AMENDED IN ASSEMBLY FEBRUARY 25, 2002

AMENDED IN ASSEMBLY JULY 3, 2001

SENATE BILL No. 617

Introduced by Senator Ortiz
(Principal coauthors: Assembly Members Steinberg and Wiggins)

February 22, 2001

~~An act relating to elections.~~ *An act to add Section 1946.2 to the Civil Code, and to add Section 1179.5 to the Code of Civil Procedure, relating to tenancy.*

LEGISLATIVE COUNSEL'S DIGEST

SB 617, as amended, Ortiz. ~~Special advisory election: Sacramento Area Council of Governments~~ *Tenancy: terminations*.

(1) Existing law provides that when a lessee of real property remains in possession of the property after the expiration of the hiring, and the lessor accepts rent from the lessee, the parties are presumed to have renewed the hiring on the same terms and for the same time, not exceeding one month when the rent is payable monthly, nor in any case one year. Existing law provides that a hiring of real property for an uncertain term is deemed renewed under specified conditions, unless one of the parties gives written notice to the other of the party's intention to terminate the hiring at least as long before the expiration of the agreement as the term of the hiring itself, not exceeding 30 days, with specified exceptions.

This bill would provide an exception to the provisions described above when notices to quit are provided to 50 or more tenants within a five-mile radius within a 30-day period by the same owner or property manager. The bill would require notices to quit given under these

circumstances to provide for a term of 90 days. The bill would apply to any notices to quit provided on or after February 1, 2002.

(2) Existing law permits a court to stay the enforcement of a judgment, except as specified. Existing law permits a court to relieve a tenant of a forfeiture of a lease, where application for that relief is made within 30 days after the forfeiture is declared by the court, as specified.

This bill would permit a court, when judgment in an unlawful detainer action has been entered ordering the recovery of possession of a residential rental unit, to stay execution on the order or postpone the date of the possession upon any terms and conditions as the court may order, as specified.

~~Existing law generally authorizes a district, subject to specified conditions, to hold, at its discretion, an advisory election on any date that it may hold a regular or special election to allow voters within the jurisdiction to express their opinions on substantive issues, or to indicate to the legislative body approval or disapproval of a ballot proposal.~~

~~This bill would authorize the Sacramento Area Council of Governments (SACOG), a joint powers entity, to call a special advisory election to be held and conducted in each jurisdiction, or portion thereof, that is a member of SACOG. The special advisory election would be held on the same day as, and consolidated with, a regularly scheduled statewide election.~~

~~At the special advisory election conducted pursuant to this bill, the Board of Directors of SACOG would be authorized to submit to the voters of the jurisdictions comprising the membership of SACOG, for an advisory vote only, the question of whether the Metropolitan Transportation Plan, projects in the plan, or other related issues shall be approved by the SACOG Board of Directors.~~

~~This bill would provide the procedures applicable to the calling of the special advisory election by the SACOG Board of Directors, and for the approval of the consolidation of this election by the boards of supervisors of each county that is a member of SACOG, thereby imposing 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: majority. Appropriation: no. Fiscal committee: ~~yes~~ *no*. State-mandated local program: ~~yes~~ *no*.

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

~~SECTION 1. (a) (1) The Sacramento Area Council of~~

SECTION 1. Section 1946.2 is added to the Civil Code, to read:

1946.2. Notwithstanding Sections 1946 and 1946.1, a notice to quit shall be for 90 days, if 50 or more tenants within a five-mile radius are issued notices to quit within a 30-day period by the same owner or property manager. This section shall apply to any notices to quit provided on or after February 1, 2002.

SEC. 2. Section 1179.5 is added to the Code of Civil Procedure, to read:

1179.5. Notwithstanding the provisions of Section 918, when judgment in an unlawful detainer action has been entered ordering the recovery of possession of a residential rental unit, the court may, at the time of the order or any time before its execution, stay execution on the order or postpone the date of the possession for a period or periods and upon any terms and conditions as the court may order.

~~Governments (SACOG) develops the Metropolitan Transportation Plan (MTP) for the counties of Placer, Sacramento, Sutter, Yolo, Yuba, and El Dorado, except for the Tahoe Basin.~~

~~(2) The federal government requires public input into the transportation planning process. Public input would be actively sought, seriously measured and considered if the voters of the six-county Sacramento region were authorized to vote on an advisory measure that would specify, to the extent possible, the transportation projects included in the Metropolitan Transportation Plan.~~

~~(b) SACOG may call a special advisory election to be held and conducted in each jurisdiction, or portion thereof, that is a member of SACOG pursuant to Section 6500 of the Government Code. The special advisory election shall be held on the same day as, and consolidated with, a regularly scheduled statewide election.~~

~~(1) At the special advisory election conducted pursuant to this act, the Board of Directors of SACOG may submit to the voters of the jurisdictions comprising the membership of SACOG, for an~~

~~advisory vote only, the question of whether the Metropolitan Transportation Plan, projects in the plan, or other related issues shall be approved by the SACOG Board of Directors.~~

~~(2) The advisory vote on the question shall be indicated as a ballot heading, above the ballot proposal, by the following description: "Advisory Vote Only." The results of the advisory vote shall in no manner be controlling upon the Board of Directors of SACOG, whose duties and powers under applicable federal and state law for the approval of the Metropolitan Transportation Plan of 2025 shall not be affected thereby.~~

~~(c) The Board of Directors of SACOG shall, at least 88 days prior to the date of the special advisory election, adopt by a majority vote an order or resolution calling the special advisory election as authorized by this act that sets forth the exact form of the question to be voted upon as it is to appear on the ballot, and a resolution requesting consolidation of the special advisory election with the regularly scheduled statewide election. The resolution requesting the consolidation shall be adopted and filed at the same time as the adoption of the order or resolution calling the special advisory election, and shall be filed with the board of supervisors of each county that is a member of SACOG.~~

~~(d) The board of supervisors of each county shall immediately notify all cities that are members of SACOG located in the county of the receipt of the resolution to consolidate. Within 30 days of the date of submission the board of supervisors shall approve the resolution submitted pursuant to subdivision (c) unless it finds that the ballot style, voting equipment, or computer capacity is such that additional elections or materials cannot be consolidated with the next regularly scheduled statewide election.~~

~~(e) Public notices of the proceedings in which the resolution is to be considered for adoption shall be made pursuant to Section 25151 of the Government Code.~~

~~SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district are the result of a program for which legislative authority was requested by that local agency or school district, within the~~

~~meaning of Section 17556 of the Government Code and Section 6 of Article XIII B of the California Constitution.~~

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