

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 841

Introduced by Assembly Member Fuentes

February 26, 2009

An act to add Section 50199.25 to the Health and Safety Code, relating to taxation.

LEGISLATIVE COUNSEL'S DIGEST

AB 841, as amended, Fuentes. Low-income housing tax ~~credits.~~
~~credits:~~ *City of Los Angeles.*

Existing law requires the California Tax Credit Allocation Committee to allocate specified insurance, income, and corporation tax credits for purposes of low-income housing projects.

This bill would ~~declare the Legislature's intent to enact legislation that would~~ require the committee to allocate a portion of the credits to the City of Los Angeles, *as provided.*

This bill would state the findings and declarations of the Legislature concerning the need for special legislation.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 *SECTION 1. Section 50199.25 is added to the Health and*
2 *Safety Code, to read:*

3 *50199.25. Notwithstanding any other provision in this chapter*
4 *to the contrary, the California Tax Credit Allocation Committee*
5 *shall, to the extent possible, allocate a portion of the California*
6 *low-income housing tax credit to the City of Los Angeles in*
7 *accordance with the following:*

8 *(a) The Los Angeles Housing Department shall annually*
9 *establish a local qualified allocation plan for purposes of*
10 *allocating the California low-income housing tax credit within the*
11 *City of Los Angeles.*

12 *(b) The local qualified allocation plan shall provide for the*
13 *allocation of the housing tax credits in accordance with the same*
14 *criteria and requirements used in allocating the credits by Section*
15 *42 of the Internal Revenue Code and by the California Tax Credit*
16 *Allocation Committee.*

17 *(c) The local qualified allocation plan shall provide for annual*
18 *housing priorities and needs, and one or more annual competitive*
19 *application cycles for the tax credits.*

20 *(d) The Los Angeles Housing Department shall review the*
21 *applications for completeness, feasibility, and the extent to which*
22 *the projects meet the threshold and competitive selection criteria*
23 *contained in the state's qualified allocation plan and local qualified*
24 *allocation plan, issue determinations, and maintain a waitlist, if*
25 *necessary. The review shall include, but not be limited to, the*
26 *following:*

27 *(1) Evaluation of compliance with threshold criteria.*

28 *(2) Project and sponsor underwriting.*

29 *(3) Scoring applications for an award of housing tax credits*
30 *based upon California Tax Credit Allocation Committee program*
31 *guidelines.*

32 *(e) The awarding of housing tax credits to the projects shall be*
33 *subject to approval by the Mayor and the Council of the City of*
34 *Los Angeles, and, upon that approval, a list of those projects shall*
35 *be forwarded to the California Tax Credit Allocation Committee*
36 *for the actual awarding of the housing tax credits in accordance*
37 *with the requirements of this chapter.*

1 (f) *The California Tax Credit Allocation Committee shall adopt*
2 *all rules and regulations necessary to implement this section in a*
3 *manner that ensures compliance with all requirements used in*
4 *allocating the federal tax credit pursuant to this chapter.*

5 *SEC. 2. If the Commission on State Mandates determines that*
6 *this act contains costs mandated by the state, reimbursement to*
7 *local agencies and school districts for those costs shall be made*
8 *pursuant to Part 7 (commencing with Section 17500) of Division*
9 *4 of Title 2 of the Government Code.*

10 *SEC. 3. The Legislature finds and declares that, because of*
11 *the unique circumstances applicable only to the City of Los*
12 *Angeles, a statute of general applicability cannot be enacted within*
13 *the meaning of subdivision (b) of Section 16 of Article IV of the*
14 *California Constitution. Therefore, this special statute is necessary.*

15 ~~SECTION 1. The Legislature declares its intent to enact~~
16 ~~legislation that would require the California Tax Credit Allocation~~
17 ~~Committee to allocate a portion of low-income housing tax credits~~
18 ~~to the City of Los Angeles.~~