

AMENDED IN SENATE JULY 3, 2007
AMENDED IN ASSEMBLY APRIL 10, 2007
CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 31

Introduced by Assembly Member De Leon
*(Coauthors: Assembly Members Bass, Coto, Hernandez, Mendoza,
Nunez, Saldana, Solorio, Soto, and Torrico)*
(Coauthors: Senators Cedillo and Padilla)

December 4, 2006

An act to amend Sections 5640, ~~5642, and 5647 of, and~~ 5641, 5642, 5643, 5644, 5645, 5646, 5647, 5648, 5649, 5650, 5651, and 5653 of, to amend the heading of Chapter 3.3 (commencing with Section 5640) of Division 5 of, *and to add Sections 5643.5, 5643.6, 5652.5, 5655, 5656, and 5657 to*, the Public Resources Code, relating to parks and recreation.

LEGISLATIVE COUNSEL'S DIGEST

AB 31, as amended, De Leon. ~~Neighborhood Park and Recreation Statewide Park Development and Community Revitalization Act of 2007.~~

~~Existing law establishes the~~

~~The Urban Park Act of 2006, which~~ requires the Department of Parks and Recreation to establish a local assistance program to offer grants, on a competitive basis, to various local entities and nonprofit organizations, as defined, for the acquisition or development, or both, of urban parks and recreational areas and facilities. ~~Existing law authorizes heavily~~ *Heavily* urbanized counties *are authorized* to apply

for these grants. For purposes of the act, the term “heavily urbanized county” is defined.

This bill would change the name of the act to the ~~Neighborhood Park and Recreation~~ *Statewide Park Development and Community Revitalization Act of 2007 (act)*. A city, district, joint powers authority, or county, in addition to specified nonprofit organizations, would be authorized to apply for local assistance program grants. The bill would expand the definition of “heavily urbanized county” to include counties with a population of 350,000 or more people and a density of at least 900 persons per square mile term “critically underserved community” would replace the term “heavily urbanized county” for purposes of the act and would be defined to include a census tract with less than 2 acres of parkland per 1,000 residents based on the most recent verifiable census data. The *Project Development and Technical Assistance Fund* would be established for the purpose of awarding project development and technical assistance grants to a city, district, joint powers authority, county, or nonprofit organization to assess potential projects or develop and prepare project grant applications, or both, for projects serving a critically underserved community. The department would be required to administer the fund. The department also would be required, on or before April 1, 2009, to adopt guidelines to amplify or clarify the grant criteria or develop a procedural guide for the administration of the act and the guidance of applicants. The act would be implemented only in a fiscal year for which funding is provided in the annual Budget Act.

The bill also would make clarifying and conforming changes to other provisions of the act.

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

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

- 1 SECTION 1. It is the intent of the Legislature to make available
- 2 to the Department of Parks and Recreation, upon appropriation,
- 3 four hundred million dollars (\$400,000,000) that shall be used to
- 4 award competitive grants pursuant to the ~~Neighborhood Park and~~
- 5 ~~Recreation~~ *Statewide Park Development and Community*
- 6 *Revitalization Act of 2007 (Chapter 3.3 (commencing with Section*
- 7 *5640) of Division 5 of the Public Resources Code).*

1 SEC. 2. The heading of Chapter 3.3 (commencing with Section
2 5640) of Division 5 of the Public Resources Code is amended to
3 read:

4
5 CHAPTER 3.3. ~~THE NEIGHBORHOOD PARK AND RECREATION~~
6 STATEWIDE PARK DEVELOPMENT AND COMMUNITY
7 REVITALIZATION ACT OF 2007
8

9 SEC. 3. Section 5640 of the Public Resources Code is amended
10 to read:

11 5640. This chapter shall be known, and may be cited, as the
12 ~~Neighborhood Park and Recreation~~ *Statewide Park Development*
13 *and Community Revitalization Act of 2007.*

14 SEC. 4. Section 5641 of the Public Resources Code is amended
15 to read:

16 5641. The Legislature hereby finds and declares as follows:

17 (a) The program created by this chapter will finance the
18 acquisition and development of parks and recreation areas and
19 facilities in the ~~neighborhoods~~ *communities* that are currently least
20 served by park and recreation providers by emphasizing the
21 *creation of opportunities and the expansion of neighborhood park*
22 *accessibility to—parks underserved communities.* These
23 ~~neighborhoods~~ *underserved communities* are often the same areas
24 that suffer most from high unemployment and destructive or
25 unlawful conduct by youth.

26 (b) The program established by ~~the~~ *this* chapter will encourage
27 community participation in, and a greater sense of responsibility
28 toward, new parks and recreation areas and facilities, which will
29 help keep them clean and safe and which will enhance community
30 pride and sustain neighborhood vitality.

31 (c) New parks and facilities will provide safe recreational
32 opportunities for children ~~and~~, positive outlets, *and secure sites*
33 for youth, ~~and will meet~~ *while also meeting* the special recreational
34 and social needs of senior citizens and other ~~urban~~ population
35 groups.

36 (d) *Easily accessible parks are critical to improving the overall*
37 *physical health of children and are necessary to combat the*
38 *epidemic of obesity.*

1 (e) Parks also deliver significant environmental benefits by
2 filtering pollutants from water and the air and helping to prevent
3 emerging respiratory illnesses, such as asthma and bronchitis.

4 (f) Access to public parks and recreational facilities has been
5 strongly linked to reductions in crime and in particular to reduced
6 rates of juvenile delinquency. Parks and recreational facilities
7 provide at-risk youth with enrichment or recreational activities,
8 give them a safe environment to interact with their peers, and
9 occupy time in which they could otherwise engage in crime and
10 delinquency-related behavior.

11 (g) California suffers from an acute shortage of parks
12 throughout the state, particularly in poor communities.

13 (h) It is therefore the intent of the Legislature that the funds
14 made available through the Statewide Park Development and
15 Community Revitalization Act of 2007 be used to award competitive
16 grants statewide to advance certain goals and policies, including,
17 but not limited to, protecting the public health of children and
18 assisting in the development of park and recreation opportunities
19 to critically underserved communities. It is further the intent of
20 the Legislature that this be accomplished by delivering project
21 funds to neighborhood and regional park projects in areas of
22 highest need, particularly a project's service area with higher than
23 average rates of children under the age of 18 years, at-risk youth,
24 and health and social problems, including, but not limited to,
25 poverty, unemployment, obesity, and asthma.

26 ~~SEC. 4.~~

27 SEC. 5. Section 5642 of the Public Resources Code is amended
28 to read:

29 5642. As used in this article, the following terms shall have
30 the following meanings:

31 (a) "City" means a city or a city and county.

32 (b) "Critically underserved community" means a census tract
33 with less than two acres of parkland per 1,000 residents based on
34 the most recent verifiable census data.

35 ~~(b)~~

36 (c) "District" means a regional park district, regional park and
37 open-space district, or regional open-space district formed pursuant
38 to Article 3 (commencing with Section 5500) of Chapter 3, or a
39 recreation and park district formed pursuant to Chapter 4
40 (commencing with Section 5780).

1 (e)

2 (d) “Facilities” includes, but is not limited to, places for
3 organized team sports, outdoor recreation, and informal turf play;
4 nonmotorized recreational trails; permanent play structures;
5 landscaping; community gardens; places for passive recreation,
6 enjoyment of scenic open space, nature appreciation and study,
7 and outdoor education; multipurpose structures designed to meet
8 the special recreational, educational, vocational, and social needs
9 of youth, senior citizens, and other ~~urban~~ population groups;
10 *recreation areas created by the redesign and retrofit of urban*
11 *freeways*; and infrastructure and other improvements that support
12 these facilities.

13 ~~(d) “Heavily urbanized county” means a county with a~~
14 ~~population of 350,000 or more, and a density of at least 900 persons~~
15 ~~per square mile, based on the most recent verifiable census data.~~

16 (e) “*Neighborhood park*” means a park project that is designed
17 to service residents approximately one-half mile or less from the
18 park location.

19 (e)

20 (f) “Nonprofit organization” means any nonprofit public benefit
21 corporation formed pursuant to the Nonprofit Corporation Law
22 (Division 2 (commencing with Section 5000) of the Corporations
23 Code), qualified to do business in California, qualified under
24 Section 501(c)(3) of Title 26 of the United States Code, and that
25 has among its primary purposes the preservation, protection, or
26 enhancement of land or water resources in their natural, scenic,
27 historical, agricultural, forested, or open-space condition or use,
28 or the provision of conservation and environmental education and
29 other recreational, vocational, and educational services to ~~urban~~
30 youth.

31 ~~(f) “Park access” means the distance of approximately one-half~~
32 ~~mile or less from a residence to a park.~~

33 (g) “*Regional park or trail*” means an existing or proposed
34 park, including parklands designed to serve multiple critically
35 underserved communities.

36 SEC. 6. Section 5643 of the Public Resources Code is amended
37 to read:

38 5643. The Department of Parks and Recreation shall establish
39 a local assistance program to ~~offer~~ *distribute* grants *equitably*
40 *across the state*, on a competitive basis, to eligible cities, counties,

1 joint powers authorities, any district ~~except a school district~~
2 authorized to provide park, recreational, or open-space services,
3 or a combination of those services, and nonprofit organizations
4 for the acquisition or development, or both, of property for ~~urban~~
5 parks and recreation areas and facilities.

6 *SEC. 7. Section 5643.5 is added to the Public Resources Code,*
7 *to read:*

8 *5643.5. The local assistance program created by this chapter*
9 *shall fund projects throughout the state in a fair and equitable*
10 *manner.*

11 *SEC. 8. Section 5643.6 is added to the Public Resources Code,*
12 *to read:*

13 *5643.6. It is the intent of the Legislature that the local*
14 *assistance program created by this chapter fund both neighborhood*
15 *parks and regional parks and trails. The local assistance program*
16 *created by this chapter shall not assign an application a priority*
17 *on the basis of the project's acreage or the type of service the*
18 *project provides.*

19 *SEC. 9. Section 5644 of the Public Resources Code is amended*
20 *to read:*

21 5644. The following entities are eligible to apply for grants
22 pursuant to this chapter:

23 (a) ~~A heavily urbanized county~~ A city, district, joint powers
24 authority, or county.

25 (b) ~~Any city or district, or joint powers authority that includes~~
26 ~~a city or district, irrespective of population, in a heavily urbanized~~
27 ~~county.~~

28 (c) ~~Any city with a population of 100,000 or more, based on~~
29 ~~the most recent verifiable census data, which is not in a heavily~~
30 ~~urbanized county.~~

31 (d)

32 (b) A nonprofit organization that is applying for a grant for a
33 project located within the jurisdiction of an entity that meets the
34 requirements of subdivision (a), (b), or (c).

35 *SEC. 10. Section 5645 of the Public Resources Code is*
36 *amended to read:*

37 5645. The department may award a grant pursuant to this
38 chapter only for a project that meets all of the following criteria:

39 (a) The proposed project is a neighborhood park within the
40 jurisdiction of an eligible applicant, as specified in Section 5644

1 *a critically underserved community or a regional park or trail*
2 *whose primary service area includes residents of critically*
3 *underserved communities.*

4 (b) The project will result in the creation of a new ~~urban~~ park,
5 new or multipurpose facility, or new recreational opportunity.

6 *SEC. 11. Section 5646 of the Public Resources Code is*
7 *amended to read:*

8 5646. In evaluating applications for grants that meet the
9 requirements of Section 5645, the department shall assign higher
10 priority to applications, for each of the following criteria satisfied:

11 (a) The amount of the grant applied for, together with any
12 matching contribution, will meet all the costs of acquiring or
13 developing, or both, the new ~~urban~~ park or facilities, and when
14 construction of the project is completed, the new ~~urban~~ park or
15 facility will be fully usable by the residents of the project's service
16 area *critically underserved community.*

17 ~~(b) The project's service area has significant deficiencies in~~
18 ~~park access and facilities relative to other areas of the applicant's~~
19 ~~jurisdiction.~~

20 *(b) The project's service area has a substantial percent of*
21 *persons living at or below the poverty level.*

22 *(c) The project's service area has a significant unemployment*
23 *rate.*

24 *(d) The project seeks to alleviate health problems in the project's*
25 *service area, such as asthma, obesity, or both.*

26 *(e) The project's service area has a significant number of*
27 *children under the age of 18 years.*

28 (e)

29 (f) The project will enhance *workforce development and*
30 *employment opportunities for, but not limited to, green*
31 *construction projects, or will accommodate outdoor learning*
32 *opportunities for residents and school pupils, including at-risk*
33 *youth, of the project's service area, or of members of the California*
34 *Conservation Corps or, certified local conservation corps, or*
35 *participants in a vocational training program.*

36 ~~(d) The project will accommodate outdoor learning opportunities~~
37 ~~for school pupils or at-risk youth from the project's service area,~~
38 ~~or of members of the California Conservation Corps or certified~~
39 ~~conservation corps.~~

40 (e)

1 (g) The project will be usable by pupils from one or more public
2 schools in the project's service area *assigning higher priority for*
3 *servicing pupils from schools ranked in the lower deciles of the*
4 *Academic Performance Index (API), as determined by the State*
5 *Department of Education, at the time of the grant application*
6 *submission.*

7 ~~(f) The application includes a commitment for a matching~~
8 ~~contribution. The matching contributions may be in the form of~~
9 ~~moneys from any source, including funds from other state local~~
10 ~~assistance programs; gifts of real property, equipment, and~~
11 ~~consumable supplies; volunteer services; free or reduced-cost use~~
12 ~~of land, facilities, or equipment; and bequests and income from~~
13 ~~wills, estates, and trusts. The department shall evaluate the amount~~
14 ~~of the matching contribution in terms of its proportionality in~~
15 ~~relation to the economic resources of the applicant.~~

16 (h) *The project will serve communities with a high percentage*
17 *of youth crime.*

18 ~~(g)~~

19 (i) The project will wholly or partly replace an area of blight,
20 recycle property, replace a brownfield, or will contribute
21 significantly to the economic revitalization of the area in the
22 project's service area.

23 ~~(h)~~

24 (j) ~~The development phase and selection of the project was~~
25 ~~planned with public input from the public and nonprofit~~
26 ~~organizations from the affected community.~~

27 ~~(i)~~

28 (k) The project is a ~~joint-use~~ *joint partnership* project between
29 two or more agencies, *including, but not limited to, nonprofit*
30 *organizations and local governmental agencies* that share
31 responsibility for ownership, development, and maintenance of
32 the project.

33 ~~(j)~~

34 (l) The project is a partnership in an infill, transit-oriented, or
35 an affordable housing development, *or is easily accessible to*
36 *pedestrians, bicycles, and public transit, and encourages use by*
37 *local residents.*

38 ~~(k) The project is easily accessible to pedestrians, bicycles, and~~
39 ~~public transit, and encourages use by local residents.~~

40 ~~(l)~~

1 (m) The project creates a new park in a location where none
2 currently exists.

3 (n) *The project provides efficient use of water and other natural*
4 *resources, including, but not limited to, projects that utilize green*
5 *construction methods, climate appropriate vegetation, management*
6 *techniques, such as stormwater capture and storage, and*
7 *reductions for both dry and wet runoff, minimizing the use of*
8 *nonorganic pesticides and fertilizers and impervious surfaces.*

9 ~~SEC. 5.~~

10 ~~SEC. 12.~~ Section 5647 of the Public Resources Code is
11 amended to read:

12 5647. (a) The department may adopt guidelines to amplify or
13 clarify the criteria specified in Section 5646, and may adopt
14 additional criteria, to supplement those criteria, but the scope of
15 the additional criteria shall be limited to providing additional
16 guidance in selecting projects in areas that have the greatest
17 deficiencies in parks and facilities.

18 (b) The department may develop a procedural guide for the
19 administration of this chapter and the guidance of applicants.

20 (c) The department shall solicit written comments and hold
21 public hearings at convenient locations throughout the state on
22 any guideline or procedural guide that is proposed to be adopted
23 or developed pursuant to this section.

24 (d) *The department shall adopt the guidelines or develop the*
25 *procedural guide on or before April 1, 2009.*

26 ~~(d)~~

27 (e) Any regulation or procedural guide adopted or developed
28 pursuant to this section shall not be subject to the review or
29 approval of the Office of Administrative Law or to any other
30 requirement of Chapter 3.5 (commencing with Section 11340) of
31 Division 3 of Title 2 of the Government Code.

32 ~~(e)~~

33 (f) The department may not expend more than ~~5~~ 2.5 percent of
34 the amount annually appropriated for the purposes of this chapter
35 for administrative costs.

36 ~~(f)~~

37 (g) If funding is available, the department shall administer
38 application requests for proposals and grant awards in no less than
39 two cycles in ~~two years~~ *one year*. The department shall maintain
40 this application schedule as long as funding is available.

1 *SEC. 13. Section 5648 of the Public Resources Code is*
2 *amended to read:*

3 5648. (a) The local assistance program created by this chapter
4 is intended to include grants for the acquisition or development,
5 or both, of parcels of property of any size that will serve ~~urban~~
6 residents *of a critically underserved community* and otherwise
7 meet the requirements of this chapter. The department shall not
8 assign an application a lower priority on the basis that the
9 application proposes the acquisition of a city lot or other small
10 parcel.

11 (b) A grant may be expended to acquire the fee title, a leasehold,
12 or other interest in real property. If an application proposes to
13 acquire less than fee title, the applicant shall demonstrate in the
14 application, to the satisfaction of the department, that the proposed
15 project will provide public benefits that are commensurate with
16 the type and duration of the interest in real property to be acquired.

17 *SEC. 14. Section 5649 of the Public Resources Code is*
18 *amended to read:*

19 5649. Any eligible nonprofit organization may apply for a grant
20 on its own behalf or on behalf of an eligible city, county, or district
21 pursuant to a contract with that city, county, or district to acquire
22 and develop the ~~urban~~ park or recreation area. The application
23 ~~shall~~ *may* include a copy of the contract and the resolution or other
24 authorization for the contract. The contract shall specify
25 arrangements for the long-term management and operation of the
26 ~~urban~~ park or recreation area.

27 *SEC. 15. Section 5650 of the Public Resources Code is*
28 *amended to read:*

29 5650. (a) Every applicant for a grant pursuant to this chapter
30 and the entity that will operate and maintain the property, if that
31 entity is different than the applicant, shall agree to comply with
32 all of the following requirements:

33 (1) To operate and maintain the property developed pursuant
34 to this chapter so that it is usable by residents of the ~~project's~~
35 ~~service area~~ *targeted critically underserved community*. With the
36 approval of the department, the grant recipient, or its successor in
37 interest in the property, may transfer its property interest and the
38 responsibility to operate and maintain the property, in accordance
39 with the terms of the grant and any applicable law, to a public
40 agency or nonprofit organization that is able to operate and

1 maintain the property in perpetuity. Any attempt to make a transfer
2 in violation of this subdivision is void.

3 (2) To use the property only for the purposes for which the grant
4 was made and to make no other use or sale or other disposition of
5 the property, except as authorized by specific act of the Legislature.
6 If the use of the property is changed to a use that is not permitted
7 by the terms of the grant, or if the property is sold or otherwise
8 disposed of, the grant recipient shall reimburse the state an amount
9 equal to the amount of the grant, the fair market value of the land
10 and any improvements constructed with the grant, or the proceeds
11 from the sale or other disposition, whichever amount is greatest.
12 If the property that is sold or otherwise disposed of is less than the
13 entire interest in the property funded with the grant, the grant
14 recipient shall reimburse the state an amount equal to either the
15 proceeds from the sale or other disposition of the interest or the
16 fair market value of the interest sold or otherwise disposed of,
17 whichever amount is greater.

18 (b) In lieu of seeking reimbursement pursuant to paragraph (2)
19 of subdivision (a), the department may impose restrictions on the
20 use of public park property identical to the requirements for the
21 preservation of public parks set forth in the Public Park
22 Preservation Act of 1971 (Chapter 2.5 (commencing with Section
23 5400)) with respect to any property used, sold, or otherwise
24 disposed of in a manner not permitted by the terms of the grant.

25 *SEC. 16. Section 5651 of the Public Resources Code is*
26 *amended to read:*

27 5651. The recipient of a grant pursuant to this chapter may use
28 the grant funds to pay for any portion of the cost of cleaning up,
29 removing, or remediating any toxic materials or hazardous
30 substances, if the amount used for cleanup, removal, or remediation
31 does not exceed ~~the lesser of~~ 20 percent of the grant allocated to
32 the project ~~or one hundred thousand dollars (\$100,000).~~

33 *SEC. 17. Section 5652.5 is added to the Public Resources Code,*
34 *to read:*

35 5652.5. A grant recipient shall encumber grant moneys within
36 three years of the date of the approval of the grant.

37 *SEC. 18. Section 5653 of the Public Resources Code is*
38 *amended to read:*

39 5653. (a) On or before April 30, ~~2003~~ 2010, and on or before
40 April 30 annually thereafter, the department shall submit a report

1 to the Legislature on the status of each grant made pursuant to this
2 chapter, *including, but not limited to, how each project met the*
3 *criteria outlined in Section 5646, how the project affected the*
4 *project's service area, descriptions of park usage by residents of*
5 *the project's service area, and demographic information regarding*
6 *the surrounding project's census tracts.*

7 (b) *The Legislature shall review the department's submitted*
8 *report and shall make any appropriate and necessary changes to*
9 *Section 5646 for all subsequent disbursement of funds.*

10 SEC. 19. *Section 5655 is added to the Public Resources Code,*
11 *to read:*

12 5655. *For purposes of this chapter, the Project Development*
13 *and Technical Assistance Fund is hereby established and shall be*
14 *administered by the Department of Parks and Recreation. All*
15 *moneys in the fund shall be used as specified in Section 5657.*

16 SEC. 20. *Section 5656 is added to the Public Resources Code,*
17 *to read:*

18 5656. *It is the intent of the Legislature to make available to*
19 *the Department of Parks and Recreation, upon appropriation,*
20 *twenty-five million dollars (\$25,000,000) that shall be deposited*
21 *into the Project Development and Technical Assistance Fund.*

22 SEC. 21. *Section 5657 is added to the Public Resources Code,*
23 *to read:*

24 5657. *The Project Development and Technical Assistance Fund*
25 *shall be used to award project development and technical*
26 *assistance grants to a city, district, joint powers authority, county,*
27 *or nonprofit organization. The grants shall be used to assess*
28 *potential projects or develop and prepare project grant*
29 *applications, or both, for projects serving a critically underserved*
30 *community.*