

Council/Agency Meeting Held: _____	City Clerk's Signature
Deferred/Continued to: _____	
<input type="checkbox"/> Approved <input type="checkbox"/> Conditionally Approved <input type="checkbox"/> Denied	
Council Meeting Date: 1/18/2005	Department ID Number: AD 05-01

**CITY OF HUNTINGTON BEACH
REQUEST FOR CITY COUNCIL ACTION**

2005 JAN 10 P
 HUNTINGTON BEACH
 CITY CLERK
 CITY OF HUNTINGTON BEACH

SUBMITTED TO: HONORABLE CITY COUNCIL MEMBERS

SUBMITTED BY: JILL HARDY, MAYOR, CHAIR, INTERGOVERNMENTAL RELATIONS COMMITTEE ON BEHALF OF COMMITTEE MEMBERS COUNCILMEN GIL COERPER AND KEITH BOHR *JH/red*

PREPARED BY: Patricia A. Dapkus, Senior Department Analyst *OK*

SUBJECT: APPROVE A CITY COUNCIL POSITION ON LEGISLATION PENDING BEFORE THE ELECTED MEMBERS OF THE STATE LEGISLATURE

Statement of Issue, Funding Source, Recommended Action, Alternative Action(s), Analysis, Environmental Status, Attachment(s)

Statement of Issue: City Council support for or opposition to legislation currently pending before the elected members of the Federal or State Legislatures, a State or regional body or to be put on a ballot for approval by the voters; and authorization for the Mayor to communicate the City position on same.

Funding Source: N/A

Recommended Action: The City Council Intergovernmental Relations Committee has reviewed the legislation below and is recommending that the City Council take a position on the following items, and authorize the Mayor to send letters to the legislators reflecting the approved position/s:

Motion to:

- Support and Sponsor AB 14 (Harman) Common Interest Developments – Condo Conversions,** and authorize the Mayor to send letters to the legislators reflecting that position and to address the state legislature on behalf of this bill as needed.

Alternative Action(s):

Do not take the above recommended position and provide direction to staff.

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REQUEST FOR ACTION

MEETING DATE: 1/18/2005

DEPARTMENT ID NUMBER: AD 05-01

Analysis:

1. SUPPORT and SPONSOR AB 14 (Harman) Common Interest Developments – Condo Conversions

Assemblyman Harman has authored this bill and is asking for the City to act as the bill's sponsor. As a sponsor of the bill, it is likely that it will be necessary for the Mayor or a member of the City Council to attend a legislative hearing/s and speak on behalf of the bill.

Existing law defines and regulates common interest developments. It requires that certain documents be recorded for a common interest development to be created, including a condominium plan, under specified conditions. Existing law also provides for the creation of an assessor's office in each county, and requires the assessor's office to determine the new base year value for taxable real property that has been newly constructed. It also requires that land be properly described for tax assessment purposes.

AB 14 would require that a document be recorded certifying the consent of the city, county, or city and county to a conversion of an existing property into a common interest development of less than 5 units as part of the creation of the development. The bill would also prohibit an assessor from taking action on, or assigning parcel numbers for, a common interest development, as specified, without receiving a document certifying the consent of the local government, as described above.

Environmental Status: NA

Attachment(s):

City Clerk's Page Number	No.	Description
3	1.	AB 14 (Harman) Common Interest Developments – Conversions
6	2.	Letter from Assemblyman Harman dated December 8, 2004

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ATTACHMENT #1

BILL NUMBER: AB 14 INTRODUCED
BILL TEXT

INTRODUCED BY Assembly Member Harman

DECEMBER 6, 2004

An act to amend Section 1352 of the Civil Code and to add Section 71.5 to the Revenue and Taxation Code, relating to common interest developments.

LEGISLATIVE COUNSEL'S DIGEST

AB 14, as introduced, Harman. Common interest developments: conversions.

Existing law defines and regulates common interest developments. Existing law requires that certain documents be recorded for a common interest development to be created, including a condominium plan, under specified conditions. Existing law provides for the creation of an assessor's office in each county, and requires the assessor's office to determine the new base year value for taxable real property that has been newly constructed. Existing law requires that land be properly described for tax assessment purposes.

This bill would require that a document be recorded certifying the consent of the city, county, or city and county to a conversion of an existing property into a common interest development of less than 5 units as part of the creation of the development. The bill would also prohibit an assessor from taking action on, or assigning parcel numbers for, a common interest development, as specified, without receiving a document certifying the consent of the local government, as described above.

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

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 1352 of the Civil Code is amended to read:

1352. This title applies and a common interest development is created whenever a separate interest coupled with an interest in the common area or membership in the association is, or has been, conveyed, provided, all of the following are recorded: (a) A declaration.

(b) A condominium plan, if any exists.

(c) A final map or parcel map, if Division 2 (commencing with Section 66410) of Title 7 of the Government Code requires the recording of either a final map or parcel map for the common interest development.

(d) A document that certifies the consent of the city, county, or city and county to the project, produced by the consenting entity, if the common interest development will consist of less than five units and is a conversion of an existing property.

SEC. 2. Section 71.5 is added to the Revenue and Taxation Code , to read:

71.5. The assessor shall not take any action upon, and shall not assign any parcel numbers for, a common interest development that will consist of less than five units that is a conversion of an existing property, until the assessor receives a document that

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certifies the consent of the city, county, or city and county to the project produced by the consenting entity.

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ATTACHMENT #2

F-1.6

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Assembly California Legislature



TOM HARMAN
ASSEMBLY MEMBER, SIXTY-SEVENTH DISTRICT

COMMITTEES
JUDICIARY, VICE-CHAIR
BUDGET
BUDGET SUBCOMMITTEE #3
GOVERNMENTAL ORGANIZATION
NATURAL RESOURCES
REVENUE AND TAXATION
VETERANS AFFAIRS
SELECT COMMITTEES
GROUNDWATER QUALITY AND
AVAILABILITY, VICE CHAIR
AIR AND WATER QUALITY
COASTAL PROTECTION
CALIFORNIA HORSE RACING INDUSTRY
SUSTAINABILITY
WETLANDS

RECEIVED

DEC 10 2004

City of Huntington Beach
City Council Office

December 8, 2004

Councilman Dave Sullivan
City of Huntington Beach
2000 Main Street
Huntington Beach, California 92648

Re: Condo Conversion Legislation - AB 14 (Harman)

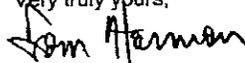
Dear Councilman Sullivan,

Enclosed is a copy of legislation I introduced on December 6th dealing with the problem of the illegal conversion of apartments into condominiums consisting of four units or less. As you know, this has been a significant problem in Huntington Beach. I have spoken with Webster Gillory, the Orange County Assessor, about this proposed legislation and I believe he is in support of it.

The purpose of this letter is to respectfully request that the City of Huntington Beach agree to be the sponsor this important legislation. I am certainly open to, and in fact welcome, any suggested changes that will help make the bill accomplish its stated purpose of putting up a "firewall" that will prevent illegal condo conversions of the type that happened in Huntington Beach from occurring in the future.

As this bill moves through the legislative process, I believe that it is in the best interest of the legislation to have the City of Huntington Beach as the sponsor. Please let me know as soon as possible if the City of Huntington Beach is willing to be the sponsor of the bill. If so, it will be necessary for an appropriate representative of the City to travel to Sacramento in order to testify at one or more Committee hearings about the reasons why the bill should be enacted into law.

I look forward to hearing from you and thank you in advance for your help and assistance.

Very truly yours,

TOM HARMAN
Assemblyman, 67th District

TH/dw
end.

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numbers for, a common interest development, as specified, without receiving a document certifying the consent of the local government, as described above.

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

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