

# New California Title-Related Legislation for 2020

## Accessory Dwelling Units (Granny Flats)

The Planning and Zoning Law authorizes a local agency to provide for the creation of accessory dwelling units in single-family and multifamily residential zones and requires such an ordinance to impose standards on accessory dwelling units, including, among others, lot coverage. The new law allows for an accessory dwelling to be attached to a single-family residence or located within an attached garage. *Chapter 657 (AB 587 - Friedman); adding Section 65852.26 to the Government Code.*

## Domestic Partnership

The new law removes requirements pertaining to age or sexual orientation for those eligible for marriage in order to enter into a domestic partnership.

The new law also changes the requirement that the forms be available at the office of each county clerk and, instead, requires that the Secretary of State makes the forms available at the office of the Secretary of State or on the Secretary of State's internet website. The act requires the instructions on the "Declaration of Domestic Partnership" form and the internet website to include an explanation that registered domestic partners have the same rights, protections, and benefits, and are subject to the same responsibilities, obligations, and duties under law, as are granted to and imposed upon spouses. *Chapter 135 (SB 30 - Wiener); amending Sections 297, 297.1, 298, 298.5, 298.7, and 299.2 of, and repealing Section 299.3 of, the Family Code.*



## Tenant Protection Act of 2019, Termination of Tenancy, and Statewide Rent Caps

The new law, limits rents in California by placing an upper limit on annual rent increases of five percent (5%) plus inflation. The act also provides for a just cause requirement for eviction. However, both the rent cap and just cause eviction provisions are subject to exemptions, including an exemption for housing built in the past 15 years. Of particular interest to title companies, this act provides for an exemption from the above rent caps based on who holds title to the property: single-family residences, including condominiums, are exempt unless owned by a real estate investment trust, a corporation, or a limited liability company in which at least one member is a corporation. *Chapter 597 (AB 1482 - Chiu); adding and repealing Sections 1946.2, 1947.12, and 1947.13 of the Civil Code.*

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## California Consumer Privacy Act of 2018, Definition of “Personal Information,” and Publicly Available Information

The California Consumer Privacy Act of 2018, beginning on January 1, 2020, grants consumers various rights with regard to their personal information held by businesses, including the right to request a business to disclose specific pieces of personal information it has collected and the right to request a business to delete any personal information collected by the business. The act generally provides for its enforcement by the Attorney General, but also provides for a private right of action in certain circumstances. This act redefines “personal information” to mean information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or household. The act also provides that “personal information” does not include deidentified or aggregate consumer information. This act also defines “publicly available” to mean information that is lawfully made available from federal, state, or local records and deletes the language stating that “publicly available” information must be data that is used for a purpose that is “compatible with the purpose for which the data is maintained and made available in the government records or for which it is publicly maintained.”

The new law also defines “publicly available” to mean “information that is lawfully made available from federal, state, or local government records.” *Chapter 748 (AB 874 - Irwin); amending Section 1798.140 of the Civil Code.*

## Senior Citizen Property Tax Postponement

The previous law did not allow a postponement of property taxes if the claimant’s household income exceeded \$35,500. It also required property tax postponement payments, from the time a payment is made, to bear interest at the rate of seven percent (7%) per annum.

The new law, beginning July 1, 2020, lowers the rate of interest on property tax postponement payments from seven percent (7%) per annum to five percent (5%) per annum. The act revises the income limitations to instead provide that a claimant’s household income cannot exceed \$45,000, compounded annually. *Chapter 794 (AB 133 - Quirk-Silva); amending Section 16183 of the Government Code.*



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