

AMENDED IN ASSEMBLY APRIL 5, 2010
AMENDED IN ASSEMBLY FEBRUARY 24, 2010
CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1641

Introduced by Assembly Member Hall

January 11, 2010

An act to amend Section 152.3 of the Penal Code, relating to rape. An act to amend Sections 33020, 33030, 33320.1, and 33320.2 of the Health and Safety Code, relating to redevelopment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1641, as amended, Hall. ~~Rape: duty to report.~~ *Redevelopment: City of Los Angeles public housing projects.*

The Community Redevelopment Law authorizes the establishment of redevelopment agencies in communities in order to address the effects of blight, as defined, in those communities and requires those agencies to prepare, or cause to be prepared, and approve a redevelopment plan for each area. Existing law defines the term "redevelopment" for these purposes and specifies the scope of activities that the term includes.

This bill would revise the term redevelopment to include the redevelopment of a public housing project in the City of Los Angeles that is owned by the Housing Authority of the City of Los Angeles and consists primarily of buildings constructed prior to January 1, 1960. The bill would also characterize the public housing project as a blighted area.

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

~~Existing law requires, with specified exceptions, any person who reasonably believes that he or she has observed the commission of a rape where the victim is a child under 14 years of age to notify a peace officer by telephone or any other means. The failure to notify as required is a misdemeanor punishable by a fine of \$1,500, or by imprisonment in a county jail for up to 6 months, or both.~~

~~This bill would delete the age of the victim from the elements of the crime, and would specify that the crime is committed if no report is made within 96 hours of observation.~~

~~By expanding the scope of an existing crime, this bill would impose a state-mandated local program.~~

~~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 no reimbursement is required by this act for a specified reason.~~

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

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

1 SECTION 1. *Section 33020 of the Health and Safety Code is*
2 *amended to read:*

3 33020. “Redevelopment” means the planning, development,
4 replanning, redesign, clearance, reconstruction, or rehabilitation,
5 or any combination of these, of all or part of a survey area, and
6 the provision of those residential, commercial, industrial, public,
7 or other structures or spaces as may be appropriate or necessary
8 in the interest of the general welfare, including recreational and
9 other facilities incidental or appurtenant to them and payments to
10 school, *the redevelopment of public housing, as defined in Section*
11 *33320.1, and community college districts in the fiscal years*
12 *specified in Sections 33681, 33681.5, 33681.7, 33681.9, and*
13 *33681.12.*

14 SEC. 2. *Section 33030 of the Health and Safety Code is*
15 *amended to read:*

16 33030. (a) It is found and declared that there exist in many
17 communities blighted areas that constitute physical and economic
18 liabilities, requiring redevelopment in the interest of the health,

1 safety, and general welfare of the people of these communities
2 and of the state.

3 (b) A blighted area is one that contains both of the following:

4 (1) An area that is predominantly urbanized, as that term is
5 defined in Section 33320.1, and is an area in which the combination
6 of conditions set forth in Section 33031 is so prevalent and so
7 substantial that it causes a reduction of, or lack of, proper utilization
8 of the area to such an extent that it constitutes a serious physical
9 and economic burden on the community that cannot reasonably
10 be expected to be reversed or alleviated by private enterprise or
11 governmental action, or both, without redevelopment.

12 (2) An area that is characterized by one or more conditions set
13 forth in any paragraph of subdivision (a) of Section 33031 and one
14 or more conditions set forth in any paragraph of subdivision (b)
15 of Section 33031.

16 (c) A blighted area that contains the conditions described in
17 subdivision (b) may also be characterized by the existence of
18 inadequate public improvements or inadequate water or sewer
19 utilities.

20 (d) *A blighted area may also be a public housing project, as*
21 *defined in Section 33320.1.*

22 *SEC. 3. Section 33320.1 of the Health and Safety Code is*
23 *amended to read:*

24 33320.1. (a) “Project area” means, except as provided in
25 Section 33320.2, 33320.3, 33320.4, or 33492.3, a predominantly
26 urbanized area of a community that is a blighted area, the
27 redevelopment of which is necessary to effectuate the public
28 purposes declared in this part, and that is selected by the planning
29 commission pursuant to Section 33322.

30 (b) As used in this section, “predominantly urbanized” means
31 that not less than 80 percent of the land in the project area is either
32 of the following:

33 (1) Has been or is developed for urban uses.

34 (2) Is an integral part of one or more areas developed for urban
35 uses that are surrounded or substantially surrounded by parcels
36 that have been or are developed for urban uses. Parcels separated
37 by only an improved right-of-way shall be deemed adjacent for
38 the purpose of this subdivision. Parcels that are not blighted shall
39 not be included in the project area for the purpose of obtaining the

1 allocation of taxes from the area pursuant to Section 33670 without
 2 other substantial justification for their inclusion.

3 (c) For the purposes of this section, a parcel of property as
 4 shown on the official maps of the county assessor is developed if
 5 that parcel is developed in a manner that is consistent with zoning
 6 standards or is otherwise permitted under law.

7 (d) The requirement that a project be predominantly urbanized
 8 shall apply only to a project area for which a final redevelopment
 9 plan is adopted on or after January 1, 1984, or to an area that is
 10 added to a project area by an amendment to a redevelopment plan,
 11 which amendment is adopted on or after January 1, 1984.

12 (e) *“Public housing project” means any property within a public*
 13 *housing project in the City of Los Angeles that is owned by the*
 14 *Housing Authority of the City of Los Angeles and consists primarily*
 15 *of buildings constructed prior to January 1, 1960.*

16 (f) *“Redevelopment of public housing” means redevelopment,*
 17 *as defined in Section 33020, that results in the removal or*
 18 *rehabilitation and replacement of existing public housing project*
 19 *buildings with master-planned, mixed-income, and mixed-use*
 20 *projects that do all of the following:*

21 (1) *Include the replacement, on at least a one-to-one basis, of*
 22 *all existing public housing units with publicly or privately owned*
 23 *dwelling units, either inside or outside the project area, containing*
 24 *an equal or greater number of bedrooms as the replaced public*
 25 *housing units, which shall be available to and occupied by persons*
 26 *and families of lower income and very low income at an affordable*
 27 *housing cost in the same or lower income level as the persons*
 28 *displaced from the public housing units.*

29 (2) *May include the development of additional privately owned*
 30 *housing units that will be available to and occupied by persons*
 31 *and families of low and moderate income, including very low*
 32 *income households, at an affordable housing cost.*

33 (3) *May include workforce market-rate housing units, retail*
 34 *services, commercial, industrial, educational, recreational, and*
 35 *other uses as may be appropriate to serve the residents of the area,*
 36 *and public improvements inside or adjacent to the project area.*

37 (4) *Subjects the construction of privately owned components of*
 38 *the project to applicable community benefits requirements of the*
 39 *redevelopment agency and housing authority.*

1 SEC. 4. Section 33320.2 of the Health and Safety Code is
2 amended to read:

3 33320.2. (a) The area included within a project and a project
4 area may be either contiguous or noncontiguous. All noncontiguous
5 areas of a project area shall be either blighted or necessary for
6 effective redevelopment. An unblighted, noncontiguous area shall
7 be conclusively deemed necessary for effective redevelopment if
8 that area is being used predominantly for *any of the following*:

9 (1) The relocation of owners or tenants from other
10 noncontiguous areas in the same project area or from other project
11 areas in the community.

12 (2) The construction and rehabilitation of low- or
13 moderate-income housing.

14 (3) *The redevelopment of public housing, as defined in Section*
15 *33320.1.*

16 (b) An unblighted, noncontiguous area shall be deemed not
17 necessary for effective redevelopment if that area is included for
18 the purpose of obtaining the allocation of taxes from such area
19 pursuant to Section 33670 without other substantial justification
20 for its inclusion.

21 (c) The redevelopment agency shall not use the power of
22 eminent domain for acquisition of property, other than vacant land,
23 in noncontiguous, unblighted areas.

24 SEC. 5. *The Legislature finds and declares that a special law*
25 *is necessary and that a general law cannot be made applicable*
26 *within the meaning of Section 16 of Article IV of the California*
27 *Constitution because of unique circumstances pertaining to the*
28 *City of Los Angeles.*

29 SECTION 1. ~~Section 152.3 of the Penal Code is amended to~~
30 ~~read:~~

31 ~~152.3. (a) Any person who reasonably believes that he or she~~
32 ~~has observed the commission of any of the following offenses shall~~
33 ~~notify a peace officer, as defined in Chapter 4.5 (commencing with~~
34 ~~Section 830) of Title 3 of Part 2:~~

35 ~~(1) Murder, where the victim is a child under 14 years of age.~~

36 ~~(2) Rape, within 96 hours of observation.~~

37 ~~(3) A violation of paragraph (1) of subdivision (b) of Section~~
38 ~~288 of the Penal Code.~~

39 ~~(b) This section shall not be construed to affect privileged~~
40 ~~relationships as provided by law.~~

1 ~~(e) The duty to notify a peace officer imposed pursuant to~~
2 ~~subdivision (a) is satisfied if the notification or an attempt to~~
3 ~~provide notice is made by telephone or any other means.~~
4 ~~(d) Failure to notify as required pursuant to subdivision (a) is a~~
5 ~~misdemeanor and is punishable by a fine of not more than one~~
6 ~~thousand five hundred dollars (\$1,500), by imprisonment in a~~
7 ~~county jail for not more than six months, or by both that fine and~~
8 ~~imprisonment.~~
9 ~~(e) The requirements of this section shall not apply to the~~
10 ~~following:~~
11 ~~(1) A person who is related to either the victim or the offender,~~
12 ~~including a husband, wife, parent, child, brother, sister,~~
13 ~~grandparent, grandchild, or other person related by consanguinity~~
14 ~~or affinity.~~
15 ~~(2) A person who fails to report based on a reasonable mistake~~
16 ~~of fact.~~
17 ~~(3) A person who fails to report based on a reasonable fear for~~
18 ~~his or her own safety or for the safety of his or her family.~~
19 ~~SEC. 2. No reimbursement is required by this act pursuant to~~
20 ~~Section 6 of Article XIII B of the California Constitution because~~
21 ~~the only costs that may be incurred by a local agency or school~~
22 ~~district will be incurred because this act creates a new crime or~~
23 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
24 ~~for a crime or infraction, within the meaning of Section 17556 of~~
25 ~~the Government Code, or changes the definition of a crime within~~
26 ~~the meaning of Section 6 of Article XIII B of the California~~
27 ~~Constitution.~~