

AMENDED IN SENATE JANUARY 7, 2010

AMENDED IN SENATE MAY 18, 2009

AMENDED IN SENATE MAY 5, 2009

AMENDED IN SENATE APRIL 22, 2009

AMENDED IN SENATE APRIL 13, 2009

SENATE BILL

No. 194

Introduced by Senator Florez

February 23, 2009

~~An act to amend Section 50829 of, and to add Section 50834.5 to, the Health and Safety Code, to add Sections 75067 and 75130 to the Public Resources Code, to amend Section 2333.5 of the Streets and Highways Code, and to amend Section 13477.6 of the Water Code, relating to community development. An act to add Section 50834.5 to the Health and Safety Code, relating to community development.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 194, as amended, Florez. Community Equity Investment Act of ~~2009~~. 2010.

Under the federal State Community Development Block Grant Program, funds are allocated to the state and administered by the Department of Housing and Community Development for projects and programs that meet the housing and economic development needs of persons and families of low or moderate income.

This bill would enact the Community Equity Investment Act of 2010. The bill would make legislative findings and declarations relating to disadvantaged, unincorporated communities. The bill would specify how funds received pursuant to the federal State Community

Development Block Grant Program are expended at the local government level.

~~(1) Existing law requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city, and of specified land outside its boundaries.~~

~~This bill would enact the Community Equity Investment Act of 2009 and declare the intent of the Legislature to create incentives for communities to engage in sustainable community planning that incorporates into each element of its general plan data and analysis, goals, policies and objectives, and feasible implementation measures addressing the presence of disadvantaged unincorporated communities in or near their boundaries, as specified.~~

~~(2) Existing law requires each city or county that requests funding pursuant to the federal State Community Development Block Grant Program to submit a housing element to the Department of Housing and Community Development, as specified.~~

~~This bill would also require each city or county, for applications submitted on or after January 1, 2013, to certify that it has amended its general plan in accordance with specified law. The bill would also specify how funds received pursuant to a federal entitlement are expended at the local government level.~~

~~(3) Existing law requires the Strategic Growth Council to manage and award financial assistance to specified entities for planning activities to achieve various environmental purposes.~~

~~This bill would require the council, in awarding the financial assistance, to give funding priority to any regional plan or other planning instrument that proposes to include an assessment and analysis of island and fringe communities, as specified.~~

~~(4) The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84), an initiative bond measure, makes available \$90,000,000 for urban greening projects and \$90,000,000 for planning grants and planning incentives to encourage the development of regional and local land use plans that are designed for various purposes. Proposition 84 specifies that appropriation of those funds may be made only upon enactment of implementation legislation.~~

~~This bill would require the council, in awarding the above funds, to give priority to, and as appropriate, provide additional funding for, applicants that propose to incorporate the amendments to a general plan~~

that are specified in this bill into the planning activities receiving funding.

~~(5) Existing law requires the Department of Transportation, in consultation with the Department of the California Highway Patrol, to establish and administer a “Safe Routes to School” construction program pursuant to authority granted under specified federal law and to use federal transportation funds for construction of bicycle and pedestrian safety and traffic calming projects. Existing law requires the department to make grants available to local agencies under the program through a competitive grant process that considers various factors in rating the proposals.~~

~~This bill would additionally require, in rating a proposal, the consideration of the proposal’s benefit to a disadvantaged community.~~

~~(6) Existing law authorizes the State Water Resources Control Board to assess a specified annual charge in connection with any financial assistance made pursuant to the revolving State Water Pollution Control Revolving Fund program in lieu of interest that otherwise would be charged. Existing law requires the proceeds generated from the imposition of the annual charge, along with other moneys, to be deposited in the State Water Pollution Control Revolving Fund Small Community Grant Fund. Existing law authorizes the board to expend the money in the fund, upon appropriation by the Legislature to the board, for grants for eligible projects under the revolving fund program that serves small communities. For the purpose of expending these funds, the board is required to give priority to projects that serve severely disadvantaged communities.~~

~~This bill would make a technical nonsubstantive change to that provision.~~

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

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

- 1 SECTION 1. (a) This act shall be known and may be cited as
- 2 the Community Equity Investment Act of ~~2009~~ 2010.
- 3 (b) The Legislature finds and declares both of the following:
- 4 (1) There exists in California hundreds of disadvantaged
- 5 unincorporated communities, commonly referred to as “colonias.”
- 6 There are more than 200 of these communities in the San Joaquin
- 7 Valley alone. Many of these communities are geographically

1 isolated islands, surrounded by the city limits of large and
2 medium-sized cities.

3 (2) The conditions within these disadvantaged unincorporated
4 communities evidence a distinct lack of public and private
5 investment that presents a threat to the health and safety of the
6 residents and fosters economic, social, and educational inequality.
7 Many of these communities lack basic infrastructure, including,
8 but not limited to, streets, sidewalks, storm drainage, clean drinking
9 water, and adequate sewer service.

10 ~~(e) The Legislature further finds and declares that sustainable
11 community planning that addresses the infrastructure and
12 transportation inequities that exist within a locality's boundaries
13 is an important planning goal for each city and county. In order to
14 address these inequities, it is the intent of the Legislature, through
15 this act, to create incentives for communities to engage in
16 sustainable community planning that incorporates into each element
17 of its general plan, where appropriate, data and analysis, goals,
18 policies and objectives, and feasible implementation measures
19 addressing the presence of disadvantaged unincorporated
20 communities in or near their boundaries.~~

21 ~~SEC. 2. Section 50829 of the Health and Safety Code is
22 amended to read:~~

23 ~~50829. As a condition of receiving funds pursuant to this
24 chapter, an eligible city or county shall submit a housing element
25 to the department in accordance with the requirements of Article
26 10.6 (commencing with Section 65580) of Chapter 3 of Division
27 1 of Title 7 of the Government Code and for applications submitted
28 on or after January 1, 2013, certify that the city or county has
29 amended its general plan in accordance with the requirements of
30 Section 75067 of the Public Resources Code. However, except as
31 otherwise provided in Section 50830, no application for funds shall
32 be denied because of the content of the housing element or because
33 of the findings made by the department pursuant to Section 65585
34 of the Government Code.~~

35 ~~SEC. 3:~~

36 ~~SEC. 2. Section 50834.5 is added to the Health and Safety
37 Code, to read:~~

38 ~~50834.5. (a) Unless prohibited by federal law, where a federal
39 entitlement exists under the Community Development Block Grant
40 Program (24 C.F.R. Part 570), a city or county shall comply with~~

1 the following requirements *with* the funds made available pursuant
2 to this chapter:

3 (1) The funds shall be expended within each supervisorial or
4 city council district, to the extent those districts exist, based on the
5 percentage of low- and moderate-income persons within each
6 district.

7 (2) No less than 75 percent of all funds shall benefit targeted
8 income groups.

9 (b) For the purposes of this section, “targeted income group”
10 means families, households, and individuals whose income does
11 not exceed 80 percent of the county median income, with
12 adjustments for family and household size.

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**All matter omitted in this version of the bill
appears in the bill as amended in the
Senate, May 18, 2009. (JR11)**