

SACRAMENTO REPORT

The Twilight Zone?

by Greg McConnell, Legislative Advocate

You're driving down a desolate road. No one is in sight. Not a car, a truck, or a cop. You say to yourself, this is the time to unleash those horses. You step hard on the accelerator. In a moment, you hit 60, 70 then 80 miles per hour. The road curves. Undaunted and feeling that thrill of getting away with something, you press harder. No one sees you, so you hit 100 then 110. Suddenly blinding lights come up behind you. You see flashes of red and blue. Siren sounds fill the night air. You know it's over. You're busted and there is absolutely nothing you can say because you are dead wrong.

You pull over and the cop walks up to you. With surprising politeness, the officer says "Sir, I don't need to tell you why I pulled you over, do I?" You get that caught in the cookie jar look on your face and say, "I'm sorry, I guess I got carried away. Can you give me a break?" Not persuaded, the cop says, "Just because you think no one is looking, that is not an excuse to break the law." He gives you a ticket and a notice to appear in Court. For the next several weeks, you torture yourself. How could I have been so stupid? I am going to pay a million dollars in fines. I'll lose my insurance. I may even spend some time with the boys in cell block 13.

Two months later you and the cop show up in Court. The Judge looks down from the bench and snarls. You know someone is going to jail. Just as you are about to break down and cry, the Judge says that the cop, not you, must serve three months behind bars. The court room goes silent. No one can believe the cop is facing time. Then solemnly, the judge explains that even though you knew you were breaking the law, the cop was required to tell you why he pulled you over. He didn't, so he must pay a fine of \$2,500 and serve three months in jail. Sound impossible? You haven't been to Sacramento lately. AB 2210 (Goldberg) is just that crazy.

In what has to be the most punitive anti-landlord bill this session, Assembly member Goldberg is pushing legislation that provides that people who illegally park their cars on private property have notice rights that must be complied with or the landlord who has the car towed can be cited for a misdemeanor and fined up to \$2,500 and sentenced to jail for as long as three months.

A little background: Allegedly, there is a problem with bandit tow truck operators who go around parking structures looking for cars that are illegally parked. Ms Goldberg introduced AB 2210 to regulate these guys. No problem so far.

Then she decides that landlords are partly responsible for the bandit conduct. So, her bill requires that a landlord must give written authorization before a tow truck operator can remove an illegally parked car. The written authorization must include, among other things:

- The make, model, vehicle identification number, and license plate number of the removed vehicle.
- The name, signature, job title, residential or business address and working telephone number of the person, authorizing the removal of the vehicle.
- The grounds for the removal of the vehicle.
- The time when the vehicle was first observed parked at the private property.
- The time that authorization to tow the vehicle was given.

In addition, as introduced, the bill required the landlord or his agent to be present at the time the car is towed.

The industry resisted the bill for many reasons, but one of the most pressing problems was the requirement that the owner had to be present at the time the car is towed. The impact of this requirement was bad for all landlords because it required landlords, or their agents, to be in confrontational situations with angry people. But it was even more of a problem for small to midsize owners. Since they do not have resident managers, they would have to travel to their properties every time a tenant complained that someone was in his or her space.

When the other members of the legislature realized the burden that this placed on small to midsize landlords, they agreed upon a compromise for owners of properties that had fewer than 15 units and no resident manager. If a tenant provided a written or electronic statement that included the required information about an illegally parked car in his or her space, the owner could then give authorization to have the car towed. We still did not like the bill, but thought this was the best compromise that we could reach.

Nine days after this compromise was reached, Ms Goldberg quietly introduced a killer amendment. If a small landlord has a car towed in reliance upon a tenant statement and the required writing or electronic message does not contain all of the required information, the landlord is guilty of a misdemeanor and can be fined up to \$2,500 and sentenced to three months in jail.

This is insane. Just like a speeder knows darn well he is breaking the law, the person who illegally parked his or her car in someone else's space knew full well that they parked illegally. And, just like it would be crazy to punish a cop for not telling the speeder why he was pulled over, the idea of making a landlord a criminal because he or she enforces parking rules is absurd. What possible social policy is advanced when a landlord is made a criminal for protecting his or her tenant's rights? How could some people have become so twisted in their thinking that they could transfer criminal conduct from a person who parks illegally to an innocent landlord, under the guise that the scofflaw had to be told why an illegally parked car was towed. This is almost overwhelming.

No, this is not the Twilight Zone. This is the California Legislature. Needless to say, the rental housing industry will do all it can to defeat this bill. View the entire text of the bills in this report at <http://www.leginfo.ca.gov/bilinfo.html>.

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