds \$2 billion. Prohibits dividing projects into multiple separate projects to avoid statewide voter approval requirement.

CalChamber Position: Oppose

**6. Adult Films. Condoms. Health Requirements. – UPDATED**

**Summary**

Requires performers in adult films to use condoms during filming of sexual intercourse. Requires producers of adult films to pay for performer vaccinations, testing, and medical examinations related to sexually transmitted infections. Requires producers to obtain state health license at beginning of filming and to post condom requirement at film sites. Imposes liability on producers for violations, on certain distributors, on performers if they have a financial interest in the violating film, and on talent agents who knowingly refer performers to noncomplying producers. Permits state, performers, or any state resident to enforce violations.

**7. School Bonds. Funding for K-12 School and Community College Facilities. – UPDATED**

**Summary**

Authorizes \$9 billion in general obligation bonds: \$3 billion for new construction and \$3 billion for modernization of K-12 public school facilities; \$1 billion for charter schools and vocational education facilities; and \$2 billion for California Community Colleges facilities. Bars amendment to existing authority to levy developer fees to fund school facilities, until new construction bond proceeds are spent or December 31, 2020, whichever is earlier. Bars amendment to existing State Allocation Board process for allocating school construction funding, as to these bonds. Appropriates money from the General Fund to payoff bonds.

**CalChamber Position: Support**

**8. State Prescription Drug Purchases. Pricing Standards. – UPDATED**

**Summary**

Prohibits state agencies from paying more for a prescription drug than the lowest price paid for the same drug by the United States Department of Veterans Affairs. Applies to any program where the state is the ultimate payer for a drug, even if the state does not purchase the drug directly. Exempts certain purchases of prescription drugs funded through Medi-Cal. Fiscal impact: It is the opinion of the Legislative Analyst and Director of Finance that the measure, if adopted, may result in a substantial net change in state or local finances.

