

information the business has collected about that consumer as well as the fact that a consumer has the right to request that the business delete that information.

Rescinds requirement for a business that operates exclusively online and has a direct relationship with the consumer to provide multiple means for consumers to submit information requests. [Assembly Bill 1564](#) alters existing law that required all businesses covered by the CCPA to provide two or more methods for consumers to submit information requests. Under the new law, a business that operates exclusively online and has a direct relationship with a consumer from whom it collects personal information is only required to provide an email address for submitting requests for information. However, if the business maintains an internet website it must make the internet website address available to consumers to submit requests for information.

Expands the type of data subject to the Information Practices Act of 1977. In addition to social security numbers, driver's licenses and California identification cards, **[Assembly Bill 1130](#)** adds as "personal information" tax identification numbers, passport numbers, military identification numbers, or other unique identification numbers issued on a government document commonly used to verify the identity of a specific individual. For this type of information, if held as computerized data, a business must implement and maintain reasonable security procedures and practices, and when a breach occurs, it is required to issue a specified security breach notification.

Disclosure: Disclosure and point-of-sale compliance re wildfire defensible space and vegetation management laws, and home hardening

Requires delivery of a statutory disclosure re home hardening for homes in designated high fire areas built before 2010, and that seller list specified retrofits.

Requires seller of property located in designated high fire areas to provide buyer with documentation stating that the property is in compliance with local law pertaining to defensible spaces or local vegetation management laws. If there is no such local law, the seller shall provide documentation of compliance with state law, assuming the seller obtained such documentation

within six months prior to entering into the transaction. But if neither of the above, the seller and the buyer must enter into a written agreement in which the buyer agrees to obtain documentation of compliance with defensible space or a local vegetation management ordinance after close.

These disclosure requirements will apply to any property in which the Transfer Disclosure Statement is required to be delivered. TDS exemptions and cancellation rights apply.

Disclosures re Home Hardening

Beginning January 1, 2020, if a seller, after completion of construction, has obtained a final inspection report regarding compliance with, among other things, home hardening laws (Gov't Code 51182 and 51189*), the seller shall provide to the buyer a copy of that report or information on where a copy of the report may be obtained.

Beginning January 1, 2021, this law requires for properties located in high or very high fire hazard severity zones for homes built before 2010, delivery of a notice to include the following three items:

1) A statutory disclosure that includes information on how to fire harden homes as follows:

“This home is located in a high or very high fire hazard severity zone and this home was built before the implementation of the Wildfire Urban Interface building codes which help to fire harden a home. To better protect your home from wildfire, you might need to consider improvements. Information on fire hardening, including current building standards and information on minimum annual vegetation management standards to protect homes from wildfires, can be obtained on the internet website <http://www.readyforwildfire.org>.”

2) Disclosure of a list of features that may make the home vulnerable to wildfire and flying embers if the seller is aware. The

list includes, among other things, untreated wood shingles, combustible landscaping within five feet of the home, and single pane glass windows.

3) On or after July 1, 2025, a list of low-cost retrofits re home hardening (listed pursuant to Section 51189 of the Government Code*). The notice shall disclose which listed retrofits, if any, that have been completed during the time that the seller has owned the property.

Potential point of sale compliance requirements re defensible space or local vegetation management laws

Beginning July 1, 2021 seller of property in high or very high fire hazard zones shall provide documentation to the buyer stating that the property is in compliance with laws pertaining to state law defensible spaces (Public Resources Code 4291**) or local vegetation management ordinances, or in certain cases the buyer and seller will agree that the buyer is to obtain the documentation after close as follows

1. If there is a local ordinance requiring the seller to comply with state law governing defensible spaces (PRC 4291**) or a local vegetation management ordinance, the seller shall provide the buyer with: 1) a copy of the documentation of such compliance, and 2) information on the local agency from which a copy of that documentation may be obtained.
2. But If no such local ordinance exists, and the seller has obtained an inspection from a state, local or other government agency or qualified nonprofit which provides an inspection with documentation for the property, the seller shall provide the buyer with: 1) the documentation of the inspection if obtained within six months prior to entering into a transaction to sell the real property and 2) information on the local agency from which a copy of that documentation may be obtained.
3. If seller hasn't obtained documentation of compliance per 1 or 2 above, then the seller and buyer shall enter into a written agreement stating that the buyer agrees to: 1) obtain

documentation of compliance per the local ordinance or 2) if there is no such local ordinance, the buyer shall, within one year, obtain documentation of compliance as long as there is a state, local or other government agency or qualified nonprofit which provides an inspection with documentation of compliance for the property.

This law also requires the California Office of Emergency Services (Cal OES) to enter into a joint powers agreement with the Department of Forestry and Fire Protection (Cal FIRE) to administer a comprehensive wildfire mitigation and assistance program to encourage cost-effective structure hardening and facilitate vegetation management, contingent upon appropriation by the Legislature.

TDS Applicability and Exemptions

Because these new disclosure requirements are within the Civil Code Article (Article 1.5) governing delivery of the Transfer Disclosure Statement, they will apply only in those transaction where the TDS is required to be delivered. For example, the standard TDS exemptions such as REO, probate, bankruptcy and certain trusts sales will not require delivery of these disclosures.

TDS Cancellation Rights

The TDS three or five-day cancellation rights apply to these disclosures: three days if delivered personally or five days if delivery by mail or electronically.

Home Hardening and Defensible Space Laws

* Government Code 51189 outlines home hardening measures that increase the likelihood of a structure to withstand ignition, such as building design and construction requirements that use fire resistant building materials, and provide standards for reducing fire risks on structure projections, including, but not limited to, porches, decks, balconies and eaves, and structure openings, such as, to the attic, foundation, and eave vents, doors, and windows as well as a

	<p>list of low-cost retrofits that provide for comprehensive site and structure fire risk reduction to protect structures from fires spreading from adjacent structures or vegetation.</p> <p>** PRC 4291 and Gov't Code 51182 require a person who owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining a mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or land that is covered with flammable material or is in a very high fire hazard zone to maintain defensible space of 100 feet from each side and from the front and rear of the structure and among other things, remove portions of a tree that extend within 10 feet of a chimney; remove dead or dying wood from plants; or clear leaves and needles off of a roof; et cetera).</p> <p>Assembly Bill 38 is codified as Civil Code 1102.6f and 1102.19; Public Resources Code 4123.7; and Article 16.5 of the Government Code. Effective date is January 1, 2020. But the effective dates of the disclosure requirements will be January 1, 2020; January 1, 2021; July 1, 2021; and July 1, 2025; depending on the disclosure.</p>
<p>Employment: Arbitration agreements as condition of employment prohibited</p>	<p>Prohibits employers from requiring employees or applicants for employment to waive a right, forum, or procedure for a violation of the Fair Employment and Housing Act or the Labor Code as a condition of employment or an employment-related benefit. Also prohibits employers from threatening, retaliating discriminating against, or terminating employees or applicants because they refused to waive any such right, forum, or procedure. Existing contracts for employment entered into, modified or extended on or after January 1, 2020 are exempt.</p> <p>Assembly Bill 51 is codified as Government Code § 12953 and Labor Code § 432.6.</p>
<p>Employment: Independent contractor status of agents reconfirmed</p>	<p>The right of real estate agents to be treated as independent contractors has been explicitly reconfirmed. The test for independent contractor status for real estate licenses is to be governed by Business & Professions Code 10032. If that code is not applicable, then the control test as stated in the <i>Borello</i></p>