



Major 2016 Advocacy Victories for BOMA Local Associations & State Coalitions

On the next few pages is a listing of just some of the legislative victories that BOMA state and local associations around the country achieved this year on behalf of their members and the commercial real estate industry. Please contact Scott Morris of the BOMA International staff with any questions at smorris@boma.org or (202) 326-6364.

BOMA/Alabama

Successfully supported legislation that prohibits municipal governments from setting their own minimum wage after the City of Birmingham passed an ordinance in 2015 increasing the minimum wage immediately to \$10.10 per hour with a step procedure to get to \$15.00 per hour in a relatively short period of time.

BOMA/Baltimore

1. Successfully opposed legislation that would have dramatically expanded the legal concept of “standing” in the comprehensive rezoning process. Standing is a legal status used by courts to ensure that parties to an action have a sufficient interest in the outcome to participate. Defeat of this bill avoids costly, time-consuming litigation by individuals whose interest in a matter is either remote or can be satisfied in another venue.
2. Successfully opposed legislation that would have permitted the establishment by a local government of a registry for vacant and blighted buildings. In its testimony, BOMA/Baltimore pointed out that commercial properties are often purchased and held for a period of time when vacant. This should not imply that such buildings are “blighted,” which itself implies a public safety hazard. There are also existing state laws requiring that vacant properties be appropriately maintained.
3. Successfully opposed legislation that would have required third-party verification of elevator inspections at the time of inspection, with BOMA/Baltimore pointing out that having an inspector present to inspect the inspection is unnecessary and would only lead to delays in elevator inspections.

BOMA/Greater Cleveland



Successfully supported amendments to façade inspection requirements for buildings within the City of Cleveland, thereby making the proposed ordinance much less onerous for building owners and managers. The final version of the legislation included many provisions BOMA/Greater Cleveland lobbied for, including: a phase-in requirement for older buildings; requiring a detailed inspection only in the event that a visual inspection reveals unsafe façade condition; eliminating a requirement to post framed façade inspection certificates (similar to elevator inspections) at all entrances of a building; and including a sunset clause, which

requires the City of Cleveland’s Building & Housing Department to provide an update to City Council after one year and two years of enactment of the legislation. City Council must vote to reauthorize the façade inspection requirement.

BOMA/Denver Metro

1. Successfully opposed legislation that would have established a “Homeless Bill of Rights” and would have nullified anti-homeless ordinances enacted by municipalities, such as an urban-camping ban in Denver or not being able to rest on sidewalks in Colorado Springs. Businesses would have been adversely affected by passage of this bill.
2. Successfully supported legislation in partnership with Colorado’s cities and towns that clarifies legislation passed in 2015 concerning urban renewal, urban renewal plans and provisions for sharing tax increment financing (TIF) among affected taxing entities. Also, specifies conditions for using mediation to address disputes between municipal urban renewal boards and other taxing entities.
3. Successfully worked to help pass legislations that modifies the rules governing the C-PACE program by encouraging private financing programs for energy and water improvements to real estate.
4. Successfully continued to oppose legislation that would negatively impact the state’s oil and gas industries, which are an important part of the tenant population of BOMA/Denver Metro’s members and of the Colorado economy.



BOMA Florida

Successfully opposed redundant and unnecessary legislation that would have mandated statewide alarm registration, including in commercial buildings.

BOMA/Greater Tampa Bay

Successfully supported a Florida State Department of Transportation (DOT) project in Tampa Bay, Florida, that will bring more than \$3 billion in transportation funds to the area. The local Metropolitan Planning Organization (MPO) voted in favor of the project when the vote was held in June of 2016. BOMA/GTB was part

of the regional partnership that supported the project, and played a role in influencing the MPO to vote in favor of the project, which will bring money, jobs and traffic solutions to Tampa Bay.

AOBA/Metropolitan Washington

Maryland:

1. Successfully opposed legislation that would have required every newly created Limited Liability Company (LLC) in Maryland to designate an individual to serve as a company representative for purposes of communicating with the public.
2. Successfully opposed legislation that would have imposed tens of millions of dollars in additional utility costs on AOBA/Maryland members, such as:
 - a) the doubling of the maximum surcharge for gas company customers and the introduction of arbitrary surcharge amounts for electric company customers;
 - b) the passing on of gas infrastructure expansions to all ratepayers, rather than the customers who benefitted from the expansions; and
 - c) authorizing the Washington Suburban Sanitary Commission to vary water and sewer rates based on customer classes, with a possible increase of water and sewer rates for business customers.

3. Successfully opposed legislation that would have required employers with 15 or more employees to offer paid sick leave to full- and part-time employees, accruing at a rate of one hour for every 30 hours worked.
4. Worked in partnership with BOMA/Baltimore on the aforementioned issue of third-party verification of elevator inspections.

Virginia:

Successfully opposed legislation that would have required registration of vacant commercial properties with payment of an annual registration fee. Current law requires that vacant buildings comply with both the vacancy period of 12 months and the definition of "derelict building."

BOMA/Spokane

Achieved a big win in the Washington State Supreme Court against an Envision Spokane ballot initiative that, among other things, would have required proposed zoning changes involving large developments to be approved by voters in the neighborhood; attempted to give employees the protections of the Bill of Rights against their employer in the workplace; and stripped the legal rights of any corporation that violated the rights secured in the charter. The court ruled that the initiative was not valid, and it was taken off the ballot.

BOMA Washington State

1. Successfully opposed, along with coalition partners, the adoption of a new five percent capital gains tax proposal.
2. Successfully opposed another attempt to impose janitorial workload restrictions, defeating an effort to impose a 30,000 square foot cleaning limit in a janitorial eight-hour shift.
3. Successfully opposed legislation that would have eliminated the exemption from sales tax on janitorial services.
4. Successfully opposed again, with coalition partners, a permanent extension of the State's business and occupation tax to 1.8 percent. The tax, reduced back to 1.5 percent, is a gross receipts tax that is measured on the value of products, gross proceeds of sale or gross income of the business.
5. Successfully opposed a parking tax on all "customer/convenience parking," including all commercial and retail parking spaces.