

City Attorneys and County Counsels Applaud New Consumer Protection California Law

Governor signs bill to provide certain city attorneys and county counsels the same investigative tools as their district attorney counterparts in consumer protection cases

SAN FRANCISCO, CA (September 29, 2022)—California city attorneys and county counsels applauded Governor Gavin Newsom’s decision to sign legislation today to bolster enforcement of consumer protection laws. Assembly Bill 2766 will give certain city attorneys and county counsels the same pre-litigation investigative tools as their district attorney counterparts by providing pre-litigation subpoena authority for lawsuits under California’s Unfair Competition Law (UCL).

AB 2766 was authored by Assemblymember Brian Maienschein (D-San Diego), co-sponsored by the City and County of San Francisco among several local governments, and supported by city attorneys and county counsels across the state.

“During the pandemic we saw a troubling surge in price gouging, consumer fraud, and unfair business practices,” said **San Francisco City Attorney David Chiu**. “As our office continues to pursue bad actors that seek to defraud the public, this new law will give us more tools to better protect consumers and workers. This commonsense bill will simply create parity in how city attorneys and district attorneys can enforce our state’s Unfair Competition Law. I want to thank Assemblymember Maienschein for his tremendous leadership and Governor Newsom for signing AB 2766.”

“Over the past year, I have worked with numerous attorneys to identify solutions to strengthening consumer protection laws in California,” said **Assemblymember Brian Maienschein**. “This is why I authored AB 2766, which will make it easier for certain public attorneys to investigate Unfair Competition Law violations, including those of corrupt contractors and wage theft. I’m very grateful that the Governor signed this measure.”

“Time and again, we’ve successfully fought for hard-working Angelenos who’ve been ripped off—sometimes devastated—by unlawful business practices. Our office will be all the more impactful now that we have this key investigative tool, allowing us to get to the heart of scams and put a stop to them even faster,” said **Los Angeles City Attorney Mike Feuer**. “I’m proud to be a sponsor of A.B. 2766, and applaud Governor Newsom for signing it and Assemblymember Brian Maienschein (D-San Diego) for authoring it.”

“Los Angeles County is proud to have co-sponsored this significant bill which facilitates consumer protection investigations, and protects our constituents and businesses that follow the law from bad actors that employ unscrupulous business practices,” said **Acting Los Angeles County Counsel Dawyn Harrison**. “My office plans to use this tool to uncover and stop illegal business practices and to protect consumers and communities.”

“AB 2766 will provide my Office with an important tool for protecting our community,” said **Santa Clara County Counsel James R. Williams**. “The County of Santa Clara is proud to have

co-sponsored this bill, which will allow us to investigate bad actors and put a stop to practices that hurt consumers, workers, residents, and law-abiding small businesses.”

“My Office takes seriously its responsibility to protect the public from substandard housing, price gouging, false advertising, wage theft, and other unfair business practices that victimize employees, consumers, and businesses that follow the law,” said **San Diego City Attorney Mara W. Elliott**. “AB 2766 will expedite our enforcement of consumer protection laws and allow us to better serve the public.”

California’s UCL prohibits unlawful, unfair, and fraudulent business practices as well as unfair, deceptive, untrue or misleading advertising. During the COVID-19 pandemic, reports emerged of an increase in consumer fraud and price gouging, demonstrating a need for greater enforcement of California’s consumer protection laws.

The California Attorney General, district attorneys, city attorneys of cities with populations over 750,000, and county counsels that have cities within their counties with populations over 750,000 can file UCL lawsuits to protect consumers and ensure fair competition among businesses. The Los Angeles, San Diego, San Francisco, and San Jose City Attorneys as well as the Los Angeles, Santa Clara, and San Diego County Counsels have the authority to bring UCL claims.

Prior to AB 2766, only the Attorney General and district attorneys were authorized in UCL cases to issue pre-litigation subpoenas, which are valuable investigative tools that provide attorneys insight into a business’ practices before a claim is filed. AB 2766 addresses this imbalance by allowing specified city attorneys and county counsels to also subpoena records and other non-public information before filing a lawsuit under the UCL.

AB 2766 will take effect on January 1, 2023.

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