

AMENDED IN ASSEMBLY MAY 5, 2011
AMENDED IN ASSEMBLY MARCH 31, 2011
CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1235

Introduced by Assembly Member Roger Hernández

February 18, 2011

An act to add Section 33460 to the Health and Safety Code, relating to redevelopment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1235, as amended, Roger Hernández. Redevelopment: property: hazardous substance release: immunities.

The Polanco Redevelopment Act specifies that a redevelopment agency that undertakes and completes an action, or causes another person to undertake and complete an action, to remedy or remove a hazardous substance release on, under, or from property within a redevelopment project, in accordance with a cleanup or remedial action plan prepared by a qualified independent contractor and approved by the department or a California regional water quality control board or a local agency, is not liable, with respect to that release only, under the Porter-Cologne Water Quality Control Act, and specified hazardous waste control and storage provisions, or any other state or local law providing liability for remedial or removal actions for releases of hazardous substances.

This bill would apply the immunities afforded to a redevelopment agency under these provisions to ~~any person or entity that acquires property previously owned by a redevelopment agency upon the dissolution of that redevelopment agency~~ *a successor agency, as defined,*

for any property that was within a redevelopment project of a redevelopment agency that has been dissolved by an act of the Legislature.

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 33460 is added to the Health and Safety
2 Code, to read:

3 33460. (a) If a redevelopment agency has been dissolved by
4 an act of the Legislature and its successor agency maintains all
5 the rights, powers, and duties that were vested by this part in the
6 redevelopment agency prior to its dissolution, then any immunity
7 specified in Section 33459.3 that applied to a redevelopment
8 agency shall also apply to the successor agency for any property
9 that was within a redevelopment project of the redevelopment
10 agency prior to its dissolution.

11 (b) "Successor agency" means the city, county, or city and
12 county that authorized the creation of each redevelopment agency.

13 ~~SECTION 1. Section 33460 is added to the Health and Safety~~
14 ~~Code, to read:~~

15 ~~33460. Any immunity specified in Section 33459.3 shall apply~~
16 ~~to any person or entity that acquires property formerly owned by~~
17 ~~a redevelopment agency, if the redevelopment agency has been~~
18 ~~dissolved.~~