

AMENDED IN ASSEMBLY APRIL 6, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2087

Introduced by Assembly Member Torres

February 18, 2010

~~An act to amend Section 1012.1 of the Military and Veterans Code, relating to veterans.~~ *An act to amend Section 987.53 of the Military and Veterans Code, relating to veterans.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2087, as amended, Torres. ~~Veterans homes: financial status investigations.~~ *Veterans' farm and home purchases: definition: home.*

Existing law provides for farm and home purchase benefits for qualifying veterans under the Veterans' Farm and Home Purchase Act of 1974, and subsequent acts, which are collectively referred to as the CalVet Home Loan program. Existing law defines "home" for purposes of this program to mean a parcel of real estate upon which there is a dwelling house and other buildings that will suit the needs of the purchaser and the purchaser's dependents as a place of abode, which includes a condominium, as defined, and a mobilehome, as defined.

This bill would expand the definition of home to include residences with 2 to 4 units, inclusive, that satisfy specified requirements.

~~Existing law provides for the establishment and operation of the Veterans' Homes of California, for aged and disabled veterans who are eligible for hospitalization or domiciliary care in a veterans' facility in accordance with federal rules and regulations. The homes are under the management and control of the Department of Veterans Affairs. Existing law authorizes the department to investigate a veterans' financial status~~

to ensure that the veteran is unable to pay for necessary hospital or domiciliary care outside of the home, as specified.

~~This bill would make technical, nonsubstantive changes to that provision.~~

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 987.53 of the Military and Veterans Code
2 is amended to read:

3 987.53. As used in this article:

4 (a) "Farm" means a tract of land, which, in the opinion of the
5 department, is capable of producing sufficient income to provide
6 payment of the amortized contract installments, including principal,
7 interest, and taxes.

8 (b) "Home" means a parcel of real estate upon which there is a
9 dwelling house and other buildings that will, in the opinion of the
10 department, suit the needs of the purchaser and the purchaser's
11 dependents as a place of abode. "Home" includes ~~a~~
12 ~~"condominium," as defined in subdivision (h). "Home" also~~
13 ~~includes a "mobilehome," as defined in subdivision (k).~~ all of the
14 following:

15 (1) A condominium as defined in subdivision (h).

16 (2) A mobilehome as defined in subdivision (k).

17 (3) A residence with two to four units, inclusive, that satisfies
18 the requirements of Section 143(k)(7) of the Internal Revenue
19 Code.

20 (c) "Purchaser" means a veteran or any person who has entered
21 into a contract of purchase of a farm or home from the department.

22 (d) "Purchase price" means the price which the department pays
23 for any farm or home.

24 (e) "Selling price" means the price for which the department
25 sells any farm or home.

26 (f) "Initial payment" means the first payment to be made by a
27 purchaser to the department for a farm or home.

28 (g) "Progress payment plan" means payment by the department
29 for improvements on real property in installments as work
30 progresses.

1 (h) “Condominium” means an estate in real property consisting
2 of an undivided interest in common in a portion of a parcel of real
3 property together with a separate interest in space in a residential
4 building on the real property, such as an apartment, which, in the
5 opinion of the department, suits the needs of the purchaser and the
6 purchaser’s dependents as a place of abode. A condominium may
7 include, in addition, a separate interest in other portions of the real
8 property.

9 (i) “Effective rate of interest” means the average rate of interest
10 on the unpaid balance due on a participation contract to which the
11 department’s legal rights are subject, and the rate of interest on
12 the unpaid balance of the purchase price, as determined by the
13 department.

14 (j) “Participation contract” means an obligation secured by a
15 deed of trust or mortgage, or other security interest established
16 pursuant to regulations of the department.

17 (k) “Mobilehome” means either a parcel of real estate, or an
18 undivided interest in common in a portion of a parcel of real
19 property, on which is sited one or more mobilehome modules, or
20 a site in a mobilehome park, as defined in Section 18214 of the
21 Health and Safety Code, on which one or more mobilehome
22 modules is sited or is to be sited that will, in the opinion of the
23 department, suit the needs of the purchaser and the purchaser’s
24 dependents as a place of abode and meets all requirements of local
25 governmental jurisdictions. However, where the mobilehome
26 module or modules are sited on trust land, “local governmental
27 jurisdictions” means the tribal governing body.

28 For purposes of this subdivision, “module” means a section of
29 a mobilehome at least 10 feet wide and at least 40 feet long.

30 (l) “Indian veteran” means a veteran, as defined in Section 980,
31 who, in addition, either belongs to an Indian tribe, band, group,
32 reservation, rancheria, or community which is recognized by the
33 United States as eligible for services from the United States Bureau
34 of Indian Affairs or is an Indian beneficiary and who is eligible
35 under this article for purchase by the department of a home or farm
36 sited on trust land.

37 (m) “Trust land,” with respect to an Indian veteran, means land
38 held in trust by the United States government for individual
39 Indians, Indians who belong to Indian tribes, or Indian tribes.

1 (n) "Allotment trust land" means land held by the United States
2 under the Indian General Allotment Act of 1887, as amended,
3 (Chapter 9 (commencing with Section 331) of Title 25 of the
4 United States Code), in trust for an individual Indian or for two or
5 more Indians holding individual interests in common. It includes
6 both trust and restricted public domain allotments and allotments
7 within the boundaries of an Indian reservation.

8 (o) "Tribal trust land" means land held in trust by the United
9 States for an Indian tribe or band.

10 (p) "Tribe" means any Indian tribe, band, group, reservation,
11 rancheria, or community which is recognized by the United States
12 as eligible for services from the United States Bureau of Indian
13 Affairs.

14 (q) "Immediate family" means the spouse of a purchaser, the
15 natural or adopted dependent children of the purchaser, and the
16 parents of the purchaser if they are dependent on the purchaser for
17 50 percent or more of their support.

18 (r) "Indian beneficiary" means an Indian for whom land is held
19 in trust by the United States government.

20 SECTION 1.— Section 1012.1 of the Military and Veterans Code
21 is amended to read:

22 1012.1.— ~~Prior to the admission of a veteran as a member of the~~
23 ~~home, and at any time during which a veteran is a member of the~~
24 ~~home, the department may investigate the veterans' financial status~~
25 ~~to ensure that the veteran is unable to pay for necessary hospital~~
26 ~~or domiciliary care outside of the home. The department may~~
27 ~~contract with any other state agency to conduct an investigation~~
28 ~~in its behalf.~~