

AMENDED IN ASSEMBLY MARCH 29, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 654

Introduced by Assembly Member Hueso

February 16, 2011

An act to amend Sections 50281, 50281.1, and 50282 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL’S DIGEST

AB 654, as amended, Hueso. Local government: historical property.

(1) Existing law authorizes an owner of any qualified historical property, as defined, to contract with the legislative body of a city, county, or city and county, to restrict the use of the property in exchange for lowered assessment values. Existing law requires contracts under these provisions to include, among other things, where applicable, a provision for the periodic examination of the interior and exterior of the premises by the assessor, the Department of Parks and Recreation, and the State Board of Equalization whenever necessary.

This bill would instead require these contracts, where applicable, to include an inspection of the interior and exterior of the premises by the assessor, ~~the Department of Parks and Recreation, and the State board of Equalization~~ prior to a new agreement, and every 5 years thereafter, *and that periodic examinations may also be conducted by the Department of Parks and Recreation and the State Board of Equalization whenever necessary.*

(2) Existing law authorizes the legislative body to, upon entering into a contract, require that the property owner, as a condition to entering into the contract, pay a fee not to exceed the reasonable cost of administering this program.

This bill would require the legislative body to require the property owner, as a condition of entering into the contract, to pay a fee *sufficient to cover, but* not to exceed the reasonable cost of administering the contract program, and would specify that those costs include, but are not limited to, processing of designation requests, contracts, monitoring, *inspections*, and enforcement, as needed.

(3) Existing law specifies that the initial contract term is 10 years and provides that on the anniversary date of the contract, a year is automatically added to the initial term of the contract unless notice of nonrenewal is given, as specified.

This bill would also require each contract to provide that after 5 years, and every 5 years thereafter, the assessor, ~~the Department of Parks and Recreation, and the State Board of Equalization~~ shall conduct an inspection to determine the owner's continued compliance with the contract.

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

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

1 SECTION 1. Section 50281 of the Government Code is
2 amended to read:
3 50281. Any contract entered into under this article shall contain
4 the following provisions:
5 (a) The term of the contract shall be for a minimum period of
6 10 years.
7 (b) Where applicable, the contract shall provide the following:
8 (1) For the preservation of the qualified historical property and,
9 when necessary, to restore and rehabilitate the property to conform
10 to the rules and regulations of the Office of Historic Preservation
11 of the Department of Parks and Recreation, the United States
12 Secretary of the Interior's Standards for Rehabilitation, and the
13 State Historical Building Code.
14 (2) For an inspection of the interior and exterior of the premises
15 by the assessor, ~~the Department of Parks and Recreation, and the~~
16 ~~State Board of Equalization~~ prior to a new agreement, and every
17 five years thereafter, to determine the owner's compliance with
18 the contract, *and that periodic examinations may also be conducted*
19 *by the Department of Parks and Recreation and the State Board*
20 *of Equalization as may be necessary.*

1 (3) For it to be binding upon, and inure to the benefit of, all
2 successors in interest of the owner. A successor in interest shall
3 have the same rights and obligations under the contract as the
4 original owner who entered into the contract.

5 (c) The owner or agent of an owner shall provide written notice
6 of the contract to the Office of Historic Preservation and record
7 the contract with the county in which the property is located within
8 six months of entering into the contract.

9 SEC. 2. Section 50281.1 of the Government Code is amended
10 to read:

11 50281.1. The legislative body entering into a contract described
12 in this article shall require that the property owner, as a condition
13 to entering into the contract, pay a fee *sufficient to cover but not*
14 *to exceed* the reasonable cost of administering this program,
15 including, but not limited to, the processing of designation requests,
16 contracts, monitoring, *inspections*, and enforcement, as needed.

17 SEC. 3. Section 50282 of the Government Code is amended
18 to read:

19 50282. (a) Each contract shall provide that on the anniversary
20 date of the contract or such other annual date as is specified in the
21 contract, a year shall be added automatically to the initial term of
22 the contract unless notice of nonrenewal is given as provided in
23 this section. Each contract shall also provide that after five years,
24 and every five years thereafter, the assessor, ~~the Department of~~
25 ~~Parks and Recreation, and the State Board of Equalization~~ shall
26 conduct an inspection to determine the owner's continued
27 compliance with the contract. If the property owner or the
28 legislative body desires in any year not to renew the contract, that
29 party shall serve written notice of nonrenewal of the contract on
30 the other party in advance of the annual renewal date of the
31 contract. Unless the notice is served by the owner at least 90 days
32 prior to the renewal date or by the legislative body at least 60 days
33 prior to the renewal date, one year shall automatically be added to
34 the term of the contract.

35 (b) Upon receipt by the owner of a notice from the legislative
36 body of nonrenewal, the owner may make a written protest of the
37 notice of nonrenewal. The legislative body may, at any time prior
38 to the renewal date, withdraw the notice of nonrenewal.

39 (c) If the legislative body or the owner serves notice of intent
40 in any year not to renew the contract, the existing contract shall

1 remain in effect for the balance of the period remaining since the
2 original execution or the last renewal of the contract, as the case
3 may be.

4 (d) The owner shall furnish the legislative body with any
5 information the legislative body shall require in order to enable it
6 to determine the eligibility of the property involved.

7 (e) No later than 20 days after a city or county enters into a
8 contract with an owner pursuant to this article, the clerk of the
9 legislative body shall record with the county recorder a copy of
10 the contract, which shall describe the property subject thereto.
11 From and after the time of the recordation, this contract shall impart
12 a notice thereof to all persons as is afforded by the recording laws
13 of this state.