

**October 12, 2012**

- **Sales Tax Fairness Efforts Continue**
- **CA: ADA Reform Bill Signed, Standards Reviewed**
- **NY: Governor Signs Brownfield Cleanup Program Extender**
- **OH: Governor Kasich Signs EPA Reform into Law**

### **Sales Tax Fairness Efforts Continue**

ICSC, along with other stakeholder groups, helped organize a sales tax fairness policy briefing for House Democratic staff on October 11. The purpose of the briefing was to educate Congressional staffers on the negative impact of the online sales tax loophole. The panelists were:

- David Parkhurst, Director of Economic Development and Commerce Committee, National Governors Association.
- Rory Rawlings, Founder and Chief Tax Automation Officer, Avalara, a provider of software to simplify ecommerce sales tax calculation and collection.
- Jim Cho, Government Affairs Representative, International Association of Fire Fighters.
- Donnie Eatherly, President, P&E Distributors Inc., a wholesale distributor of auto parts with locations in Goodlettsville and Chattanooga, TN and Marietta, GA.

The discussion focused on how the imbalance in the sales tax system is harming state and local governments, small businesses, and employment in our communities. It also included a presentation to demonstrate how technology has advanced to greatly simplify the collection and remittance process for retailers. ICSC remains hopeful that Congress will act on the marketplace legislation this year, so that our tenants will not have to suffer another holiday season with this unfair sales tax burden.

Media efforts to highlight the issue are also ongoing. Throughout this year ICSC members across the country have been reaching out to the media about the need for sales tax fairness. Recently, two ICSC Government Relations Chairs had opportunities in both print and radio to highlight the problem and call for Congressional action to fix the unfair burden facing community-based retailers. On September 27, Laurel David, ICSC GR Chair for Georgia, was interviewed on the Commercial Real Estate Show. [To listen to the interview, please click here.](#) On September 29, Joe Viscuso, ICSC GR Chair for Pennsylvania and Delaware, had an article published in the Mid-Atlantic Real Estate Journal. [Click here to read his article.](#) Both the article and the radio interview do an excellent job discussing the problem. ICSC thanks its volunteers for speaking out on this critical issue.

### **CA: ADA Reform Bill Signed, Standards Reviewed**

California Governor Jerry Brown (D) has signed SB 1186 (Steinberg/Dutton), which will curb lawsuit abuse regarding the Americans With Disabilities Act (ADA) while promoting increased compliance with disabled accessibility building codes. This legislation was supported by ICSC and the California Business Properties Association (CBPA) and is the culmination of a multi-year, bipartisan effort.

This bill is being hailed as the most comprehensive and significant reform to California's ADA Law. (Currently, California has 40 percent of the nation's ADA lawsuits but only 12 percent of the country's disabled population.)

Among other things, this measure prohibits pre-litigation "demands for money" by attorneys, puts into

place new provisions to prevent “stacking” of multiple claims to increase statutory damages and provides litigation protections for defendants who correct violations.

In conjunction with the signing of SB 1186, the California Building Standards Commission’s Advisory Committee has just concluded a three-day marathon session wherein proposed changes to California’s Disabled Accessibility standards were reviewed. This included the Division of the State Architect’s 350-page rewrite of the accessibility provisions for all commercial and state-owned buildings. The intent of this major “regulatory overhaul” is to significantly reduce the number of lawsuits filed over the minute differences between the state and federal regulations. In addition, this effort will help facilitate Department of Justice certification of California state regulations, an administrative action that will help businesses with “burden of proof” issues when litigation is filed in the future.

#### **NY: Governor Signs Brownfield Cleanup Program Extender**

On October 3 the Brownfield Redevelopment Tax Credit bill was signed into law by Governor Andrew Cuomo (D). While this is simply an extender, it ensures a valuable development program remains on the books through 2015. The Brownfield Cleanup Program (BCP) has been in existence for approximately eight years and has been one of New York’s best economic investments in fostering commercial redevelopment throughout the state. ICSC’s NY members were instrumental in the successful passage of the initial legislation. The current BCP has already benefitted some 485 former industrial contaminated sites, returning once abandoned properties back to useful life. Developers have supported this market-driven and as-of-right program and are pushing to see its potential fully realized. ICSC is excited to partner once again with the state to help shape the future of this crucial economic development policy. We will be meeting with policy makers to recommend industry best practices, promote making the BCP permanent and ensure adequate funding.

#### **OH: Governor Kasich Signs EPA Reform into Law**

In June, the Ohio General Assembly passed Senate Bill 294, which had been dubbed by Governor John Kasich (R) as the "Ohio EPA Regulatory Reform Bill." The bill received Governor Kasich’s signature soon after passage and took effect on September 5. While the bill makes relatively minor regulatory changes, the bill does bring much needed reforms to certain programs administered by the Agency. One of these programs involves the process of wetland mitigation. The statute now provides Ohio EPA the authority to establish an “in-lieu fee” program for wetland mitigation. Ralph Ireland, ICSC GR Chair for Ohio, and Josh Sanders, ICSC state government relations consultant, recently met with Ohio EPA and confirmed the agency’s intention to move forward with the program. The Agency has stated that is their goal to have an in-lieu of fee program in place by summer 2013.

## **Upcoming Events:**

### **Government Relations Conference (GRC)**

November 14-16, 2012

San Diego, CA

Registration link: [www.icsc.org/2012GRC](http://www.icsc.org/2012GRC)

Hotel link: [www.starwoodmeeting.com/Book/ICSC2012](http://www.starwoodmeeting.com/Book/ICSC2012)

### **SAVE-THE-DATE: Strategic Leadership Summit**

April 30-May 1, 2013

Washington, DC

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