

AMENDED IN SENATE AUGUST 15, 2016

AMENDED IN ASSEMBLY APRIL 21, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2280**

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**Introduced by Assembly Member Ridley-Thomas**

February 18, 2016

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An act to add Section ~~50964~~ to the Health and Safety Code, ~~50474.22~~ to the Government Code, relating to ~~housing~~, rental companies, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2280, as amended, Ridley-Thomas. ~~California Housing Finance Agency: program eligibility requirements: changes. Rental companies: customer facility charge.~~

*Existing law authorizes airports to require rental companies to collect a customer facility charge for specified purposes and requires airports to provide certain audits and reports regarding those fees to specified committees of the Legislature.*

*This bill would authorize the Los Angeles International Airport to charge those same fees for additional specified purposes and would require that airport to provide certain audits and reports regarding those fees to specified committees of the Legislature.*

*This bill would make legislative findings and declarations as to the necessity of a special statute for the Los Angeles International Airport.*

*This bill would declare that it is to take effect immediately as an urgency statute.*

~~Existing law creates the California Housing Finance Agency, which is administered by a board of directors and which is supervised on a~~

day-to-day basis by an executive director. Existing law provides that the primary purpose of the agency is to meet the housing needs of persons and families of low to moderate income. Existing law authorizes the agency to make loans to housing sponsors for housing developments and to qualified mortgage lenders, among others.

~~This bill would require the agency, within 5 business days of making a change to the eligibility requirements for a housing or lending program that the agency administrates, to provide a lender or other party participating in the program notice of the change unless providing that notice within 5 business days would impose an undue burden on the agency. The bill would authorize the notice to be provided by a program bulletin.~~

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: no. Fiscal committee: ~~yes~~<sup>no</sup>. State-mandated local program: no.

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

- 1     SECTION 1. Section 50474.22 is added to the Government
- 2     Code, to read:
- 3     50474.22. (a) For purposes of this section, “customer facility
- 4     charge” means any fee, including an alternative fee, required by
- 5     the Los Angeles International Airport to be collected by a rental
- 6     company from a renter for any of the following purposes:
- 7     (1) To finance, design, construct, or otherwise improve
- 8     consolidated airport vehicle rental facilities.
- 9     (2) To finance, design, construct, operate, maintain, or otherwise
- 10    improve common-use transportation systems that move passengers
- 11    between airport terminals and those consolidated vehicle rental
- 12    facilities, and acquire vehicles for use in that system.
- 13    (3) To finance, design, construct, or otherwise improve terminal
- 14    modifications solely to accommodate and provide customer access
- 15    to common-use transportation systems. The fees designated as a
- 16    customer facility charge shall not otherwise be used to pay for
- 17    terminal expansion, gate expansion, runway expansion, changes
- 18    in hours of operation, or changes in the number of flights arriving
- 19    or departing from the airport.
- 20    (b) The aggregate amount to be collected shall not exceed the
- 21    reasonable costs, as determined by an audit by an independent
- 22    auditor paid for by the airport, to finance, design, construct,
- 23    operate, maintain, or otherwise improve, as applicable, those

1 facilities, systems, and modifications. The auditor shall  
2 independently examine and substantiate the necessity for, and the  
3 amount of, the customer facility charge, including whether the  
4 airport's actual or projected costs are supported and justified,  
5 any steps the airport may take to limit costs, potential alternatives  
6 for meeting the airport's revenue needs other than the collection  
7 of the fee, and whether and to what extent rental companies or  
8 other businesses or individuals using the facility or common-use  
9 transportation system may pay for the costs associated with these  
10 facilities and systems apart from the fee from rental customers, or  
11 whether the airport did not comply with any provision of this  
12 section. Copies of the audit shall be provided to the Assembly and  
13 Senate Committees on Judiciary, the Assembly Committee on  
14 Transportation, and the Senate Committee on Transportation and  
15 Housing and shall be posted on the airport's Internet Web site. In  
16 the case of a customer facility charge for a common-use  
17 transportation system, the audit also shall consider the reasonable  
18 costs of providing the transit system or busing network pursuant  
19 to paragraph (1) of subdivision (a). Any audit required by this  
20 subdivision may be included as a part of an audit of an airport's  
21 finances.

22 (c) The authorization under this section for an airport to impose  
23 a customer facility charge shall become inoperative when bonds,  
24 capital contributions, availability payment contracts, lease  
25 agreements, or other forms for financing are paid or reimbursed.  
26 The maximum term for financing under this section shall not exceed  
27 35 years.

28 (d) This section shall not apply to any fee, including an  
29 alternative fee, required by an airport other than the Los Angeles  
30 International Airport to be collected by a rental company from a  
31 renter.

32 SEC. 2. The Legislature finds and declares that a special law  
33 is necessary and that a general law cannot be made applicable  
34 within the meaning of Section 16 of Article IV of the California  
35 Constitution because of the unique circumstances and operations  
36 of the Los Angeles International Airport.

37 SEC. 3. This act is an urgency statute necessary for the  
38 immediate preservation of the public peace, health, or safety within  
39 the meaning of Article IV of the Constitution and shall go into  
40 immediate effect. The facts constituting the necessity are:

1 *In order to efficiently address pressing public safety concerns*  
2 *at the Los Angeles International Airport by providing necessary*  
3 *financing tools, it is necessary that this act take effect immediately.*

4 SECTION 1. It is the intent of the Legislature in enacting this  
5 act to do all of the following:

6 (a) ~~Promote home ownership in California by establishing~~  
7 ~~stability and predictability in the programs administered by the~~  
8 ~~California Housing Finance Agency.~~

9 (b) ~~To improve the confidence of prospective home buyers in~~  
10 ~~government programs designed to assist them in the complex~~  
11 ~~process of buying a home and the ability of prospective home~~  
12 ~~buyers to purchase a home.~~

13 (c) ~~To ensure that prospective home buyers who are in the~~  
14 ~~process of purchasing a home through a program administered by~~  
15 ~~the California Housing Finance Agency receive notice as soon as~~  
16 ~~practically possible regarding changes in eligibility requirements,~~  
17 ~~so they are best positioned to secure the financing that they need~~  
18 ~~and deserve.~~

19 SEC. 2. Section 50964 is added to the Health and Safety Code,  
20 to read:

21 50964. The agency shall, within five business days of making  
22 a change to the eligibility requirements for a housing or lending  
23 program that the agency administers, however that program may  
24 be characterized, including, but not limited to, the California  
25 Homebuyer's Downpayment Assistance Program (Chapter 11  
26 (commencing with Section 51500)) and the Mortgage Credit  
27 Certificate Program (Chapter 3.5 (commencing with Section 50172)  
28 of Part 1), provide a lender or other party participating in the  
29 program notice of the change unless providing that notice within  
30 five business days would impose an undue burden on the agency.  
31 The notification may be provided by means of a program bulletin.