

Letter: We oppose AB 542 and you should, too

April 2, 2023



Dear Assemblymember Maienschein and Members of the Judiciary Committee,

The California News Publishers Association, California Black Media, and Ethnic Media Services strongly opposes your AB 542 because it would deny those without internet access to notices that are legally required to inform the public of various issues.

Under existing law, the California Self-Service Storage Facility Act, provides for enforcement of a lien by the sale of the stored property when an occupant is delinquent. These procedures require an advertisement of the sale to be published once per week for 2 consecutive weeks in a newspaper of general circulation in the public notice district where the sale is to be held. AB 542 substitutes the publication requirement for a single publication in a newspaper of general circulation in either the public notice district where the sale is to be held or in the county where the self-service is located. The bill would alternatively authorize an owner to satisfy these notice requirements by publishing an advertisement on any publicly accessible internet website that customarily conducts or advertises online auctions or sales. The bill is flawed in several key respects.

First, AB 542 Would Eliminate Necessary Transparency that Prevents Conflicts of Interest.

AB 542 contemplates reliance on niche websites as a resort for public information. Information consumption in the State contradicts this belief. More than 10 million Californians rely on home-delivered print newspapers or their e-editions for news. The weekly circulation, unique web visitor counts, and social media

following of newspapers is a thousand-fold of websites that conducts or advertises online auctions or sales. The bill also propose that an advertisement of the sale shall be published once instead of once a week for two weeks consecutively in a newspaper of general circulation. The fact is, with AB 542, most people won't get notices at all.

Second, AB 542 relies too heavily on broadband connectivity.

BroadBandNow.com reports that 24.5% of the state's population does not have access to low-priced broadband plan. The site further reports that 10% of households in the state are without any type of internet access. This problem is particularly acute in rural areas of the state that depend on print publications for their news. If an owner elects to satisfy the notice requirements by publishing an advertisement on an internet website, those without internet access won't get notices at all.

Third, AB 542 does not live up to the independence standard envisioned by public notices.

The statutory scheme of Government Code §§ 6008, 6024(1) allows anyone to file a motion to vacate an adjudication to create a self-governing system where (generally) existing newspapers of general circulation act as safeguards (at no cost to the public) to ensure that adjudicated newspapers continue their compliance with the statutory requirements to come to the attention of the public.

The "undoubted purpose of the statutory requirement was to require the publication of legal notices to be published in newspapers which would reach the general reading public" In re Application of David (1929) 98 Cal.App. 69, 74. Thus, "it would be manifestly unjust, as well as against the letter and spirit of the law, to recognize publications [not read by the general public] as proper for the advertisement of legal notices" In re Green (1913) 21 Cal.App. 138, 142.

Newspaper public notices constitute a forum that is independent of the government and self-storage facility owners. A person who visits websites that customarily conducts or advertises online auctions or sales will not have any idea what to look for other than that information they are seeking. The State should not be a party to such potential limitations on freedom of information.

Public notice newspaper advertising is an extension of journalism that protects the authenticity of and access public information. Please do not disrupt this vital aspect of service to the people.

For all of these reasons, CNPA, CBM and EMS strongly urges your "NO" vote on AB 542.

Sincerely,

Brittney Barsotti

General Counsel,

California News

Publishers Association

