

AMENDED IN ASSEMBLY MAY 11, 2010  
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 Sections 33020, 33030, 33320.1, and 33320.2 of the~~ *An act to add Sections 33038.5 and 33331.4 to the Health and Safety Code, relating to redevelopment.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1641, as amended, Hall. Redevelopment: ~~City of Los Angeles public housing projects.~~ *blighted areas.*

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~~ *The Legislature has found and declared that blighted areas may include housing areas constructed as temporary government-owned wartime housing projects, which may be characterized by one or more of the physical and economic conditions that cause blight.*

*This bill would make the legislative finding and declaration that blighted areas may include housing areas constructed as government-owned housing projects constructed prior to January 1, 1960. The bill would require a redevelopment agency undertaking*

activities and funding involving the described housing areas to comply with the Community Redevelopment Law, in addition to new project requirements relating to the inclusion of replacement dwelling units of all existing public housing. The bill would authorize a project in these areas to include the development of other housing, including privately owned housing units available to persons and families of low and moderate income and workforce market-rate housing units.

~~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.~~

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

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

1 SECTION 1. Section 33038.5 is added to the Health and Safety  
2 Code, to read:

3 33038.5. The Legislature finds and declares that blighted areas  
4 may include housing areas constructed as government-owned  
5 housing projects constructed prior to January 1, 1960, and that  
6 these areas may be characterized by one or more of the conditions  
7 enumerated in Section 33031.

8 SEC. 2. Section 33331.5 is added to the Health and Safety  
9 Code, to read:

10 33331.5. (a) A redevelopment agency undertaking activities  
11 and funding involving property described in Section 33038.5 shall  
12 comply with all of the requirements of this part, except as  
13 specifically modified in subdivision (b).

14 (b) In addition to the requirements specified in subdivision (a),  
15 the following apply:

16 (1) The project shall include the replacement, on at least a  
17 one-to-one basis, of all existing public housing units. The  
18 replacement dwelling units shall be affordable to, and occupied  
19 by, extremely low, very low, and lower income households as  
20 defined in Sections 50106, 50105, and 50079.5, respectively, at

1 *the same or lower income level as the household displaced from*  
2 *the public housing units, for at least 55 years.*

3 *(2) The replacement dwelling units may be either publicly or*  
4 *privately owned and meet both of the following requirements:*

5 *(A) Be located either inside the project area, or within a*  
6 *five-mile radius of the parcel containing the public housing that*  
7 *is being replaced.*

8 *(B) Shall be, for each income level described in paragraph (1),*  
9 *a unit type as required by the displaced household.*

10 *(c) No household shall be displaced under this section unless*  
11 *they are given priority for a permanent replacement dwelling unit*  
12 *created pursuant to this section at the initial time of relocation.*  
13 *This subdivision does not apply if the household, having been given*  
14 *priority for a replacement dwelling unit under this part, voluntarily*  
15 *chooses not to accept the replacement dwelling unit.*

16 *(d) The project may include both of the following:*

17 *(1) The development of additional privately owned housing units*  
18 *that will be available to and occupied by persons and families of*  
19 *low or moderate income, as defined in Section 50093, including*  
20 *very low income households, as defined in Section 50105, at an*  
21 *affordable housing cost, as defined in Section 50025.5.*

22 *(2) Workforce market-rate housing units, retail services,*  
23 *commercial, industrial, educational, recreational, and other uses*  
24 *as may be appropriate to serve the residents of the area, and public*  
25 *improvements inside or adjacent to the project area.*

26 ~~SECTION 1. Section 33020 of the Health and Safety Code is~~  
27 ~~amended to read:~~

28 ~~33020. "Redevelopment" means the planning, development,~~  
29 ~~replanning, redesign, clearance, reconstruction, or rehabilitation,~~  
30 ~~or any combination of these, of all or part of a survey area, and~~  
31 ~~the provision of those residential, commercial, industrial, public,~~  
32 ~~or other structures or spaces as may be appropriate or necessary~~  
33 ~~in the interest of the general welfare, including recreational and~~  
34 ~~other facilities incidental or appurtenant to them and payments to~~  
35 ~~school, the redevelopment of public housing, as defined in Section~~  
36 ~~33320.1, and community college districts in the fiscal years~~  
37 ~~specified in Sections 33681, 33681.5, 33681.7, 33681.9, and~~  
38 ~~33681.12.~~

39 ~~SEC. 2. Section 33030 of the Health and Safety Code is~~  
40 ~~amended to read:~~

1 33030. ~~(a) It is found and declared that there exist in many~~  
 2 ~~communities blighted areas that constitute physical and economic~~  
 3 ~~liabilities, requiring redevelopment in the interest of the health,~~  
 4 ~~safety, and general welfare of the people of these communities~~  
 5 ~~and of the state.~~

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

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

15 ~~(2) An area that is characterized by one or more conditions set~~  
 16 ~~forth in any paragraph of subdivision (a) of Section 33031 and one~~  
 17 ~~or more conditions set forth in any paragraph of subdivision (b)~~  
 18 ~~of Section 33031.~~

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

23 ~~(d) A blighted area may also be a public housing project, as~~  
 24 ~~defined in Section 33320.1.~~

25 ~~SEC. 3. Section 33320.1 of the Health and Safety Code is~~  
 26 ~~amended to read:~~

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

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

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

37 ~~(2) Is an integral part of one or more areas developed for urban~~  
 38 ~~uses that are surrounded or substantially surrounded by parcels~~  
 39 ~~that have been or are developed for urban uses. Parcels separated~~  
 40 ~~by only an improved right-of-way shall be deemed adjacent for~~

1 the purpose of this subdivision. Parcels that are not blighted shall  
2 not be included in the project area for the purpose of obtaining the  
3 allocation of taxes from the area pursuant to Section 33670 without  
4 other substantial justification for their inclusion.

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

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

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

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

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

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

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

1 ~~(4) Subjects the construction of privately owned components~~  
2 ~~of the project to applicable community benefits requirements of~~  
3 ~~the redevelopment agency and housing authority.~~

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

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

12 ~~(1) The relocation of owners or tenants from other~~  
13 ~~noncontiguous areas in the same project area or from other project~~  
14 ~~areas in the community.~~

15 ~~(2) The construction and rehabilitation of low- or~~  
16 ~~moderate-income housing.~~

17 ~~(3) The redevelopment of public housing, as defined in Section~~  
18 ~~33320.1.~~

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

24 ~~(c) The redevelopment agency shall not use the power of~~  
25 ~~eminent domain for acquisition of property, other than vacant land,~~  
26 ~~in noncontiguous, unblighted areas.~~

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