

MOTION BY SUPERVISOR LINDSEY P. HORVATH

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SUPPORT FOR SENATE BILL 456 (ASHBY) COMMUNITY BEAUTIFICATION ACT

Murals are powerful tools for transforming neighborhoods and improving civic pride. Public art and murals are proven drivers of enhancing community and economic health, attracting tourists, supporting jobs, generating revenue, and improving public safety and well-being. For example, the County’s Civic Art Program has commissioned many artworks that have enriched and enlivened our County facilities and civic spaces.

However, current law has led to confusion regarding licensing requirements for muralists. In 2023, public notices began being issued to municipalities indicating that muralists fall within the definition of a "contractor" under Business and Professions Code Section 7026. Prior to those notices, state regulators interpreted the law to not cover muralists.

As a result, public agencies and private parties that commission a muralist must first ensure that the muralist carries a contractor's license if the muralist undertakes a mural for more than \$500, even though historically this has not been standard practice for muralists.

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Due to these licensure requirements, cities across California have been instructing their public arts administrators to cease or stall the implementation of mural projects. Requiring muralists to obtain a contractor's license imposes significant challenges. To qualify for these commercial licenses, muralists must accumulate four years of specialized experience under a licensed contractor, pass the Law and Business examination, and pay annual licensing fees. The Department of Arts and Culture's Civic Art division, County Counsel, and others in the arts sector have been following this issue in light of concerns about potentially negative impacts on County legal liability, County contracting, artists livelihood, and project budgetary impacts. This issue has been raised by various arts advocacy organizations and public arts agencies including municipalities within LA County and the State of California.

Murals are considered works of art, protected under federal copyright laws and are fundamentally different from construction projects. Senate Bill 456 (SB 456), introduced by Senator Angelique Ashby, clarifies standard practice of current law and adds "muralist," narrowly defined, to the list of activities in the Business and Professions Code that are not subject to licensure.

The Department of Arts and Culture reports that SB 456 would ensure that the County is able to hire muralists to complete Civic Art project artworks for County facilities and capital projects and relieve the County of potential liability and ambiguity surrounding muralists. SB 456 would also ensure that Civic Art funds are going to artists and the broader arts and culture field as the Board intended when adopting the Civic Art Policy as opposed to licensed contractors to deliver on the work of artists.

SB 456 would also alleviate a potential chill on the part of all municipalities that might otherwise stop hiring muralists and doing public art for communities if the legal concerns and ambiguity are not addressed. More broadly, SB 456 would allow artists to continue enriching Los Angeles County with murals - an art that defines LA's culture, traditions and history.

I, THEREFORE, MOVE that the Board of Supervisors direct the Chief Executive Office's, Legislative Affairs and Intergovernmental Relations Branch to support Senate Bill 456 (Ashby), which would create a licensing exemption for muralists, that allows them to continue to engage in commissioned work for Civic Art project artworks for County facilities and capital projects without obtaining a contractor's license.

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