

SDCAA, coalition help remove court fee from state budget

By Daily Transcript Staff Report
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A proposal to require California municipal courts to charge a \$10 per case, per court fee to access criminal and civil records was removed from the 2013-14 state budget.

The San Diego County Apartment Association (SDCAA) and a diverse coalition successfully removed the new fee to search public records, known as a court fee, which could have affected employee and resident screening.

Opponents argued that the fee would have negatively affected any industry that relies on publicly accessible court information to make business decisions.

The coalition of opponents included media associations, freedom of information advocates, open government advocates, employers and property owners who use background screenings for prospective employees and residents.

“Among the many problems this fee would have caused, the greatest concern for the rental housing industry would have been the severe limitation it would have placed on criminal background and ability-to-pay screening checks for residents and employees,” stated Alan Pentico, the executive director of SDCAA.

Upon hearing the concerns, the State Joint Budget Committee allocated \$63 million of the state’s surplus to the judicial branch, eliminating the need for a new fee.

While the need for the fee appears to have been averted, industry experts question the wisdom in creating a policy that limits access to public information and can possibly endanger residents.

“Residents expect that property owners and managers do everything they can to create and maintain a peaceful living environment,” said Douglas Culkin, president and CEO of the National Apartment Association. “Proper resident screening is the only way to protect against residents who have a history of being both irresponsible and a nuisance to their neighbors.”

Two of the most common public information searches for employee and resident screening include ability-to-pay and criminal background; both require a court search. While not the sole determining factor in successful tenancy, court records in any of these searches give property owners valuable insight into a prospective resident’s rental history.

Resident screening typically involves searches of multiple residences in multiple jurisdictions. The proposed \$10 per case, per court fee would have made these searches cost-prohibitive for many property owners. Exacerbating the problem is the \$44.51 state mandated cap for screening a prospective resident.

“For those that could afford it, the fee combined with the state cap would no doubt have caused upward pressure on rents throughout the state. For those that couldn’t absorb or pass on the cost, the alternative would have been to abandon resident screening, which would have presented a whole new set of problems,” Pentico said.