

13-0002-0140

NOV 27 2013

RESOLUTION RULES, ELECTIONS & INTERGOVERNMENTAL RELATIONS

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, in 2012, the California State Legislature approved and the Governor signed SB 1186 (Steinberg), a measure intended to increase compliance with laws on disabled access and to protect small businesses that make a good faith effort to comply with the law from predatory litigation practices that try to scare a business into a quick settlement; and

WHEREAS, while SB 1186 is an important step towards disabled access compliance that balances the needs of business and the disabled community, it contained an ancillary state mandate requiring local government to levy and collect an annual \$1 fee from any applicant for a local business license or equivalent instrument or permit, and any applicant for the renewal of a business license or equivalent instrument or permit to fund the Certified Access Specialist program and for state and local educational programs to assist building owners to understand and meet their compliance obligations; and

WHEREAS, the measure allows local government to retain a small percentage (5%) from this levy to cover a portion of the significant cost of billing, processing, and collecting this new state-mandated fee; and

WHEREAS, SB 1186 appears to mandate universal application of this state fee to all businesses, failing to recognize existing local government policies that distinguish between certain types of businesses, exempting some from business taxes to encourage economic development in targeted areas or business categories; and

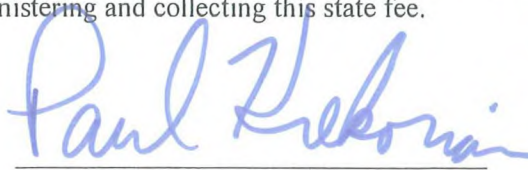
WHEREAS, it is unclear at this time what impact the requirements of Proposition 26 have on the application of this fee by local government on behalf of the state without voter approval, and if this fee is subject to reimbursement from the State pursuant to Art. XIII B, § 6 of the State Constitution; and

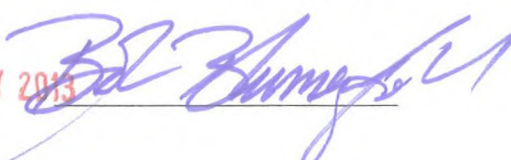

WHEREAS, the City of Los Angeles has a long-established commitment to stringent enforcement of laws protecting the access rights of persons with disabilities, including a dedicated Department on Disability responsible for ensuring full access to employment, programs, facilities and services for all City residents, and an appointed Board of Disability Access Appeals that oversees compliance issues; and

WHEREAS, legislative or administrative clarification, or relief, is needed regarding the implementation of the state's mandatory \$1 disability access related fee to ensure that the generation of sufficient funds for disability access compliance does not impinge on other local priorities such as business and economic development, and to ensure that, if this state-mandated fee continues, then local government is fully reimbursed for the cost of administering and collecting this state-mandated fee.

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2013-2014 State Legislative Program SPONSORSHIP of State Legislation and/or pursuit of administrative actions that would clarify for local government the provision in SB 1186 (Chapter 383, Statutes of 2012) that requires local governments to impose a \$1 per year state-mandated fee to fund disabled access compliance and awareness, to either relieve local government of this state-mandated fee burden or fully reimburse local government for the cost of administering and collecting this state fee.

PRESENTED BY: 
Mitchell Englander
Councilmember, 12th District


Paul Krekorian
Councilmember, 2nd District

SECONDED BY: 


ORIGINAL