

2006 Legislation

CODE ENFORCEMENT

AB 2160 (Lieu): Green building guidelines.

Introduced 21 Feb 2006.

This bill would state the intent of the Legislature to enact legislation requiring state agencies to develop voluntary, model statewide residential green building guidelines and to provide information to local jurisdictions on how to evaluate and use different green building strategies.

AB 2674 (Villines): Portable emergency temporary shelters.

Introduced 24 Feb 2006.

This bill would state the intent of the Legislature to enact legislation to define and authorize the use of portable emergency temporary shelters.

AB 2861 (Ridley-Thomas): Lead abatement.

Chapter 477, Statutes of 2006.

Increases the penalty, from an infraction to a misdemeanor with a \$5000 fine, for a second violation of failure to abate a lead paint hazard.

SB 1572 (Murray): Energy: solar energy systems.

Introduced 23 Feb 2006.

This bill would state the intent of the Legislature to establish policies for the Energy Commission in the certification of solar energy systems and the establishment of building standards for the offering of solar energy systems on new buildings.

FAIR HOUSING

AB 2800 (Laird): Sexual orientation and marital status discrimination.

Chapter 578, Statutes of 2006.

Adds prohibitions against discrimination based on marital status or sexual orientation to miscellaneous existing statutes relating to housing discrimination.

AB 2980 (Núñez): DFEH mediation program.

Senate Judiciary: Never set for hearing.

This bill would require the Department of Fair Employment and Housing to maintain a mediation program for complaints received by the department.

SB 1745 (Kuehl): Domestic violence victims.

Amended; now deals with employment only.

As introduced, would prohibit discrimination in housing and employment against victims of domestic violence. It would also allow a victim to require a landlord to change the locks to a unit, and would allow the victim to terminate a lease without penalty. In its present form, the bill is "intent" language; i.e., the bill was stripped of its contents to give the author a chance to craft a bill acceptable to the Legislature, and will deal only with employment discrimination.

FARMWORKER

AB 2763 (Nava): Temporary housing.

Held in Assembly Appropriations.

This bill would provide that certain manufactured housing for migrant housing that is located on agricultural land during the growing season and removed during the off-season is not subject to a conditional use permit.

SB 1802 (Ducheny): Farmworker Housing By Right

Chapter 520, Statutes of 2006.

The Employee Housing Act (Calif. H & S Code § 17000 et seq.) currently provides that 12 or fewer units or beds of employee housing (as defined in the Act) may be sited 'by right.' SB 1802 expands this provision to 36 units or beds.

HOMELESS

AB 2961 (Núñez): CalWORKs homeless assistance.

Senate Appropriations: Never set for hearing.

Would revise the purposes for which CalWORKs homeless assistance payment may be provided to include payment of rent arrearages when these payments are a reasonable condition of preventing eviction.

AB 2968 (Leno): Medi-Cal community-living support benefit.

Introduced 24 Feb 2006.

This bill would require the Department of Health Services to develop and implement a program to provide a community-living support benefit to eligible Medi-Cal beneficiaries. It would require the department to submit any federal documentation that is necessary to provide this benefit, and to implement the benefit only to the extent that federal financial participation is available. The bill would require that the benefit include residence in community-based housing sites and access to certain community-living support services provided or coordinated at those sites. Eligibility for the benefit would be based upon specified factors, including eligibility for Medi-Cal and membership in the targeted population under the California Statewide Supportive Housing Initiative Act.

SB 1289 (Cedillo): Foster children: transitional housing and services.

Introduced 14 Feb 2006.

Existing law provides for programs, such as the Transitional Housing Placement Program and the Supportive Transitional Emancipation Program (STEP), to provide services for foster children making the transition to independent living. This bill would declare the intent of the Legislature to enact legislation to address transitional housing and life skills training requirements for foster children up to the age of 18 years.

SB 1318 (Cedillo): Controlled substances sales near homeless shelter.

Chapter 650, Statutes of 2006.

Provides that any person who is convicted of trafficking, as defined, in certain controlled substances shall be imprisoned for an additional 2 years if the violation occurs within 1,000 feet of a homeless shelter.

SB 1319 (Cedillo): Release from hospital or custody.

Held in Senate Appropriations.

This bill would prohibit medical care providers and law enforcement agencies from transporting those in need of homeless support services without first confirming there is adequate space for the person at the shelter.

SB 1322 (Cedillo): Homeless shelter: use by right.

Vetoed.

Would require cities and counties to identify specific sites with by-right zoning to accommodate the community's need for homeless shelters and prohibits a city or county from disapproving applications for shelter facilities unless specified findings are made.

SB 1323 (Cedillo): Mental health: treatment pilot program for felony offenders.

Introduced 16 Feb 2006.

This bill would declare the intent of the Legislature to appropriate the sum of \$2,500,000 to the state Department of Mental Health for allocation to the County of Los Angeles for the purpose of creating 4 positions within the Los Angeles County Department of Mental Health to work, in conjunction with the Los Angeles County Superior Court, on a 5-year Co-existing Mental Disorders Treatment Pilot Program for felony offenders in the state who have been identified as having both serious mental health and substance abuse problems.

SB 1576 (Murray): Foster care: transitional housing.

Held in Assembly Appropriations.

Would change the funding formula for the Transitional Housing Placement Plus program for former foster youth from a state-county sharing ratio of 40-60 to a program funded entirely by the state.

HOUSING FINANCE

Proposition 1-C (SB 1869, Perata): Housing Bond.

Chapter 27, Statutes of 2006; Approved by the voters November 2006.

Authorizes bond issues totaling \$2.8 billion with the following components:

- \$395 million: Multifamily Housing Program, for construction of affordable rentals.
- \$50 million: Emergency Housing and Assistance Program, for homeless shelter construction and rehabilitation.
- \$195 million: Supportive Housing Program, for rental housing combined with other services, such as for mentally disabled persons.
- \$135 million: Farmworker Housing Grant Program, for rental farmworker housing.
- \$50 million: Housing for emancipating foster youth.

The authorization also includes:

- Cal-HOME Home Loan Program -- \$300 million.
- California Homebuyer Downpayment Assistance Program -- \$200 million.
- Programs to provide infrastructure -- \$1.35 billion.

AB 1904 (Tran): Unclaimed funds.

Introduced 25 Jan 2006.

Would redirect unclaimed and escheated property from the state's General Fund to the Housing Rehabilitation Loan Fund, exclusively for senior housing.

AB 2286 (Torrico): Infrastructure financing districts in housing opportunity zones.

Introduced 22 Feb 2006.

This bill would authorize the legislative body of a city or county to designate one or more proposed infrastructure financing districts in housing opportunity zones, as defined, to be financed by tax increment financing. The bill would permit a district to only finance the purchase of facilities for which construction has been completed and would provide that these facilities need not be physically located within the boundaries of the district. This bill would prohibit infrastructure financing districts from overlapping redevelopment project areas. The bill would require that financing be given to public capital facilities that provide significant benefits to an area larger than the area of the district.

AB 2331 (Villines): Prevailing wage exclusion: qualified transfers.

Introduced 23 Feb 2006.

This bill would exclude from prevailing wage requirements any project that is funded in whole or in part by a qualified transfer, as defined, by a city, county, or redevelopment agency of qualified real property, as defined, to a nonprofit corporation.

AB 2503 (Mullin): Housing trust fund.

Held in Assembly Appropriations.

Would create a state matching program for local affordable housing trust funds by allowing local governments to keep a portion of their property taxes that would have gone to the Educational Revenue Augmentation Fund (ERAF).

AB 2547 (Ridley-Thomas): Tax deductions: brownfields.

Introduced 23 Feb 2006.

This bill would allow a deduction in the amount of interest received by financial corporations from loans made for the purpose of redeveloping brownfields, as defined, that are located within blighted areas, as defined. This bill contains other related provisions.

AB 2638 (Laird): Housing Trust Fund.

Chapter 892, Statutes of 2006.

Amends the existing Local Housing Trust Fund Matching Grant (LHTF Program) Program, created in conjunction with Proposition 46. It also allows expiring low-income housing tax credit developments to apply for a new allocation of tax credits to preserve the affordability of units.

AB 2723 (Pavley): Solar energy.

Chapter 864, Statutes of 2006.

Requires the California Public Utilities Commission (PUC) to ensure that not less than 10% of the funds from the California Solar Initiative be used for the installation of solar energy systems on low-income residential housing, and permits the PUC to incorporate a revolving loan or loan guarantee program for this purpose.

AB 2749 (Strickland): Home improvement loans for elderly and disabled persons.

Introduced 24 Feb 2006.

This bill would require HCD to establish a pilot program in Ventura and Los Angeles Counties to provide a revolving home improvement loan fund to make no-interest home improvement loans to qualified low- and moderate-income elderly and disabled persons, as specified.

AB 1801 (Laird): 2006-07 State Budget.

Chapter 47, Statutes of 2006.

Funds the Emergency Housing and Assistance Program homeless shelter grant funding level at \$4.0 million for FY 2006-07.

AB 1806 (Laird): 2006-07 State Budget.

Chapter 69, Statutes of 2006.

Redirects unused student housing funds provided by Prop. 46 of 2002 to transit-oriented Downtown Rebound Program rental housing projects.

SB 1534 (Alarcón): Coordinated low-income program eligibility assistance.

Was completely amended and no longer deals with housing.

In its earlier version, the bill would have required the California Health and Human Services Agency, the Public Utilities Commission, the State Department of Education, and the Department of Insurance to work together to create a process of concurrent enrollment for low-income households.

SB 1754 (Lowenthal): Housing and infill infrastructure financing districts.

Died in Assembly.

This bill would establish a pilot project allowing for the formation, under criteria developed by councils of governments, of housing and infill infrastructure financing districts.

SB 1816 (Alarcón): Gas furnace replacement program.

Died in Senate Appropriations.

Would require that the PUC, in consultation with the Low-Income Oversight Board and gas/electric corporations that participate in the CARE (California Alternate Rates for Energy) program, to establish a program to annually replace 50,000 old gas furnaces in dwelling units occupied by either owners or tenants eligible for the CARE program.

LAND USE

AB 1387 (Jones): CEQA Infill

Chapter 715, Statutes of 2006.

The California Environmental Quality Act (CEQA) generally prohibits approval of a project (such as a housing development) for which a significant environmental impact has been identified, unless the impact is mitigated or the local government makes certain findings. AB 1387 provides a limited exception to this requirement for traffic impacts on infill projects.

AB 2158 (Evans): Regional housing needs.

Vetoed.

Would add the following to the list a factors a COG must take into account when establishing regional housing needs: adopted spheres of influence for all local agencies in the region; and adopted policies of the local agency formation commission that relate to logical and orderly urban growth patterns.

AB 2184 (Bogh): Residential facility siting.

Chapter 746, Statutes of 2006.

Would provide that the state statute governing zoning and conditional use permits for residential care facilities for six or fewer persons does not prohibit adoption of local ordinances dealing with health, safety, building, or environmental impact standards applicable to homes or facilities not subject to state licensure. As amended, the bill appears to restate existing law.

AB 2252 (Strickland): Environmental impact reports.

Introduced 22 Feb 2006.

This bill would exempt a development project from preparing and completing a 2nd or an additional environmental impact report if the project complies with applicable zoning and land use requirements, including the most recently adopted general plan of a city or county.

AB 2307 (Mullin): RHNA cost.

Held in Assembly Appropriations.

This bill would repeal the authority of councils of government to charge a fee to local governments for their role in determining housing needs. The bill was also to include an alternate funding source. Sponsored by ABAG. After the bill, ABAG notified the Administration that it was suspending planning for the current RHNA cycle until funding becomes available.

AB 2378 (Evans): Density bonus.

Senate Transportation & Housing: Failed 6-5 with 2 abstentions (needed 7 votes).

Would provide that a moderate-income condominium unit that qualifies a developer for a density bonus shall be subject to a resale restriction that ensures affordability for moderate-income buyers for at least five to ten years, in addition to an equity-sharing agreement.

AB 2468 (Salinas): Housing element self-certification.

Was not taken up for a vote on the Assembly Floor.

This bill would authorize a jurisdiction to self-certify its housing element.

AB 2484 (Hancock): Density bonus.

Assembly Housing: Not brought up for a vote.

This bill would provide that state density bonus requirements shall not apply to a housing development if the allowable density exceeds 40 units per acre in metropolitan jurisdictions, 25 units per acre in suburban jurisdictions, 20 units per acre in nonmetropolitan, and 15 units per acre in unincorporated areas in nonmetropolitan counties.

AB 2511 (Jones): Land Use and Housing

Chapter 88, Statutes of 2006.

AB 2511 made changes to several housing-related statutes:

Permit Streamlining Act

AB 2511 clarifies how the Act applies to affordable developments by specifying that it applies to any development in which at least 49% of the units are affordable to very low- or low-income households, and the rents will remain affordable for at least 30 years. It further specified that mixed-use affordable developments meeting certain conditions are entitled to the Act's expedited timelines (see § 65950 (c)).

No Net Loss

The No Net Loss (NNL) law limits a locality's authority to reduce the density of multi-family zoned sites, or require a reduction in density of a project as a condition of approval, below the density relied on in its housing element, absent certain findings.

AB 2511 revised the law to better conform to recent changes in housing element law, and to ensure that it also applied to jurisdictions which do not have a compliant housing element.

Anti-Discrimination (Gov't Code § 65008)

Section 65008 prohibits discrimination by local governments in the enactment or administration of their land use and zoning powers. AB 2511 clarifies that the prohibited discrimination applies to the enactment or administration of any law by a local government. The bill also adds “very low income” to the existing references to “low and moderate income” households in various sections, and clarifies its application to provisions of the anti-NIMBY statute.

Annual Report on RHNA Progress

Existing law requires each local government to report annually on its progress in implementing its general plan, including its progress toward meeting its RHNA and removing constraints (§ 65400). AB 2511 provides a new enforcement mechanism to obtain compliance by local governments with this provision.

Non-Substantive Changes

AB 2511 establishes an index in the code of the primary affordable housing related laws, which can now be found in section 65582.1. The “Anti-NIMBY” law has been renamed the “Housing Accountability Act.” (§ 65589.5).

AB 2572 (Emmerson): Dormitories.

Introduced 23 Feb 2006.

This bill would require HCD to count student dormitories that are identified within the housing element of a city or county for purposes of determining whether the city or county meets its share of regional housing needs.

AB 2634 (Lieber): Extremely Low Income

Chapter 891, Statutes of 2006.

AB 2634 adds several new provisions to housing element law to ensure that jurisdictions plan for the housing needs of extremely low income households (those at 30% of median income and below). The bill makes the following changes:

- Explicitly requires a quantification in the housing element of a jurisdiction’s extremely low income housing need.
- Existing law provides that a jurisdiction’s adequate sites program must identify sites that facilitate and encourage the development of a variety of housing types, and then provides a list of such housing. AB 2634 adds “supportive housing” and “single room occupancy” units to the list of housing types. (*See* § 65583(c)(1).)
- Clarifies that in analyzing governmental constraints to the provision of housing for all income levels, the jurisdiction must consider constraints on the development of housing types referenced in the preceding paragraph. (§ 65583(a)(4).)
- Existing law requires the housing element to include a five-year program of actions, which, among other things, will “assist in the development of adequate housing to meet the needs of very low, low and moderate-income households.” AB 2634 adds “extremely low income” to that provision. (*See* § 65583(c)(2).)

AB 2526 (Arambula): Affordable housing developments.

Assembly Housing: Failed 3-2 (4 votes needed).

This bill would require a locality to defer payment of development fees until issuance of a certificate of occupancy for housing developments in which at least 49% of the total units will be affordable to lower-income households; provides that deferment of fees shall be until close of permanent financing.

Sponsored by CRLA Foundation.

AB 2751 (Wyland): Development project fees: use.

Introduced 24 Feb 2006.

This bill would require that a fee or other monetary exaction, other than a tax or special assessment, be for the purpose of defraying all or a portion of the cost of the public facilities directly related to the development project and may not include any costs attributable to existing deficiencies and is limited to the cost of the net increase in services made necessary by the impact of the development project.

AB 3042 (Evans): Regional housing needs transfers.

Senate Transportation and Housing: Not set for hearing.

This bill would provide an additional procedure by which a city or county may enter into an agreement to transfer a percentage of its share of the regional housing needs to another city or county. Sponsored by the League of California cities.

SB 286 (Lowenthal): Omnibus technical corrections.

Chapter 890, Statutes of 2006.

Makes noncontroversial technical corrections to various housing statutes.

SB 832 (Perata): CEQA: infill development.

On Assembly Floor 23 Jan 2006.

Existing law exempts from CEQA a residential project located on an infill site within an urbanized area that meets specified criteria, including that the site of the project is not more than 4 acres in total area and the project does not contain more than 100 residential units. This bill would provide an alternative to those criteria if the site is located in a city with a population of more than 200,000 persons, the site is not more than 10 acres, and the project does not have less than 200 or more than 300 residential units, as adopted by a resolution of the city council.

SB 1177 (Hollingsworth): Density bonus.

Assembly Housing: Failed 2-5.

The bill would repeal a provision in state density bonus law that an applicant for a waiver or modification of development standards must show that the waiver or modification is necessary to make the housing units economically feasible. Sponsored by CRLA Foundation.

SB 1330 (Dunn): Housing developments: attorney's fees.

Assembly Housing: Failed 0-2.

Would modify and bring conformity to the prevailing plaintiff attorney's fee award provisions in three housing statutes - the anti-NIMBY, no-net-loss, and density bonus laws - as follows: (1) preclude an award of fees under any of the statutes for a housing project applicant who has secured 1,000 or more new housing units in the U.S. on an annual basis, as specified; (2) state that the availability of attorney's fees under any of the statutes does not preclude a plaintiff from seeking an alternate award of attorney's fees under the private attorney general statute; (3) add the "extraordinary circumstances" exception to the density bonus attorney's fees provision; and (4) delete the "frivolous" exception and the January 1, 2007 sunset from the no-net-loss attorney's fees provision. Sponsored by CRLA Foundation.

SB 1509 (Soto): Mixed use.

Introduced 23 Feb 2006.

This bill would require the Office of Planning and Research to adopt one or model ordinances for voluntary use by cities, counties, and cities and counties, suitable for modification by a local agency, that encourage mixed use urban form and design that meet specified criteria and perform other duties related to the development and adoption of the ordinance or ordinances.

SB 1800 (Ducheny): General plans: housing.

Senate Transportation and Housing; Not brought up for a vote.

This bill would have made significant changes to housing planning law. Sponsored by the California Building Industry Association.

LANDLORD-TENANT

AB 791 (Lieber): Mobilehome tenancies.

Defeated on Assembly Floor 37-34 (41 votes needed).

Clarifies that specified provisions of conventional landlord-tenant law prohibiting retaliation and harassment by landlords apply to management of a mobilehome park and provides that a provision of a rental agreement for a mobilehome is void as against public policy if it contains a waiver of various rights of a mobilehome owner.

AB 1161 (Yee): Commercial security deposits.

Failed in Senate Judiciary 2-3.

Would expand the circumstances under which a landlord may deduct from a security deposit in nonresidential leases.

AB 1169 (Torrico): 60 days' notice of no-fault termination.

Chapter 842, Statutes of 2006.

Generally restores the law that expired on 1 January 2006, to give tenants 60 days' notice of a termination of a periodic tenancy without cause. One change: The longer notice is required after all the occupants of the unit have resided in the unit for at least one year; under the previous law, the longer notice was required once *any* tenant had resided in the unit for one year. Landlords are required to give the 60-day notice regardless of the tenant's term (e.g., a week-to-week tenancy requires 60 days' notice for the landlord to terminate, while the tenant may give a week's notice). The new 60-day notice expires on 31 December 2009.

AB 1922 (Walters): Renters' Tax Credit; homeowners' exemption.

Introduced 31 Jan 2006.

Would index the renters tax credit for inflation; would increase the homeowners tax exemption from \$7,000 to 25% of the purchase price.

AB 2008 (Haynes): Unlawful detainer.

Died in Assembly Judiciary; not brought up for hearing.

Would shorten the time for tenants to file motions to strike and demurrers in eviction actions.

AB 2104 (Lieber) California Alternate Rates for Energy program.

Chapter 842, Statutes of 2006.

Requires the PUC to improve the CARE (California Alternate Rates for Energy) application process for tenants receiving electric or gas service from a master meter by developing processes so that utilities are able to directly accept CARE applications from tenants and to directly notify and provide renewal applications to tenants that are existing CARE customers. Previously, tenants were required to submit applications and renewals through their landlords, which too often resulted in tenants failing to receive the discounted rates provided under the CARE program.

AB 2106 (Lieber) Meetings of mobile home park tenants.

Defeated on Assembly Floor 31-40.

Would allow mobile home park tenants to use the park's meeting rooms (which are typically the only venue) for meetings and exclude park managers from the meetings.

AB 2206 (Montañez): Recycling.

Vetoed.

Would require local jurisdictions to report on the progress made in the diversion and recycling of waste material at multifamily dwellings in their annual report to the California Integrated Waste Management Board.

AB 2258 (Villines): Waiver of jury trial.

Defeated in Assembly Judiciary 3-6.

Would allow parties to a rental contract to waive their rights to a jury trial in any suit arising from a dispute regarding the contract. Housing advocates opposed, arguing that tenants would have no bargaining power and thus would be forced to give up the constitutional right to a jury trial.

AB 2464 (Saldaña): CEQA and condo conversions.

Died in Assembly Natural Resources; was not voted on in committee.

Would clarify that the conversion of rental housing to condominiums is subject to review under the California Environmental Quality Act (CEQA).

AB 2562 (Saldaña): Condo conversion notices.

Defeated on Assembly Floor 38-40.

Would increase and improve the various notice requirements to tenants for a condominium conversion. For example, under current law tenants receive notice of pending approval of a final subdivision map, which is generally not subject to challenge, while little or no notice is required for the hearing on a tentative map, where objections could be raised. The bill would require notice of an impending tentative map, instead of the final map. The bill also increases penalties for failure to give the notices.

AB 2603 (Parra): Discrimination: sex offenders.

Died in Assembly Appropriations.

Would allow landlords to inquire about whether tenants and prospective tenants are required to register as sex offenders, but impose no obligation to do so, and allow landlords to refuse to rent or evict a tenant if the person is required to register. The bill was so onerous that registrants would likely fail to register to find housing, or would concentrate in very low income areas with vulnerable children. Sponsored by the California Apartment Association. After opposition, the bill was reduced to "intent" language; i.e., the bill was stripped of its contents to give the author a chance to craft a bill acceptable to the Legislature.

AB 2712 (Leno): Megan's Law.

Vetoed.

Would clarify current law that provides that landlords would have no special duty with regard to renting to a tenant who is required to register on the Megan's Law database, other than notifying prospective tenants of the existence of the database. It also clarifies that the landlord's general duties to provide safe housing are not affected by this bill, but that a landlord is required to evict and make housing decision based on conduct, not status.

AB 2738 (Wyland): Senior citizens' renters' tax credit and homeowners' exemption.

Introduced 24 Feb 2006.

This bill would increase renters' tax credit to \$151 for married couples and heads of household and are

age 62 years or older, and to \$75 for others who are age 62 years or older. It would also increase the homeowners' property tax exemption for seniors.

AB 2839 (S Runner): Habitability.

Defeated in Assembly Judiciary 3-6.

Would require landlords renting to tenants with Section 8 vouchers to attach an addendum to lease stating that the tenant will be subject to eviction for criminal activity or aiding criminal activity on or off the premises. Housing advocates opposed, due to the extreme, broad language of the measure, and the fact that any legitimate requirements it contained are essentially controlled by federal law.

SB 540 (Kehoe): Political signs.

Vetoed.

Would expressly permit tenants to display political campaign signs.

SB 1386 (Morrow): Waiver of jury trial.

Defeated in Senate Judiciary 2-3.

Would allow parties to a rental contract to waive their rights to a jury trial in any suit arising from a dispute regarding the contract. Housing advocates opposed, arguing that tenants would have no bargaining power and thus would be forced to give up the constitutional right to a jury trial. Co-sponsored by the California Apartment Association.

SB 1676 (Ducheny): Condo conversion notices.

Failed 38-36 in the Assembly (41 votes needed to pass).

Would require a 180-day notice to all tenants for all condominium conversions, regardless of the date of construction or whether a final map was obtained previously. Under current law, depending on the type and age of the building, tenants may receive a 180-day of intent to convert, a 90-day notice, or simply a 30-day no-cause notice to vacate. During the notice period, the rent could not be increased, and the tenant could not be evicted except for cause.

SB 1834 (Alarcón): Ellis Act.

Dead; Senate Transportation and Housing hearing canceled at author's request.

Under the existing Ellis Act, landlords are permitted to evict all their tenants and go out of business. This bill would define "to go out of business" for purposes of the Act, and establish statewide procedures for establishing extended notices for seniors and disabled.

REDEVELOPMENT

AB 782 (Mullin): Blight definition.

Chapter 113, Statutes of 2006.

Deletes the criterion for a blight finding that the land in the project area is characterized by the existence of subdivided lots of irregular form and shape and inadequate size for proper usefulness and development that are in multiple ownership.

AB 1990 (Walters): Eminent domain.

Assembly Housing: Failed 2-5.

Summary: redevelopment agency, or community development commission or joint powers agency, as specified, from exercising the power of eminent domain to acquire any real property if ownership of the property will be transferred to a private party or private entity.

AB 2157 (Chu): El Monte transit redevelopment.

Assembly Housing: Author did not set the bill for hearing.

This bill would authorize the El Monte Community Redevelopment Agency to carry out a transit-oriented redevelopment project and eliminate the time limit on the establishment of loans and indebtedness, and increase the amount of bonded indebtedness. Housing advocates expressed concerns, as the bill contained none of the housing provisions required under current law when deadlines are extended.

AB 2161 (Klehs): Mount Eden/Hayward special legislation.

Allows the Alameda County redevelopment agency to immediately transfer monitoring and other responsibilities for units to the City of Hayward, which will annex the land in question soon.

AB 2346 (Oropeza): Los Angeles Harbor District.

Introduced 23 Feb 2006.

This bill would establish the Harbor District Development Authority in the City of Los Angeles and authorize the City Council of the City of Los Angeles, by resolution, to designate the Los Angeles Board of Harbor Commissioners as the redevelopment agency for the Los Angeles Harbor District.

AB 2682 (Daucher): Tax increment revenues.

Introduced 24 Feb 2006.

This bill would require the share of property tax increment revenues diverted from local educational agencies to be directed to the county instead of the local educational agencies when a redevelopment agency is deactivated if the county has provided adequate affordable housing.

AB 2922 (Jones): Low and Moderate Income Housing Fund.

Vetoed.

Would require redevelopment agencies to record a separate short document that specifies the date on which affordability restrictions will expire and describes the property; so that title companies are better able to report the restrictions; (2) Would specify that any interested parties, including any person or family of low or moderate income that is eligible to reside at, or is displaced or threatened with displacement from, a property subject to affordability covenants or restrictions, may sue to enforce those covenants or restrictions; (3) Would expand requirements for disclose, requiring agencies to identify the affordability level of affordable housing units, to verify that required affordability covenants or restrictions were recorded, and to state the expiration date for covenants or restrictions; and (4) Would clarify that existing statutes requiring redevelopment agencies to rehabilitate or construct specified percentages of affordable housing units are not met until an agency has recorded the required affordability covenants or restrictions. Sponsored by Western Center. The portion of the bill to increase the housing set-aside had to be dropped after strong opposition from the redevelopment agencies.

ACA 22 (La Malfa): Eminent domain restriction.

Assembly Housing: Failed 2-4.

Would submit to the voters a constitutional amendment to prohibit any subsequent private use (including housing) of property taken by eminent domain.

SB 1206 (Kehoe): Blight definition and enforcement.

Chapter 595, Statutes of 2006.

Alters the definition of "blight"; make it easier for residents to challenge unpopular redevelopment decisions and increases Attorney General oversight of the redevelopment process.

SB 1210 (Torlakson): Eminent domain.

Chapter 594, Statutes of 2006.

Enacts several reforms to the condemnation process:

- Requires a finding of continuing "substantial blight" prior to any exercise of eminent domain pursuant to a redevelopment plan longer than 12 years after the adoption of the plan
- Prevents issuance of a pre-judgment order of possession without prior notice and an opportunity to respond for the property owner or occupants.
- Requires an entity seeking to take property to offer to pay the property owner's reasonable costs in ordering an independent appraisal of the property.
- Defines litigation expenses to include reasonable attorney's fees and reasonable expert witness and appraiser fees.

SB 1809 (Machado): Real property disclosures.

Introduced 24 Feb 2006.

This bill would require a specified disclosure statement in connection with the transfer of residential real property that is located in a redevelopment project area regarding whether the property may be subject to eminent domain proceedings, as specified. The bill would also require notice to a prospective purchaser in the case of a transfer of any other real property, if that property is located within a redevelopment project area. The bill would also require a redevelopment agency to provide specified information regarding real property and redevelopment to an owner of the property or that owner's agent within 3 business days of receiving a written request for information.

SCA 20 (McClintock): Eminent domain.

Defeated in Senate Judiciary 1-2.

Would prohibit any subsequent private use (including housing) of property taken by eminent domain.

Comment: We opposed. The bill's language was broad and unclear. Had it passed and been enacted by the voters, local rent stabilization ordinances would have almost certainly been challenged based on the constitutional provisions of SCA 20.