

AMENDED IN ASSEMBLY AUGUST 22, 2005

SENATE BILL

No. 1026

Introduced by Senator Perata Kehoe

(Principal coauthors: Assembly Members Mullin and Salinas)

February 22, 2005

An act to ~~repeal Section 65586 of the Government Code, relating to housing elements.~~ *add and repeal Section 1240.060 of the Code of Civil Procedure, relating to eminent domain.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1026, as amended, ~~Perata Kehoe. Housing element guidelines: general plans.~~ *Eminent domain.*

Existing law authorizes public entities to seize private property under the power of eminent domain.

This bill would prohibit, until January 1, 2008, a public entity from exercising the power of eminent domain to acquire owner-occupied residential real property for private use, as defined.

The bill would also require the California Research Bureau of the State Library to submit a report to the Legislature, on or before January 1, 2007, regarding the exercise of the power of eminent domain, as specified.

~~Existing law requires each city, county, or city and county to prepare and adopt a general plan for its jurisdiction that contains certain mandatory elements, including a housing element. Existing law required local governments to conform their housing elements to the provisions of state law governing the housing element part of the general plan by October 1, 1981.~~

~~This bill would delete the provision relating to the October 1, 1981, requirement.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1240.060 is added to the Code of Civil
2 Procedure, to read:
3 1240.060. (a) Notwithstanding any other provision of law, no
4 public entity shall exercise the power of eminent domain to
5 acquire owner-occupied residential real property for private use.
6 (b) As used in this section, "private use" means any use other
7 than as a public facility or a public works that is owned and
8 operated by the public entity.
9 (c) This section shall remain in effect only until January 1,
10 2008, and as of that date is repealed, unless a later statute which
11 is enacted before January 1, 2008, deletes or extends that date.
12 SEC. 2. (a) On or before January 1, 2007, the California
13 Research Bureau of the State Library shall submit to the
14 Legislature a report that identifies:
15 (1) All exercises of the power of eminent domain by public
16 entities to acquire owner-occupied residential property for
17 private use completed between January 1, 1996 and January 1,
18 2006.
19 (2) The declared purposes for each of those acquisitions.
20 (3) The compensation paid for each of those acquisitions.
21 (4) The current owners of those real properties.
22 (5) The current uses of those real properties.
23 (b) As used in this section, "private use" means any use other
24 than as a public facility or a public works that is owned and
25 operated by the public entity.
26 ~~SECTION 1. Section 65586 of the Government Code is~~
27 ~~repealed.~~

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