

CBPA Weekly Update- October 8, 2021

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LAST DAY FOR GOVERNOR TO SIGN/VETO BILLS

Sunday is the last day for Governor Brown to sign or veto bills passed by the Legislature (Art. IV, Sec.10(b)(1) of the State Constitution). We have already reported on a tranche of bills he signed regarding affordable housing and warehousing regulations. Next week, after the deadline, expect a full report on all the Governor's actions in 2021.

L.A. CITY COUNCIL PASSES STRICTEST COVID VAX MANDATE IN U.S.

Earlier this week, the City of Los Angeles passed one of the strictest COVID vaccination mandates in the country, on an overwhelming 11-2 vote.

The law fully takes effect on November 4, and requires proof of vaccination to enter a "covered location," including shopping centers, stores, restaurants, movie theaters, hair and nail salons, gyms, entertainment spaces, and other businesses.

By October 21, "covered locations" must prominently display an advisory notice to patrons that starting November 4, 2021, proof of vaccination is required to enter. Starting on Nov. 4, a patron's "first in-person interaction" at the covered location, a

staff member is required to check for proof of vaccination for each patron that “appears” to be 18 years of age or older, and other requirements of the retailer.

If you own or manage properties in the City of Los Angeles, [here](#) is the full text of Ordinance No. 187219 that you should read to see if your properties are covered, and if they are what you need to do to comply.

Fines and penalties apply to covered locations that do not enforce these rules, which were adopted over the opposition of many business groups including CBPA, ICSC, and the CA Retailer’s Association, among others and many individual businesses.

Click here for some news coverage: **LA passes one of the strictest COVID vaccine mandates in the US**

STRATEGIC ISSUES CONFERENCE – REGISTER NOW

Several major groups have come together to host an event you don’t want to miss! California Business Properties Association (CBPA), American Council for Engineering Companies (ACEC), Building Owners and Managers of California (BOMA CAL), California Alliance for Jobs (CAJ), California Building Industry Association (CBIA), California Business Roundtable (CBRT), California Manufacturers & Technology Association (CMTA), California Retailers Association (CRA), invite you to attend one of the premier California policy gatherings, 2021 Strategic Issues Conference.

California’s leading home builders, retailers, manufacturers, business property owners, managers, and developers will come together to increase public policy and

political awareness of state and national issues and foster collaborative efforts among business leaders from all sectors of the California economy. The topics of discussion that impact California's economy are as follows – Upcoming 2022 Elections and Statewide Politics California's Response to the Drought, Storm Water Runoff, Housing in California, Goods Movement and the Supply Chain, and How Crime affects California.

[REGISTER HERE](#)

December 2-3, 2021

Embassy Suites by Hilton Napa Valley

1075 California Boulevard, Napa, CA – [CLICK HERE FOR HOTEL ROOM BLOCK](#)

The Strategic Issues Conference offers a unique opportunity, in an intimate setting, to enjoy significant exposure to key decision-makers and policymakers from both the public and private sectors. Your sponsorship will signal your strong support for improving the business climate in California.

[CLICK HERE](#) for sponsorship details or contact Melissa Stevens at mstevens@cbpa.com

IN MEMORIAM – SKIP KEYZERS

Earlier this year our industry lost another of its titans – a past Board member of CBPA representing Macerich, and an active ICSC member Claude Seybert (Skip) Keyzers was born on November 12, 1936, in San Gabriel, California and passed away on January 27, 2021, Carmel CA. He graduated from UCLA with a degree in BA in Liberal Arts and was married to his sweetheart Joan for 59 years. He was a loving husband, father, grandfather and great grandfather.

Skip served in the US Army and was stationed at Fort Ord. While serving there, Skip fell in love with Monterey and Carmel and made it his goal to be able to move and retire there which he achieved by building his dream home in the Carmel Highlands. He served on the Monterey Grand Jury, Monterey Fair Board, Carmel Heritage Association, the Monterey Old Capital Club and the Monterey Public Water Board.

Skip loved spending time with family and friends, and this included time traveling the world with friends, spending time on his boat in Lake Tahoe. Skip is survived by his wife Joan and children Christine Kelly, Douglas and Mark who is active in our industry today.

2022 STATEWIDE BALLOT INITIATIVE PREVIEW

It is that time of year again where ballot initiatives are being submitted and we wanted to keep you informed on some of the more interesting ones, including the return of a Split Roll Tax Measure. Remember, it's very early in the process so a lot of

these are subject to change in the coming months but here is a preview of the general topics.

Public Employee Labor Organizations – Amends the California Constitution to prohibit public employees from forming, joining, or participating in the activities of a public employee labor organization for the purpose of representing said employees on matters of employer-employee relations. This is an interesting measure backed by a high-tech billionaire.

Local Land Use – Amends the California Constitution to allow counties and cities to make and enforce all local land use controls, police, sanitary, and other ordinances, and regulations that don't conflict with general laws. The initiative retains state control in the coastal zone, certain power plants, the development and construction of water, and certain communication or transportation. This is local government's response to statewide action on housing.

Housing Affordability and Tax Cut Act of 2022 AKA *Split Roll Tax* – Amends the California Constitution to increase the homeowner property tax exemption from \$7,000 to \$200,000. Establishes an annual surcharge of 1.2% on all properties with full cash values of \$5 million or more. The initiative also streamlines the review processes for housing development projects. CBPA will be actively fighting this measure.

Ballot Measure Transparency – Amends the California Constitution by changing the responsibility of writing official title and summary for statewide ballot initiatives from the California Attorney General to the independent and non-partisan Legislative Analyst's Office. This is an effort to end the politicization of title and summaries through the ballot initiative process.

STATEWIDE COMMERCIAL EVICTION MORATORIUM EXPIRES

The California Executive Order explicitly authorizing local government the ability to adopt local COMMERCIAL eviction moratoriums expires today. The Governor has given no indication he will extend the order again.

The original Executive order “N-28-20,” adopted in March 2020, specifically allowed local governments to halt Commercial Evictions to May 31 and has been extended several times. Our industry supported the initial Executive Order and did not push back on extensions as we understood the policy need. However, we applauded the Governor for letting it expire as part of the plan to allow the state to get back to normal.

Residential relief is found in statewide provisions of SB 91/AB 832 and do not apply to commercial real estate. However, many local jurisdictions have adopted local ordinances which prevent eviction of commercial tenants.

Although many jurisdictions believe they have the authority under local emergency powers to enact such local eviction ordinances, the Governor’s statewide order has provided specific authorization to cities and a certain amount of legal cover.

You can view the expired EO [here](#) N-03-21.

LAWSUIT AGAINST L.A. COUNTY COMMERCIAL EVICTION BAN

There is, however, some activity in the courts to address the ability of local governments to enact and enforce local commercial eviction moratoriums. Earlier this year a lawsuit was filed against Los Angeles County's commercial eviction ban. [*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.

The County of Los Angeles has moved several times to dismiss the case, but at this point have not had success and it continues to be a viable challenge.