

AMENDED IN SENATE SEPTEMBER 4, 2009

AMENDED IN SENATE JUNE 25, 2009

AMENDED IN ASSEMBLY MAY 18, 2009

AMENDED IN ASSEMBLY APRIL 27, 2009

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 474

**Introduced by Assembly Member Blumenfield
(Coauthors: Assembly Members Bill Berryhill, Caballero, Gilmore,
Krekorian, and Nestande)**

February 24, 2009

An act to amend Section 1102.6b of the Civil Code, and to amend Sections 5898.12, 5898.14, 5898.20, 5898.21, 5898.22, 5898.24, 5898.28, 5898.30, ~~and 5898.32 and 5898.30~~ of, and to add Section 5898.31 to, the Streets and Highways Code, relating to contractual assessments, ~~and declaring the urgency thereof, to take effect immediately.~~ *assessments.*

LEGISLATIVE COUNSEL'S DIGEST

AB 474, as amended, Blumenfield. Contractual assessments: water efficiency improvements.

Existing law authorizes the legislative body of any city, defined as a city, county, or city and county, to determine that it would be convenient and advantageous to designate an area within which authorized city officials and free and willing property owners may enter into contractual assessments and make arrangements to finance public improvements

to specified lots or parcels or to finance the installation of distributed generation renewable energy sources or energy efficiency improvements that are permanently fixed to real property, as specified. Existing law requires the legislative body to make these determinations by adopting a resolution indicating its intention to do so and requires the resolution to include certain specified information.

This bill would expand these provisions to authorize the legislative body of any public agency, as defined, to determine that it would be in the public interest to designate an area within which authorized city officials and free and willing property owners may enter into contractual assessments to finance the installation of water efficiency improvements that are permanently fixed to real property, as specified. The bill would also, with respect to all of its provisions, modify its definitions and require a legislative body to perform additional record keeping duties and provide specified notice to any entity that provides energy or water within the boundaries of the area within which contractual assessments may be entered into. This bill would also require additional specified disclosures ~~to~~ for a transfer of real property subject to a contractual assessment. The bill would declare the intent of the Legislature in regard to these provisions. This bill would make technical, nonsubstantive changes to these provisions.

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

Vote: $\frac{2}{3}$ -majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

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

1 SECTION 1. Section 1102.6b of the Civil Code is amended
2 to read:
3 1102.6b. (a) This section applies to all transfers of real property
4 for which all of the following apply:
5 (1) The transfer is subject to this article.
6 (2) The property being transferred is subject to a continuing lien
7 securing the levy of special taxes pursuant to the Mello-Roos
8 Community Facilities Act (Chapter 2.5 (commencing with Section
9 53311) of Part 1 of Division 2 of Title 5 of the Government Code),
10 to a fixed lien assessment collected in installments to secure bonds
11 issued pursuant to the Improvement Bond Act of 1915 (Division
12 10 (commencing with Section 8500) of the Streets and Highways

Code), or to a contractual assessment program authorized pursuant to Chapter 29 (commencing with Section ~~5859.10~~ 5898.10) of Part 3 of Division 7 of the Streets and Highway Code.

(3) A notice is not required pursuant to Section 53341.5 of the Government Code.

(b) In addition to any other disclosure required pursuant to this article, the seller of any real property subject to this section shall make a good faith effort to obtain a disclosure notice concerning the special tax as provided for in Section 53340.2 of the Government Code, or a disclosure notice concerning an assessment installment as provided in Section 53754 of the Government Code, from each local agency that levies a special tax pursuant to the Mello-Roos Community Facilities Act, or that collects assessment installments to secure bonds issued pursuant to the Improvement Bond Act of 1915 (Division 10 (commencing with Section 8500) of the Streets and Highways Code), *or a disclosure notice concerning the contractual assessment as provided in Section 5898.24 of the Streets and Highways Code*, on the property being transferred, and shall deliver that notice or those notices to the prospective purchaser, as long as the notices are made available by the local agency.

(c) (1) The seller of real property subject to this section may satisfy the disclosure notice requirements in regard to the bonds issued pursuant to the Improvement Bond Act of 1915 (Division 10 (commencing with Section 8500) of the Streets and Highways Code) by delivering a disclosure notice that is substantially equivalent and obtained from another source, until December 31, 2004. ~~For~~

(2) *The seller of real property subject to this section may satisfy the disclosure notice requirements in regard to the assessments collected under the contractual assessment program authorized pursuant to Chapter 29 (commencing with Section 5898.10) of Part 3 of Division 7 of the Streets and Highway Code by delivering a disclosure notice that is substantially equivalent and obtained from another source.*

(3) For the purposes of this section, a substantially equivalent disclosure notice includes, but is not limited to, a copy of the most recent year's property tax bill or an itemization of current assessment amounts applicable to the property.

1 (d) (1) Notwithstanding subdivision (c), at any time after the
2 effective date of this section, the seller of real property subject to
3 this section may satisfy the disclosure notice requirements of this
4 section by delivering a disclosure notice obtained from a
5 nongovernmental source that satisfies the requirements of
6 paragraph (2).

7 (2) A notice provided by a private entity other than a designated
8 office, department, or bureau of the levying entity may be modified
9 as needed to clearly and accurately describe a special tax pursuant
10 to the Mello-Roos Community Facilities Act levied against the
11 property or to clearly and accurately consolidate information about
12 two or more districts that levy or are authorized to levy a special
13 tax pursuant to the Mello-Roos Community Facilities Act against
14 the property, and shall include the name of the Mello-Roos entity
15 levying taxes against the property, the annual tax due for the
16 Mello-Roos entity for the current tax year, the maximum tax that
17 may be levied against the property in any year, the percentage by
18 which the maximum tax for the Mello-Roos entity may increase
19 per year, and the date until the tax may be levied against the
20 property for the Mello-Roos entity and a contact telephone number,
21 if available, for further information about the Mello-Roos entity.
22 A notice provided by a private entity other than a designated office,
23 department, or bureau of the levying entity may be modified as
24 needed to clearly and accurately describe special assessments and
25 bonds pursuant to the Improvement Bond Act of 1915 levied
26 against the property, or to clearly and accurately consolidate
27 information about two or more districts that levy or are authorized
28 to levy special assessments and bonds pursuant to the Improvement
29 Bond Act of 1915 against the property, and shall include the name
30 of the special assessments and bonds issued pursuant to the
31 Improvement Bond Act of 1915, the current annual tax on the
32 property for the special assessments and bonds issued pursuant to
33 the Improvement Bond Act of 1915 and a contact telephone
34 number, if available, for further information about the special
35 assessments and bonds issued pursuant to the Improvement Bond
36 Act of 1915.

37 (3) This section does not change the ability to make disclosures
38 pursuant to Section 1102.4 of the Civil Code.

39 (e) If a disclosure received pursuant to subdivision (b), (c), or
40 (d) has been delivered to the transferee, a seller or his or her agent

1 is not required to provide additional information concerning, and
2 information in the disclosure shall be deemed to satisfy the
3 responsibility of the seller or his or her agent to inform the
4 transferee regarding the special tax or assessment installments and
5 the district. Notwithstanding subdivision (b), (c), or (d), nothing
6 in this section imposes a duty to discover a special tax or
7 assessment installments or the existence of any levying district not
8 actually known to the agents.

9 SEC. 2. Section 5898.12 of the Streets and Highways Code is
10 amended to read:

11 5898.12. (a) It is the intent of the Legislature that this chapter
12 should be used to finance public improvements to lots or parcels
13 which are developed and where the costs and time delays involved
14 in creating an assessment district pursuant to other provisions of
15 this division or any other law would be prohibitively large relative
16 to the cost of the public improvements to be financed.

17 (b) It is also the intent of the Legislature that this chapter should
18 be used to finance the installation of distributed generation
19 renewable energy sources or energy efficiency improvements that
20 are permanently fixed to residential, commercial, industrial,
21 agricultural, or other real property.

22 (c) It is also the intent of the Legislature to address chronic
23 water needs throughout California by permitting voluntary
24 individual efforts to improve water efficiency. The Legislature
25 further intends that this chapter should be used to finance the
26 installation of water efficiency improvements that are permanently
27 fixed to residential, commercial, industrial, agricultural, or other
28 real property, including, but not limited to, recycled water
29 connections, synthetic turf, cisterns for stormwater recovery, and
30 permeable pavement.

31 (d) It is also the intent of the Legislature that a public agency
32 in the process of establishing an assessment program, to the extent
33 feasible, use a good faith effort to provide advance notice of the
34 proposed program to water and electric service providers in the
35 relevant service area, as set forth in Section 5898.24, to allow the
36 most efficient coordination and collaboration between the public
37 agency and water and electric service providers.

38 (e) This chapter shall not be used to finance facilities for parcels
39 which are undergoing development.

(f) This chapter shall not be used to finance the purchase or installation of appliances that are not permanently fixed to residential, commercial, industrial, agricultural, or other real property.

(g) Assessments may be levied pursuant to this chapter only with the free and willing consent of the owner of each lot or parcel on which an assessment is levied at the time the assessment is levied.

SEC. 3. Section 5898.14 of the Streets and Highways Code is amended to read:

5898.14. (a) The Legislature finds all of the following:

(1) Energy and water conservation efforts, including the promotion of energy efficiency improvements to residential, commercial, industrial, agricultural, or other real property are necessary to address the issue of global climate change.

(2) The upfront cost of making residential, commercial, industrial, *agricultural*, or other real property more energy and water efficient prevents many property owners from making those improvements. To make those improvements more affordable and to promote the installation of those improvements, it is necessary to authorize an alternative procedure for authorizing assessments to finance the cost of energy and water efficiency improvements.

(b) The Legislature declares that a public purpose will be served by a voluntary contractual assessment program that provides the legislative body of any public agency with the authority to finance the installation of distributed generation renewable energy sources and energy or water efficiency improvements that are permanently fixed to residential, commercial, industrial, agricultural, or other real property.

SEC. 4. Section 5898.20 of the Streets and Highways Code is amended to read:

5898.20. (a) (1) The legislative body of any public agency may determine that it would be convenient and advantageous to designate an area within the public agency, which may encompass the entire public agency or a lesser portion, within which authorized public agency officials and property owners may enter into voluntary contractual assessments for public improvements and to make financing arrangements pursuant to this chapter.

(2) The legislative body of any public agency may also determine that it would be convenient, advantageous, and in the

1 public interest to designate an area within the public agency, which
2 may encompass the entire public agency or a lesser portion, within
3 which authorized public agency officials and property owners may
4 enter into voluntary contractual assessments to finance the
5 installation of distributed generation renewable energy sources or
6 energy or water efficiency improvements that are permanently
7 fixed to real property pursuant to this chapter.

8 (b) The legislative body shall make these determinations by
9 adopting a resolution indicating its intention to do so. The
10 resolution of intention shall include a statement that the public
11 agency proposes to make voluntary contractual assessment
12 financing available to property owners, shall identify the kinds of
13 public works, distributed generation renewable energy sources, or
14 energy or water efficiency improvements that may be financed,
15 shall describe the boundaries of the area within which voluntary
16 contractual assessments may be entered into, and shall briefly
17 describe the proposed arrangements for financing the program,
18 including a brief description of criteria for determining the
19 creditworthiness of a property owner. The resolution of intention
20 shall state that it is in the public interest to finance the installation
21 of distributed generation renewable energy sources or energy or
22 water efficiency improvements, or both, pursuant to paragraph (2)
23 of subdivision (a), if applicable. The resolution shall state that a
24 public hearing should be held at which interested persons may
25 object to or inquire about the proposed program or any of its
26 particulars, and shall state the time and place of the hearing. The
27 resolution shall direct an appropriate public agency official to
28 prepare a report pursuant to Section 5898.22 and to enter into
29 consultations with the county auditor's office or county controller's
30 office in order to reach agreement on what additional fees, if any,
31 will be charged to the city or county for incorporating the proposed
32 voluntary contractual assessments into the assessments of the
33 general taxes of the city or county on real property.

34 (c) As used in this chapter, each of the following terms shall
35 have the following meaning:

36 (1) "Efficiency improvements" means permanent improvements
37 fixed to residential, commercial, industrial, agricultural, or other
38 real property.

39 (2) "Legislative body" means the governing body of a public
40 agency.

1 (3) (A) For the purpose of financing the installation of water
2 efficiency improvements, “public agency” means a city, county,
3 city and county, municipal utility district, community services
4 district, sanitary district, sanitation district, or water district, as
5 defined in Section 20200 of the Water Code. The definition of
6 “city” in Section 5005 shall not apply to this subparagraph.

7 (B) For the purpose of financing the installation of distributed
8 generation renewable energy sources or energy efficiency
9 improvements, “public agency” means a county, city, city and
10 county, or a municipal utility district, an irrigation district, or public
11 utility district that owns and operates an electric distribution
12 system. The definition of “city” in Section 5005 shall not apply to
13 this subparagraph.

14 (C) For the purpose of financing the public improvements,
15 “public agency” means a city as defined in Section 5005.

16 SEC. 5. Section 5898.21 of the Streets and Highways Code is
17 amended to read:

18 5898.21. Notwithstanding any other provision of this chapter,
19 upon the written consent of an authorized public agency official,
20 the proposed arrangements for financing the program pertaining
21 to the installation of distributed generation renewable energy
22 sources or energy or water efficiency improvements that are
23 permanently fixed to real property may authorize the property
24 owner to purchase directly the related equipment and materials for
25 the installation of distributed generation renewable energy sources
26 or energy or water efficiency improvements and to contract directly
27 for the installation of distributed generation renewable energy
28 sources or energy or water efficiency improvements that are
29 permanently fixed to the property owner’s residential, commercial,
30 industrial, agricultural, or other real property.

31 SEC. 6. Section 5898.22 of the Streets and Highways Code is
32 amended to read:

33 5898.22. The report shall contain all of the following:

34 (a) A map showing the boundaries of the territory within which
35 voluntary contractual assessments are proposed to be offered.

36 (b) A draft contract specifying the terms and conditions that
37 would be agreed to by a property owner within the voluntary
38 contractual assessment area and the public agency.

39 (c) A statement of public agency policies concerning voluntary
40 contractual assessments including all of the following:

1 (1) Identification of types of facilities, distributed generation
2 renewable energy sources, or energy or water efficiency
3 improvements that may be financed through the use of contractual
4 assessments.

5 (2) Identification of a public agency official authorized to enter
6 into voluntary contractual assessments on behalf of the public
7 agency.

8 (3) A maximum aggregate dollar amount of voluntary
9 contractual assessments.

10 (4) A method for setting requests from property owners for
11 financing through voluntary contractual assessments in priority
12 order in the event that requests appear likely to exceed the
13 authorization amount.

14 (d) A plan for raising a capital amount required to pay for work
15 performed pursuant to voluntary contractual assessments. The plan
16 may include amounts to be advanced by the public agency through
17 funds available to it from any source. The plan may include the
18 sale of a bond or bonds or other financing relationship pursuant
19 to Section 5898.28. The plan shall include a statement of or method
20 for determining the interest rate and time period during which
21 contracting property owners would pay any assessment. The plan
22 shall provide for any reserve fund or funds. The plan shall provide
23 for the apportionment of all or any portion of the costs incidental
24 to financing, administration, and collection of the voluntary
25 contractual assessment program among the consenting property
26 owners and the public agency.

27 (e) A report on the results of the consultations with the county
28 auditor's office or county controller's office concerning the
29 additional fees, if any, that will be charged to the city or county
30 for incorporating the proposed voluntary contractual assessments
31 into the assessments of the general taxes of the city or county on
32 real property, and a plan for financing the payment of those fees.

33 SEC. 7. Section 5898.24 of the Streets and Highways Code is
34 amended to read:

35 5898.24. (a) A legislative body shall publish notice of a hearing
36 pursuant to Section 6066 of the Government Code, and the first
37 publication shall occur not later than 20 days before the date of
38 the hearing.

39 (b) A legislative body shall provide written notice of a proposed
40 contractual assessment program to all water or electric providers

1 within the boundaries of the area within which voluntary
2 contractual assessments may be entered into not less than 60 days
3 prior to adoption of any resolution pursuant to Section 5898.26.

4 (c) (1) A legislative body administering a voluntary contractual
5 assessment program shall designate an office, department, or
6 bureau of the local agency that shall be responsible for annually
7 preparing the current roll of assessment obligations by assessor's
8 parcel number on property subject to a voluntary contractual
9 assessment.

10 (2) The designated office, department, or bureau shall establish
11 procedures to promptly respond to inquiries concerning current
12 and future estimated liability for a voluntary contractual
13 assessment. Neither the designated office, department, or bureau,
14 nor the legislative body, shall be liable if any estimate of future
15 voluntary contractual assessment liability is inaccurate, nor for
16 any failure of any seller to request notice pursuant to this chapter
17 or to provide the notice to a buyer.

18 ~~(d) (1) For purposes of enabling sellers of real property subject~~
19 ~~to a voluntary contractual assessment to satisfy the notice~~
20 ~~requirements of Section 1102.6b of the Civil Code, the designated~~
21 ~~office, department, or bureau shall furnish a Notice of Voluntary~~
22 ~~Contractual Assessment to any individual requesting the notice or~~
23 ~~to any owner of property subject to a voluntary contractual~~
24 ~~assessment levied by the local agency within five working days~~
25 ~~of receiving a request for the notice.~~

26 ~~(2) The local agency may charge a fee to pay for the actual cost~~
27 ~~of providing service under this subdivision not to exceed fifteen~~
28 ~~dollars (\$15).~~

29 ~~(e) The notice shall be completed by the designated office,~~
30 ~~department, or bureau except for the signatures and date of signing,~~
31 ~~and the form may be modified as needed to clearly and accurately~~
32 ~~describe the assessment. The notice shall contain the heading~~
33 ~~"NOTICE OF VOLUNTARY CONTRACTUAL ASSESSMENT"~~
34 ~~in type no smaller than 8-point type, and shall be in substantially~~
35 ~~the following form:~~

36
37
38
39 NOTICE OF CONTRACTUAL ASSESSMENT
40 LOCAL AGENCY _____

COUNTY OF _____, CALIFORNIA

TO: THE PROSPECTIVE PURCHASER OF THE REAL
PROPERTY KNOWN AS:

THIS IS A NOTIFICATION TO YOU PRIOR TO YOUR
PURCHASING THIS PROPERTY.

(1) This property is subject to a voluntary contractual assessment that is in addition to the regular property taxes and any other charges and benefit assessments on the parcel. This voluntary contractual assessment is not necessarily imposed on all parcels within the city, the county, or even the subdivision in which the property is located, but only on those parcels to which the property owner financed improvements to the property pursuant to Chapter 29 of Part 3 of the California Streets and Highways Code. If you fail to pay this contractual assessment when due each year, the property may be foreclosed upon and sold. The voluntary contractual assessment is used to provide improvements that particularly benefit the property. YOU SHOULD TAKE THIS ASSESSMENT AND THE BENEFITS FROM THE IMPROVEMENTS FOR WHICH IT PAYS INTO ACCOUNT IN DECIDING WHETHER TO BUY THIS PROPERTY.

(2) The voluntary contractual assessment against this parcel is to pay for improvements to this property and equals _____ dollars (\$ _____) during the _____ - _____ tax year. The voluntary contractual assessment will be imposed each year until the financing for all of improvements has been paid.

(3) The improvements that are being financed by the voluntary contractual assessment are:

YOU MAY OBTAIN A COPY OF THE CONTRACT PROVIDING FOR THESE ASSESSMENTS FROM THE _____ (name of jurisdiction) BY CALLING _____ (telephone number). THERE MAY BE A CHARGE FOR THIS DOCUMENT NOT TO EXCEED THE ACTUAL COST OF PROVIDING THE DOCUMENT.

I (WE) ACKNOWLEDGE THAT I (WE) HAVE RECEIVED A COPY OF THIS NOTICE. I (WE) UNDERSTAND THAT I

~~1 (WE) MAY TERMINATE THE CONTRACT TO PURCHASE
2 OR DEPOSIT RECEIPT AFTER RECEIVING THIS NOTICE
3 FROM THE OWNER OR AGENT SELLING THE PROPERTY.
4 THE CONTRACT MAY BE TERMINATED WITHIN THREE
5 DAYS IF THE NOTICE WAS RECEIVED IN PERSON OR
6 WITHIN FIVE DAYS AFTER IT WAS DEPOSITED IN THE
7 MAIL BY GIVING WRITTEN NOTICE OF THAT
8 TERMINATION TO THE OWNER OR AGENT SELLING THE
9 PROPERTY.~~

10 DATE: _____

11 _____
12 _____

13 *(d) For purposes of enabling sellers of real property subject to
14 a voluntary contractual assessment to satisfy the notice
15 requirements of Section 1102.6b of the Civil Code, the legislative
16 body shall cause to be recorded in the office of the county recorder
17 for the county in which the real property is located, concurrently
18 with the instrument creating the voluntary contractual assessment,
19 a separate document that meets all of the following requirements:*

20 *(1) The title of the document shall be "Payment of Contractual
21 Assessment Required" in at least 14-point boldface type.*

22 *(2) The document shall include all of the following information:*

23 *(A) The names of all current owners of the real property subject
24 to the contractual assessment, and the legal description and the
25 assessor's parcel number for the affected real property.*

26 *(B) The annual amount of the contractual assessment.*

27 *(C) The date or circumstances under which the contractual
28 assessment expires, or a statement that the assessment is perpetual.*

29 *(D) The purpose for which the funds from the contractual
30 assessment will be used.*

31 *(E) The entity to which funds from the contractual assessment
32 will be paid and specific contact information for that entity.*

33 *(F) The signature of the authorized representative of the
34 legislative body to which funds from the contractual assessment
35 will be paid.*

36 *(e) The recorder shall only be responsible for examining the
37 document required by subdivision (d) and determining that it
38 contains the information required by subparagraphs (A), (E), and
39 (F) of paragraph (2) of subdivision (d). The recorder shall index
40 the document under the names of the persons and entities identified*

1 *in subparagraphs (A) and (E) of paragraph (2) of subdivision (d).*
2 *The recorder shall not examine any other information contained*
3 *in the document required by subdivision (d).*

4 SEC. 8. Section 5898.28 of the Streets and Highways Code is
5 amended to read:

6 5898.28. A public agency may issue bonds pursuant to this
7 chapter, the principal and interest for which would be repaid by
8 voluntary contractual assessments. A public agency may advance
9 its own funds to finance work to be repaid through voluntary
10 contractual assessments, and may from time to time sell bonds to
11 reimburse itself for such advances. A public agency may enter into
12 a relationship with an underwriter or financial institution that would
13 allow the sequential issuance of a series of bonds, each bond being
14 issued as the need arose to finance work to be repaid through
15 voluntary contractual assessments. The interest rate of each bond
16 may be determined by an appropriate index, but shall be fixed at
17 the time each bond is issued. Bond proceeds may be used to
18 establish a reserve fund, and to pay for expenses incidental to the
19 issuance and sale of the bonds. Division 10 (commencing with
20 Section 8500) shall apply to any bonds issued pursuant to this
21 section, insofar as that division is not in conflict with this chapter.

22 SEC. 9. Section 5898.30 of the Streets and Highways Code is
23 amended to read:

24 5898.30. Assessments levied pursuant to this chapter, and the
25 interest and any penalties thereon shall constitute a lien against
26 the lots and parcels of land on which they are made, until they are
27 paid. Division 10 (commencing with Section 8500), insofar as
28 those provisions are not in conflict with the provisions of this
29 chapter, Article 13 (commencing with Section 53930) of, and
30 Article 13.5 (commencing with Section 53938) of, Chapter 4 of
31 Part 1 of Division 2 of Title 5 of the Government Code apply to
32 the imposition and collection of assessments contracted for
33 pursuant to this chapter, including, but not limited to, provisions
34 related to lien priority, the collection of assessments in the same
35 manner and at the same time as the general taxes of the city or
36 county on real property, and any penalties and remedies in the
37 event of delinquency and default.

38 SEC. 10. Section 5898.31 is added to the Streets and Highways
39 Code, to read:

1 5898.31. Since contractual assessments on real property under
2 this chapter are voluntary and imposed pursuant to an agreement
3 with an assessed property owner, the Legislature finds and declares
4 that voluntary contractual assessments under this chapter are not
5 assessments for the purposes of Articles XIII C and XIII D of the
6 California Constitution and therefore the provisions of Articles
7 XIII C and XIII D and Article 4.6 (commencing with Section
8 53750) of Chapter 4 of Part 1 of Division 2 of Title 5 of the
9 Government Code are not applicable to voluntary contractual
10 assessments levied pursuant to this chapter.

11 ~~SEC. 11. Section 5898.32 of the Streets and Highways Code~~
12 ~~is amended to read:~~

13 ~~5898.32. The legislative body shall direct its clerk to record a~~
14 ~~notice of the existence and amount of each voluntary contractual~~
15 ~~assessment with the county recorder of the county in which the lot~~
16 ~~or parcel is located. The form of notice filed by the clerk shall be~~
17 ~~substantially the same form as set forth in subdivision (f) of Section~~
18 ~~3114. The county recorder shall accept those filings and may charge~~
19 ~~the clerk a fee for recording those documents pursuant to Section~~
20 ~~3116. The failure of the clerk or recorder to perform the filings~~
21 ~~shall not subject the local agency or any of its officers or employees~~
22 ~~to civil liability. The remaining provisions of Division 4.5 do not~~
23 ~~apply to this chapter.~~

24 ~~SEC. 12. This act is an urgency statute necessary for the~~
25 ~~immediate preservation of the public peace, health, or safety within~~
26 ~~the meaning of Article IV of the Constitution and shall go into~~
27 ~~immediate effect. The facts constituting the necessity are:~~

28 ~~In order for legislative bodies of public agencies and willing~~
29 ~~property owners to enter into voluntary contractual assessments~~
30 ~~to finance water efficiency improvements and for the state to begin~~
31 ~~to experience the effects of these voluntary contractual assessments,~~
32 ~~it is necessary that this act take effect immediately.~~