

Introduced by Senator KehoeFebruary 19, 2010

An act to amend Section 33333.11 of the Health and Safety Code, relating to redevelopment.

LEGISLATIVE COUNSEL'S DIGEST

SB 1374, as introduced, Kehoe. Redevelopment: plan amendment procedures.

Existing law authorizes a redevelopment agency to amend a redevelopment plan to extend the time limit on the effectiveness of the plan for up to 10 additional years beyond a specified limit. Existing law requires that in order to adopt this amendment, the agency, among other things, adopt a report containing specified information to the legislative body no later than 45 days prior to the public hearing on the proposed amendment. Existing law also requires that after receiving the agency's recommendation on the proposed amendment, the legislative body, or alternatively, the agency and the legislative body, hold a public hearing on the proposed amendment.

This bill would modify the information required to be included in the agency's report to the legislative body. The bill would also require the legislative body, or alternatively, the agency and the legislative body, to consider any objections with the proposed amendment expressed by the affected taxing entities, a project area committee, if any, residents, and community organizations at the public hearing.

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 33333.11 of the Health and Safety Code
2 is amended to read:

3 33333.11. (a) In order to adopt an amendment pursuant to
4 Section 33333.10, the redevelopment agency shall also comply
5 with the procedures in this section.

6 (b) Before adopting an amendment of the plan, the agency shall
7 hold a public hearing on the proposed amendment. The notice of
8 the public hearing shall comply with Section 33452.

9 (c) Prior to the publication of the notice of the public hearing
10 on the proposed amendment, the agency shall consult with each
11 affected taxing agency with respect to the proposed amendment.
12 At a minimum, the agency shall give each affected taxing agency
13 the opportunity to meet with representatives of the agency for the
14 purpose of discussing the effect of the proposed amendment upon
15 the affected taxing agency and shall notify each affected taxing
16 agency that any written comments from the affected taxing agency
17 will be included in the report to the legislative body.

18 (d) Prior to the publication of the notice of the public hearing
19 on the proposed amendment, the agency shall consult with and
20 obtain the advice of members of a project area committee, if a
21 project area committee exists, and residents and community
22 organizations and provide to those persons and organizations,
23 including the project area committee, if any, the amendment prior
24 to the agency's submitting the amendment to the legislative body.
25 In addition, the preliminary report prepared pursuant to subdivision
26 (e) shall be made available at no cost to the project area committee,
27 if one exists, and residents and community organizations not later
28 than 120 days prior to holding a public hearing on the proposed
29 amendment.

30 (e) No later than 120 days prior to holding a public hearing on
31 the proposed amendment, the agency shall send to each affected
32 taxing entity, as defined in Section 33353.2, the Department of
33 Finance, and the Department of Housing and Community
34 Development, a preliminary report that contains all of the
35 following:

36 (1) A map of the project area that identifies the portion, if any,
37 of the project area that is no longer blighted and the portion of the
38 project area that is blighted and the portion of the project area that

1 contains necessary and essential parcels for the elimination of the
2 remaining blight.

3 (2) A description of the remaining blight.

4 (3) A description of the projects or programs proposed to
5 eliminate the remaining blight.

6 (4) A description of how the project or programs will improve
7 the conditions of blight.

8 (5) The reasons why the projects or programs cannot be
9 completed without extending the time limits on the effectiveness
10 of the plan and receipt of tax increment revenues.

11 (6) The proposed method of financing these programs or
12 projects. This description shall include the amount of tax increment
13 revenues that is projected to be generated during the period of the
14 extension, including amounts projected to be deposited into the
15 Low and Moderate Income Housing Fund and amounts to be paid
16 to affected taxing entities. This description shall also include
17 sources and amounts of moneys other than tax increment revenues
18 that are available to finance these projects or programs. This
19 description shall also include the reasons that the remaining blight
20 cannot reasonably be expected to be reversed or alleviated by
21 private enterprise or governmental action, or both, without the use
22 of the tax increment revenues available to the agency because of
23 the proposed amendment.

24 (7) An amendment to the agency's implementation plan that
25 includes, but is not limited to, the agency's housing responsibilities
26 pursuant to Section 33490. However, the agency shall not be
27 required to hold a separate public hearing on the implementation
28 plan pursuant to subdivision (d) of Section 33490 in addition to
29 the public hearing on the amendment to the redevelopment plan.

30 (8) A new neighborhood impact report if required by subdivision
31 (m) of Section 33352.

32 (9) A description of each bond sold by the agency to finance or
33 refinance the redevelopment project prior to six months before the
34 date of adoption of the proposed amendment, and listing for each
35 bond the amount of remaining principal, the annual payments, and
36 the date that the bond will be paid in full.

37 (f) No later than 120 days prior to holding a public hearing on
38 the proposed amendment, the agency shall send the proposed
39 amendment to the planning commission. If the planning
40 commission does not report upon the amendment within 30 days

1 after its submission by the agency, the planning commission shall
2 be deemed to have waived its report and recommendations
3 concerning the amendment.

4 (g) No later than 45 days prior to the public hearing on the
5 proposed amendment by the agency or the joint public hearing of
6 the agency and the legislative body, the agency shall notify each
7 affected taxing entity, the Department of Finance, the Department
8 of Housing and Community Development, and each individual
9 and organization that submitted comments on the preliminary
10 report by certified mail of the public hearing, the date of the public
11 hearing, and the proposed amendment. This notice shall be
12 accompanied by the report required to be prepared pursuant to
13 subdivision (h).

14 (h) No later than 45 days prior to the public hearing on the
15 proposed amendment by the agency or the joint public hearing by
16 the agency and the legislative body, the agency shall adopt a report
17 to the legislative body containing all of the following:

18 (1) All of the information required to be contained in the
19 preliminary report prepared pursuant to subdivision (e).

20 (2) The report and recommendation of the planning commission.

21 (3) A negative declaration, environmental impact report, or
22 other document that is required in order to comply with the
23 California Environmental Quality Act (Division 13 (commencing
24 with Section 21000) of the Public Resources Code.

25 (4) A summary of the consultations with the affected taxing
26 entities. If any of the affected taxing entities, ~~a project area~~
27 ~~committee, if any, residents, or community organizations~~ *have has*
28 expressed written objections or concerns with the proposed
29 amendment as part of these consultations, the agency shall include
30 a *detailed* response to *each of* these concerns.

31 (5) A summary of the consultation with residents and community
32 organizations, including the project area committee, if any. *If any*
33 *resident or community organization, including the project area*
34 *committee, if any, has expressed written objections or concerns*
35 *with the proposed amendment as part of these consultations, the*
36 *agency shall include a detailed response to each of these concerns.*

37 (i) After receiving the recommendation of the agency on the
38 proposed amendment, and not sooner than 30 days after the
39 submission of changes to the planning commission, the legislative
40 body shall hold a public hearing on the proposed amendment. *At*

1 *the public hearing, the legislative body shall consider any*
2 *objections or concerns with the proposed amendment expressed*
3 *by the affected taxing entities, a project area committee, if any,*
4 *residents, and community organizations.* The notice of the public
5 hearing shall comply with Section 33452.

6 (j) As an alternative to the separate public hearing required by
7 subdivision (i), the agency and the legislative body, with the
8 consent of both, may hold a joint public hearing on the proposed
9 amendment. *At the public hearing, the agency and legislative body*
10 *shall consider any objections or concerns with the proposed*
11 *amendment expressed by the affected taxing entities, a project*
12 *area committee, if any, residents, and community organizations.*
13 Notice of this public hearing shall comply with Section 33452.
14 When a joint public hearing is held and the legislative body is also
15 the agency, the legislative body may adopt the amended plan with
16 no actions required of the agency. If, after the public hearing, the
17 legislative body determines that the amendment to the plan is
18 necessary or desirable, the legislative body shall adopt an ordinance
19 amending the ordinance adopting the plan thus amended. The
20 ordinance adopting the amendment shall contain findings that both
21 (1) significant blight remains within the project area, and (2) the
22 blight cannot be eliminated without the extension of the
23 effectiveness of the plan and receipt of tax increment revenues.

24 (k) If an affected taxing entity, the Department of Finance, or
25 the Department of Housing and Community Development believes
26 that significant remaining blight does not exist within the portion
27 of the project area designated as blighted in the report to the
28 legislative body regarding a proposed amendment to be adopted
29 pursuant to Section 33333.10, the affected taxing entity, the
30 Department of Finance, or the Department of Housing and
31 Community Development may request the Attorney General to
32 participate in the amendment process. The affected taxing entity,
33 the Department of Finance, or the Department of Housing and
34 Community Development shall request this participation within
35 21 days after receipt of the notice of the public hearing sent
36 pursuant to subdivision (g). The Attorney General shall determine
37 whether or not to participate in the amendment process. The
38 Attorney General may consult with and request the assistance of
39 departments of the state and any other persons or groups that are
40 interested or that have expertise in redevelopment. The Attorney

1 General may participate in the amendment process by requesting
2 additional information from the agency, conducting his or her own
3 review of the project area, meeting with the agency and any
4 affected taxing entity, submitting evidence for consideration at the
5 public hearing, or presenting oral evidence at the public hearing.
6 No later than five days prior to the public hearing on the proposed
7 amendment, the Attorney General shall notify each affected taxing
8 agency, each department that has requested the Attorney General
9 to review the proposed amendment, and the redevelopment agency
10 with regard to whether the Attorney General will participate in the
11 amendment process and, if so, how he or she will participate, on
12 their behalf.

13 (l) The Attorney General may bring a civil action pursuant to
14 Section 33501 to determine the validity of an amendment adopted
15 pursuant to Section 33333.10. The Department of Finance and the
16 Department of Housing and Community Development shall be
17 considered interested persons for the purposes of protecting the
18 interests of the state pursuant to Section 863 of the Code of Civil
19 Procedure in any action brought with regard to the validity of an
20 ordinance adopting a proposed amendment pursuant to Section
21 33333.10. Either department may request the Attorney General to
22 bring an action pursuant to Section 33501 to determine the validity
23 of an amendment adopted pursuant to Section 33333.10. Actions
24 brought pursuant to this subdivision are in addition to any other
25 actions that may be brought by the Attorney General or other
26 persons.