

AMENDED IN ASSEMBLY MAY 4, 2016

AMENDED IN ASSEMBLY APRIL 26, 2016

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CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2801

Introduced by Assembly Member Gallagher

February 19, 2016

An act to amend Section 53755 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 2801, as amended, Gallagher. Local government: fees and charges: written protest.

Articles XIII C and XIII D of the California Constitution generally require that assessments, fees, and charges be submitted to property owners for approval or rejection after the provision of written notice and the holding of a public hearing. Existing law, the Proposition 218 Omnibus Implementation Act, prescribes specific procedures and parameters for local jurisdictions to comply with Articles XIII C and XIII D of the California Constitution.

Existing statutory law provides notice, protest, and hearing procedures for the levying of new or increased fees or charges by local government agencies pursuant to Article XIII D of the California Constitution. Under existing statutory law, one written protest per parcel, filed by an owner or tenant of the parcel, is counted in calculating a majority protest to a proposed new or increased fee or charge.

This bill would require the agency to maintain the written protests for a minimum of 2 years following the date of the hearing to consider

the written protests. By increasing the duties of local officials, this bill would impose 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. Section 53755 of the Government Code is
2 amended to read:

3 53755. (a) (1) The notice required by paragraph (1) of
4 subdivision (a) of Section 6 of Article XIII D of the California
5 Constitution of a proposed increase of an existing fee or charge
6 for a property-related service being provided to a parcel may be
7 given by including it in the agency’s regular billing statement for
8 the fee or charge or by any other mailing by the agency to the
9 address to which the agency customarily mails the billing statement
10 for the fee or charge.

11 (2) The notice required by paragraph (1) of subdivision (a) of
12 Section 6 of Article XIII D of the California Constitution of a
13 proposed new fee or charge may be given in the manner authorized
14 for notice of an increase of a fee or charge if the agency is currently
15 providing an existing property-related service to the address.

16 (3) If the agency desires to preserve any authority it may have
17 to record or enforce a lien on the parcel to which service is
18 provided, the agency shall also mail notice to the recordowner’s
19 address shown on the last equalized assessment roll if that address
20 is different than the billing or service address.

21 (b) One written protest per parcel, filed by an owner or tenant
22 of the parcel, shall be counted in calculating a majority protest to
23 a proposed new or increased fee or charge subject to the
24 requirements of Section 6 of Article XIII D of the California
25 Constitution.

1 (c) Any agency that bills, collects, and remits a fee or charge
2 on behalf of another agency may provide the notice required by
3 Section 6 of Article XIII D of the California Constitution on behalf
4 of the other agency.

5 (e)

6 (d) The agency shall maintain all written protests for a minimum
7 of two years following the date of the hearing to consider written
8 protests.

9 SEC. 2. If the Commission on State Mandates determines that
10 this act contains costs mandated by the state, reimbursement to
11 local agencies and school districts for those costs shall be made
12 pursuant to Part 7 (commencing with Section 17500) of Division
13 4 of Title 2 of the Government Code.

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