

CBPA Weekly Update- July 9, 2021

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TRAUMA KIT MANDATE

Our industry has moved to an oppose position on SB 687 (Hueso; D-San Diego) a bill that improperly requires building managers/property owners to install and provide training material to tenants on how to use a tourniquet meant for tactical combat casualty care. Additionally, the bill lacks any liability protections for those properties that are mandated to install the kits.

SB 687 inappropriately mirrors the statute that was carefully written to fix issues related automated external defibrillator (AED) liability issues. AEDs are technology that need a connection to a building's energy supply. Trauma kits do not need any power supply or physical connection to the building and, thankfully, have much less demand for use.

Additionally, SB 687 does not acknowledge the safety and security procedures that commercial properties already undertake to ensure safety of the public while on our properties.

As we have explained to the author and other legislators, property managers are very competent at managing tenant needs and assuring building mechanical systems are operational, but they are not medical experts. This bill requires property managers, under state law, to provide complicated medical equipment and training on how to

use tourniquets and other emergency medical technique is misplaced and should be accomplished by other, more reasonable means.

Finally, cardiac arrest is a likely issue that building managers/owners will have to deal with and AEDs are “foolproof,” meaning if someone tries to inappropriately use one, you theoretically cannot harm the patient. The same cannot be said of applying a tourniquet and misapplying one can actually result in the loss of a limb, or worse, a life.

Although the intent behind SB 687 is commendable, this bill represents an inappropriate mandate on property managers and building owners that should be addressed through other means. Using a tourniquet or treating a gunshot wound is in no way comparable to using an AED and we oppose putting such requirements into statute.

CARBON NEUTRALITY BILL WOULD HAMMER ECONOMY

Our industry is opposing AB 1395 (Muratsuchi; D-Torrance) a bill that requires the state to achieve “carbon neutrality” no later than 2045 and requires that greenhouse gas emissions be reduced to 90% below the current statewide limit which was just recently tightened.

Businesses are just six months into meeting current climate goals and the Legislature is now moving along an even more extreme and economically unfeasible emission reduction goal!

Although it is estimated that individual commercial buildings produce less than 6% of our state’s GHG emissions, rules and regulations tend to assign the emissions from

vehicles traveling to your facilities to you, which means the drastic measures that will need to be undertaken to comply with this bill will be magnified in our sector.

The California Air Resources Board (CARB) is already working on this issue and recently held a three-day public workshop series to initiate the development of the update to the AB 32 Climate Change Scoping Plan, which is due in 2022 and will reflect California's goal to achieve carbon neutrality by 2045.

Although we also have concerns with how the ARB plan is unfolding, we definitely don't think new legislation on the topic is merited. [Click here](#) to see the complicated regulatory process that is already underway.

Our industry is working to oppose this bill as its vague language, lack of funding and direction to state agencies, is an example of a "feel good" measure that is unrealistic and will wreak havoc on our economy and all of your businesses.

WAREHOUSE DISTRIBUTION CENTER HAS MAJOR IMPACTS ON INDUSTRY

AB 701 (Gonzalez; D-San Diego) would create new productivity standards, a private right of action, and increase PAGA litigation by creating duplicative regulations for workers and employers operating warehouse distribution centers.

While we agree with the overall notion that employee health and safety is important, we disagree with this bill as it is a one size fits all idea that treats every warehouse the same and micromanages how employers manage their business.

Our industry is very active as part of a broad coalition opposing AB 701 including the CalChamber, California Trucking Association, California Manufacturers & Technology Association, California Retailers Association, California Farm Bureau, and many others, as the practical impacts and precedent of the bill will have long lasting and negative impacts on many sectors of the economy, not just warehouse operators.

While employee safety is highlighted as the focus in this legislation, many of the issues being discussed are already regulated by Cal/OSHA and other agencies.

AB 701 recently was amended in the Senate Labor Committee, but none of those changes removes our concerns with this legislation.

It will be heard in Senate Judiciary Committee next Wednesday. Our coalition has provided additional amendments so stay tuned for more updates.

WORKERS COMP BILL WOULD INCREASE COSTS

A bill that will severely alter the workers' compensation system and increase business costs will be considered by the Assembly Insurance Committee on Tuesday and is opposed by a large coalition of business groups led by the CalChamber.

The bill, [SB 335 \(Cortese; D-San Jose\)](#), fundamentally alters longstanding rules and timeframes related to investigating the eligibility of workers' compensation claims such that it substantially reduces the time an employer has to investigate a claim and

significantly increases the cost of care an employer would be required to provide during that investigation.

SB 335 is fundamentally unfair to employers, who deserve a fair opportunity to complete an investigation and make a thoughtful determination about the validity of a claimed injury.

[Click here](#) for more information on why our industry has joined other business groups to oppose SB 335.

LAWSUIT AGAINST L.A. COUNTY COMMERCIAL EVICTION BAN

Earlier this year a lawsuit was filed against a commercial local eviction moratorium in Los Angeles County. [Iten v. County of Los Angeles](#) seeks to end L.A. County's commercial eviction ban. The Pacific Legal Foundation represents Howard Iten, the commercial property owner and plaintiff in the case.

Below is the PLF press statement, [here](#) is a link to the case page, and the online press release can be found, [here](#).

From the PLF press release:

Los Angeles; January 19, 2021: Today, the owner of a commercial building filed a lawsuit challenging Los Angeles County's moratorium on commercial evictions. The lawsuit is the first to challenge a commercial eviction moratorium.

Howard Iten is a retired auto mechanic who leases his garage to an auto repair franchisee, and he relies on the income from the lease for his retirement. Although his tenant's business has been open through the pandemic, the tenant owes Iten more than \$30,000 in rent.

"The County can't put the burden of the pandemic only on the shoulders of landlords," said Damien Schiff, a senior attorney at Pacific Legal Foundation. "L.A. County's heavy-handed response to COVID-19 has hit businesses hard. It's unfair and illegal for the County to force commercial landlords to bear the costs of those policies."

Filed in the U.S. District Court, [Iten v. County of Los Angeles](#) seeks to end L.A. County's commercial eviction ban. PLF represents Howard Iten free of charge.

Although many owners have already worked out issues with tenants to keep them in place during the pandemic, the patchwork of local ordinances has proven to be very challenging for our industry.

The lead counsel for PLF in the case, Damien Schiff, gave a detailed presentation on the case to our last board meeting during the California Commercial Real Estate Summit.