

AMENDED IN ASSEMBLY APRIL 7, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2469**

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**Introduced by Assembly Member Wicks**

February 17, 2022

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An act to add Section 1942.10 to the Civil Code, and to add Section 50467 to the Health and Safety Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 2469, as amended, Wicks. Housing: Statewide Rental Registry.

Existing law continues into existence the Department of Housing and Community Development in the Business, Consumer Services, and Housing Agency. Under existing law, the department is required to develop various plans and policies related to housing.

This bill would require the department to develop and maintain a rental registry online portal designed to collect specified information related to housing and make that information available to the public. The bill would require the department to develop a rental registry form to collect information from landlords, as defined, including the address and owners of a rental property, the number and type of rooms in the rental property, and information related to the payments collected and the duration of tenancies. This bill would require a landlord to submit a rental registry form ~~annually~~, *when a lease is initiated, altered, or terminated*, under penalty of perjury. By expanding the scope of the crime of perjury, this bill would impose a state-mandated local program.

~~The bill would require a city or county with an existing rental registry to include, at minimum, the information required to be collected by the department. By imposing this requirement on cities and counties, this bill would impose a state-mandated local program.~~

Existing law regulates the terms and conditions of residential tenancies and imposes various requirements on landlords, including that a landlord must provide written notice of their intention to terminate a tenancy if the term of the tenancy is not specified.

The bill would prohibit a landlord from providing a tenant notice of a rent increase, notice of an intention to terminate a tenancy, or notice of an unlawful detainer action unless the landlord has submitted a rental registry form, as specified.

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.~~

~~With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

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

*The people of the State of California do enact as follows:*

- 1 SECTION 1. (a) This act shall be known, and may be cited,
- 2 as the Statewide Rental Registry.
- 3 (b) It is the intent of the Legislature in enacting this act ~~to do~~
- 4 ~~all of the following:~~
- 5 ~~(1) Build to build~~ a database of *corporately owned* rental units
- 6 throughout the state of California to support housing development,
- 7 renter protections, and effective implementation of applicable
- 8 California housing laws.
- 9 ~~(2) Prevent homelessness by providing access to data~~
- 10 ~~encompassing the full scope of rental units in the state.~~

1 ~~(3) Provide a publicly accessible portal to local government,~~  
2 ~~courts, nonprofit organizations, and residents of this state to submit~~  
3 ~~and aggregate accurate rental data.~~

4 SEC. 2. Section 1942.10 is added to the Civil Code, to read:

5 1942.10. A landlord that fails to complete and submit a rental  
6 registry form for a dwelling unit, as required by Section 50467 of  
7 the Health and Safety Code, shall not take any of the following  
8 actions until a form is submitted that substantially complies with  
9 that section:

10 (a) Issue a notice of a rent increase.

11 (b) Issue a notice pursuant to Section 1946.1.

12 (c) Issue any notice or initiate any action pursuant to Section  
13 1161 of the Code of Civil Procedure.

14 SEC. 3. Section 50467 is added to the Health and Safety Code,  
15 immediately following Section 50466.5, to read:

16 50467. (a) For purposes of this section, “landlord” means a  
17 ~~person or entity~~ *corporation or limited liability company* that hires  
18 dwelling units subject to Chapter 2 (commencing with Section  
19 1940) of Title 5 of Part 4 of Division 3 of the Civil Code.

20 (b) (1) The department shall develop and administer a rental  
21 registry online portal. The rental registry online portal shall be  
22 ~~designed to do both of the following:~~

23 ~~(A) Receive to receive~~ information from landlords, as described  
24 in subdivision (c), and then make available the information to the  
25 public.

26 ~~(B) Receive information from parties other than landlords,~~  
27 ~~including, but not limited to, tenants, local governments, courts,~~  
28 ~~nonprofit organizations, and residents of this state.~~

29 (2) (A) The department shall create a rental registry form, which  
30 shall be made available on the rental registry online portal and  
31 allow data entered into the form to be machine readable.

32 (B) The rental registry form shall be drafted to collect from a  
33 landlord all of the following information:

34 (i) The legal address of each property, and all associated rental  
35 unit numbers.

36 (ii) The legal name of each beneficial owner and the ownership  
37 entity for each ~~property, including, but not limited to, limited~~  
38 ~~partners, general partners, limited liability company members, and~~  
39 ~~shareholders with 10 percent or more ownership of the entity.~~  
40 *property.*

- 1 (I) Except as otherwise provided in subclause (II), for the  
2 purposes of this section, “beneficial owner” means a natural  
3 person for whom, directly or indirectly and through any contract  
4 arrangement, understanding, relationship, or otherwise, any of  
5 the following applies:
- 6 (ia) The person exercises substantial control over an ownership  
7 entity.
- 8 (ib) The person owns 25 percent or more of the equity interest  
9 of an ownership entity.
- 10 (ic) The person receives substantial economic benefits from the  
11 assets of an ownership entity.
- 12 (II) “Beneficial owner” does not include any of the following:
- 13 (ia) A minor child.
- 14 (ib) A person acting as a nominee, intermediary, custodian, or  
15 agent on behalf of another person.
- 16 (ic) A person acting solely as an employee of an ownership  
17 entity and whose control over or economic benefits from that  
18 ownership entity derives solely from the employment status of the  
19 person.
- 20 (id) A person whose only interest in an ownership entity is  
21 through a right of inheritance.
- 22 (ie) A creditor of an ownership entity, unless the creditor meets  
23 the requirements specified in subclause (I).
- 24 (III) For purposes of this section, “ownership entity” means a  
25 corporation or limited liability company that owns real property  
26 that is offered for rent or lease.
- 27 (iii) The ownership type of each property and the year the owner  
28 acquired the property.
- 29 (iv) The *estimated* year in which the residential structure was  
30 originally constructed on the property.
- 31 (v) The number of bedrooms, bathrooms, kitchens, and  
32 occupancy status of each rental unit.
- 33 (vi) The month and year that the most current occupancy began  
34 for each rental unit.
- 35 (vii) The total number of months that each rental unit was rented  
36 during the previous calendar year and the number of months the  
37 unit was vacant.
- 38 (viii) The amount of payments collected for rent and utilities in  
39 the previous calendar year. This amount shall include the amount  
40 paid for utilities that is included in the rent.

1 (ix) The month and year of the effective date of the last rent  
2 increase and decrease for each rental unit and the amount of the  
3 increase or decrease.

4 (x) The number of tenants, at the reported unit, for which the  
5 landlord terminated a tenancy in the previous calendar year, and  
6 the reason for each termination.

7 (3) (A) The rental registry online portal, and all forms necessary  
8 for its effective and efficient use, shall be complete and prepared  
9 to accept landlord submissions by January 1, 2024.

10 (B) The rental registry online portal, and all forms necessary  
11 for its effective and efficient use, shall be operational and accessible  
12 to the public by January 1, 2025.

13 (C) The rental registry online portal shall be provided in multiple  
14 languages.

15 (D) (i) The rental registry online portal shall comply with all  
16 relevant state and federal laws regarding privacy and personally  
17 identifying information.

18 (ii) The department shall aggregate *by Zip Code* information  
19 pertaining to terminations of tenancy and the reasons for  
20 termination. The department shall publish this information every  
21 five years. Publicly available data on terminations shall not include  
22 specific dates or years.

23 (c) (1) A landlord shall complete and submit, under penalty of  
24 perjury, a rental registry form for each property. Each landlord  
25 shall thereafter complete and submit a rental registry form for each  
26 property ~~annually~~. *when a lease is initiated, altered, or terminated.*

27 (2) Landlords, upon completion of the registry, shall receive an  
28 electronic confirmation of their submission.

29 ~~(d) For a city or county with an existing rental registry, the~~  
30 ~~agency responsible for the registry shall ensure all information~~  
31 ~~required to be collected pursuant to subdivision (b) is included in~~  
32 ~~the registry and that the registry produces machine readable data.~~  
33 *This section does not prevent a city or a county from operating a*  
34 *local rental registry. A landlord that provides information to a*  
35 *rental registry operated by a city or county is not exempt from the*  
36 *requirements of this section.*

37 ~~SEC. 4. No reimbursement is required by this act pursuant to~~  
38 ~~Section 6 of Article XIII B of the California Constitution for certain~~  
39 ~~costs that may be incurred by a local agency or school district~~  
40 ~~because, in that regard, this act creates a new crime or infraction,~~

1 eliminates a crime or infraction, or changes the penalty for a crime  
2 or infraction, within the meaning of Section 17556 of the  
3 Government Code, or changes the definition of a crime within the  
4 meaning of Section 6 of Article XIII B of the California  
5 Constitution.

6 However, if the Commission on State Mandates determines that  
7 this act contains other costs mandated by the state, reimbursement  
8 to local agencies and school districts for those costs shall be made  
9 pursuant to Part 7 (commencing with Section 17500) of Division  
10 4 of Title 2 of the Government Code.

11 *SEC. 4. No reimbursement is required by this act pursuant to*  
12 *Section 6 of Article XIII B of the California Constitution because*  
13 *the only costs that may be incurred by a local agency or school*  
14 *district will be incurred because this act creates a new crime or*  
15 *infraction, eliminates a crime or infraction, or changes the penalty*  
16 *for a crime or infraction, within the meaning of Section 17556 of*  
17 *the Government Code, or changes the definition of a crime within*  
18 *the meaning of Section 6 of Article XIII B of the California*  
19 *Constitution.*