

CLIENT NEWS BRIEF

Legislature Expands What Community Colleges Can Charge for Use of Their Facilities

Until recently, community college districts have not been permitted to charge organizations a share of the costs associated with maintenance and normal “wear and tear” incurred during the use of college facilities and grounds under the Civic Center Act. However, on August 21, 2014, Governor Brown signed into law Assembly Bill (AB) 1906, expanding the types of “direct costs” that community college districts may charge for the use of college facilities or grounds. Effective January 1, 2015, AB 1906 aligns the direct costs that community college districts may charge with those that K-12 districts may now charge as a result of the enactment of Senate Bill (SB) 1404 in September 2012.

The Civic Center Act (Act) (Ed. Code § 82537, *et seq.*) provides that a community college district must permit the use of college facilities or grounds by nonprofit organizations, clubs, and associations organized for general character building or welfare purposes, when an alternative location is not available. The Act also authorizes a community college district’s governing board to charge a fee, which may not exceed the district’s direct costs, for the use of college facilities and grounds. Under existing law, these direct costs include a share of the costs of supplies, utilities, janitorial services, and community college district services and salaries necessary for the organization’s use of the facilities or grounds.

In amending Education Code section 84542, the Legislature recognized that maintenance costs often exceed the operational costs connected with an organization’s use of college facilities and grounds. Accordingly, AB 1906 expands the types of direct costs that community college districts may charge to include a share of the costs for maintenance, repair, restoration, and refurbishment, proportionate to an organization’s use of college facilities and grounds.

Of note, newly amended section 84542 limits a user’s proportionate share of maintenance, repair, restoration and refurbishment to costs associated with the use of non-classroom space and “grounds,” including but not limited to, playing fields, athletic fields, track and field venues, tennis courts and outdoor basketball courts. Also, classroom-based programs that operate after school hours, including tutoring and child-care programs, and instructional organizations retained by the college or community college district will not be required to bear a share of the costs for maintenance, repair, restoration and refurbishment.

Amended section 84542 requires the Chancellor of the California Community Colleges to develop, and the Governors of the Community Colleges to adopt, implementing regulations by December 31, 2015 to guide community college districts in determining the proportionate share and allowable costs that may be included as direct costs for using college facilities and grounds. On the K-12 side, regulations were slow to be developed, but were finally adopted as of July, 2014. (See [Client News Brief No. 33, July 2014](#).) Since AB 1906 mirrors SB 1404 so closely, the K-12 regulations ([Cal. Code Regs., tit. 5, § 14037 et seq.](#)) may offer community college districts some preliminary guidance on how they may

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be allowed to calculate direct costs in the future.

Amended section 84542 will sunset on January 1, 2020, unless a later statute deletes or extends that date.

If you have any questions regarding AB 1906, or other issues related to the Civic Center Act, please contact one of our [eight offices](#) located statewide. You can also visit our [website](#), follow us on [Facebook](#) or [Twitter](#), or download our [Client News Brief App](#).