

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: 06/28/2012
POSITION: Oppose

BILL NUMBER: AB 2231
AUTHOR: Fuentes, Felipe

BILL SUMMARY: Sidewalks: repairs.

This bill would require a local agency to obtain majority voter approval for the repeal of any local ordinance requiring a city, city and county, or county to repair a sidewalk, as specified.

FISCAL SUMMARY

This bill could result in a reimbursable state mandate by requiring local agencies to hold elections to repeal a local ordinance. The cost of this mandate is currently unknown, but could be significant.

COMMENTS

Finance is opposed to this bill because it could result in reimburseable state-mandated costs and raise constitutional issues related to the principal of local control for charter cities.

Current law requires the owners of lots fronting on any portion of a public street or place to maintain sidewalks in a condition that will not endanger persons or property and will not interfere with the public's use of the sidewalk.

Existing law requires the local agency's superintendent of streets to notify a property owner if such a sidewalk needs to be repaired. If the repair is not commenced within two weeks after the notification, the local agency shall make the repair and the cost of the repair shall be recorded as a lien on the property.

Some cities, including Los Angeles, Oakland, Berkeley, Half Moon Bay, Placentia, Burlingame, and Redlands, have city ordinances that make the city responsible for paying the costs of repairing damage to sidewalks caused by street trees. Facing total sidewalk repair costs that may exceed \$1 billion, the Los Angeles City Council has considered options for financing the costs of sidewalk repairs, including changing the city ordinance to require homeowners to pay for sidewalk repairs.

It is our understanding that the purpose of this measure is to prevent local agencies from shifting the costs of sidewalk repairs to property owners.

| Code/Department Agency or Revenue Type | SO | (Fiscal Impact by Fiscal Year) | | | | | Fund Code |
|--|----|--------------------------------|----|--------------------------------|--------------|-----------|--------------|
| | LA | (Dollars in Thousands) | | | | | |
| | CO | PROP | | | | | |
| 0001/Major Rev | RV | 98 | FC | 2012-2013 FC | 2013-2014 FC | 2014-2015 | 0001 |
| | SO | No | | ----- See Fiscal Summary ----- | | | |

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| Analyst/Principal () C.Hill | Date | Program Budget Manager Kristin Shelton | Date |
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| Department Deputy Director | Date |
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| Governor's Office: | By: | Date: | Position Approved _____ |
| | | | Position Disapproved _____ |