

AMENDED IN SENATE APRIL 1, 2013

**SENATE BILL**

**No. 341**

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**Introduced by Senator DeSaulnier**

February 20, 2013

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An act to amend Section 34176 of, and to add Section 34176.1 to, the Health and Safety Code, relating to redevelopment.

LEGISLATIVE COUNSEL'S DIGEST

SB 341, as amended, DeSaulnier. Redevelopment.

(1) Existing law dissolved redevelopment agencies and community development agencies, and provided for the designation of successor agencies that are required to wind down the affairs of the dissolved redevelopment agencies and to, among other things, make payments due for enforceable obligations, as defined. Existing law provides that the city, county, or city and county that authorized the creation of a redevelopment agency may elect to retain the housing assets and functions previously performed by the redevelopment agency. Existing law requires the entity assuming the housing functions of the former redevelopment agency to perform various functions.

This bill would change provisions relating to the functions to be performed by the entity assuming the housing functions of the former redevelopment agency to instead refer to the housing successor.

(2) Existing law provides that any funds transferred to the city, county, or city and county or the entity assuming the housing functions of the former redevelopment agency, together with any funds generated from housing assets, shall be maintained in a separate Low and Moderate Income Housing Asset Fund which shall be used in accordance with applicable housing-related provisions of the Community Redevelopment Law, as specified.

This bill would provide that funds in the Low and Moderate Income Housing Asset Fund shall be used in accordance with applicable housing-related provisions of the Community Redevelopment Law, except as specified. The bill would require the housing successor to expend funds in the Low and Moderate Income Housing Asset Fund, other than those expended to meet enforceable obligations, for the purpose of monitoring and preserving the long-term affordability of units subject to affordability restrictions or covenants entered into by the redevelopment agency or the housing successor, for homeless prevention and rapid rehousing services to individuals and families who are homeless or would be homeless but for this assistance, and for the development of affordable housing, as specified.

(3) Existing law requires that moneys in the Low and Moderate Income Housing Fund be used to assist housing for persons of low income and housing for persons of very low income in at least the same proportion as the total number of housing units needed for each of those income groups bears to the total number of units needed for persons of moderate, low, and very low income within the community, as specified.

This bill would provide that these provisions shall not apply, and would instead require that if the aggregate number of units of deed-restricted rental housing restricted to seniors and assisted by the housing successor, its former redevelopment agency, and its host jurisdiction within the previous 10 years exceeds 50% of the aggregate number of units of deed-restricted rental housing assisted by the housing successor, its former redevelopment agency, and its host jurisdiction within the same time period, then the housing successor shall not expend these funds to assist additional senior housing units until the housing successor or its host jurisdiction assists, and construction has started on, a number of units available to all persons regardless of age that is equal to 50% of the aggregate number of units of deed-restricted rental housing units assisted by the housing successor, its former redevelopment agency, and its host jurisdiction within the same time period.

(4) Existing law requires that a specified percentage of all taxes that are allocated to a former redevelopment agency be used outside a specified project area upon a resolution of the agency and the legislative body that the use will be of benefit to the project.

This bill would provide that program income a housing successor receives shall not be associated with a project area and may be expended anywhere within the jurisdiction of the housing successor or transferred

for the purpose of developing transit priority projects, permanent supportive housing, housing for agricultural employees, or special needs housing, without a finding of benefit to a project area, as specified. The bill would also authorize ~~two~~ 2 or more housing ~~successors~~, *successors*, as specified, to agree to transfer funds among their respective Low and Moderate Income Housing Asset Funds, as specified.

(5) Existing law provides that if excess surplus accumulates in the Low and Moderate Income Housing Fund, the former redevelopment agency may adopt a plan for expenditure of the moneys. Existing law also requires that upon failure of the former redevelopment agency to expend or encumber excess surplus in the Low and Moderate Income Housing Fund, it shall be required to disburse, expend, or encumber its excess surplus, as specified.

This bill would provide that these provisions shall not apply, and would instead provide that if a housing successor has an excess surplus, the housing successor shall encumber the excess surplus for specified purposes or transfer the funds within 3 fiscal years. The bill would provide that if the housing successor fails to comply with this subdivision, the housing successor, within 90 days of the end of the 3rd fiscal year, shall transfer any excess surplus to the Department of Housing and Community Development for expenditure pursuant to the Multifamily Housing Program or the Joe Serna, Jr. Farmworker Housing Grant Program.

(6) Existing law requires a former redevelopment agency, for each interest in real property acquired using moneys from the Low and Moderate Income Housing Fund, to, within 5 years from the date it first acquires the property interest for the development of housing affordable to persons and families of ~~low- and moderate-income~~, *low and moderate income*, initiate activities consistent with the development of the property for that purpose. Existing law provides that in the event that physical development of the property for this purpose has not begun by the end of a specified time period, or if the former redevelopment agency does not comply with this requirement, the property shall be sold and the moneys from the sale, less reimbursement to the agency for the cost of the sale, shall be deposited in the Low and Moderate Income Housing Fund.

This bill would provide that these provisions shall not apply to interests in real property acquired on or after February 1, 2012, and that with respect to interests in real property acquired by the former redevelopment agency prior to February 1, 2012, the specified time

periods shall be deemed to have commenced on the date that the Department of Finance approved the property as a housing asset.

(7) Existing law requires every former redevelopment agency to submit the final report of any audit undertaken and an annual report to its legislative body, as specified. Existing law also requires the Controller to compile and publish annually reports of the financial transactions of each former community redevelopment agency, to make the data available to the Legislature and its agents upon request, and to publish this information for each project area of each redevelopment agency.

This bill would provide that these provisions shall not apply to and, instead, would require the housing successor to conduct and provide to its governing body an independent financial audit of the Low and Moderate Income *Housing Asset* Fund. It would also require the housing successor to post specified information on its Internet Web site.

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 34176 of the Health and Safety Code is  
2 amended to read:

3 34176. (a) (1) The city, county, or city and county that  
4 authorized the creation of a redevelopment agency may elect to  
5 retain the housing assets and functions previously performed by  
6 the redevelopment agency. If a city, county, or city and county  
7 elects to retain the authority to perform housing functions  
8 previously performed by a redevelopment agency, all rights,  
9 powers, duties, obligations, and housing assets, as defined in  
10 subdivision (e), excluding any amounts on deposit in the Low and  
11 Moderate Income Housing Fund and enforceable obligations  
12 retained by the successor agency, shall be transferred to the city,  
13 county, or city and county.

14 (2) The housing successor shall submit to the Department of  
15 Finance by August 1, 2012, a list of all housing assets that contains  
16 an explanation of how the assets meet the criteria specified in  
17 subdivision (e). The Department of Finance shall prescribe the  
18 format for the submission of the list. The list shall include assets  
19 transferred between February 1, 2012, and the date upon which  
20 the list is created. The department shall have up to 30 days from

1 the date of receipt of the list to object to any of the assets or  
2 transfers of assets identified on the list. If the Department of  
3 Finance objects to assets on the list, the housing successor may  
4 request a meet and confer process within five business days of  
5 receiving the department objection. If the transferred asset is  
6 deemed not to be a housing asset as defined in subdivision (e), it  
7 shall be returned to the successor agency and the provision of  
8 Section 34178.8 may apply. If a housing asset has been previously  
9 pledged to pay for bonded indebtedness, the successor agency shall  
10 maintain control of the asset in order to pay for the bond debt.

11 (3) *For purposes of this section and Section 34176.1, “housing*  
12 *successor” means the entity assuming the housing function of a*  
13 *former redevelopment agency pursuant to this section.*

14 (b) If a city, county, or city and county does not elect to retain  
15 the responsibility for performing housing functions previously  
16 performed by a redevelopment agency, all rights, powers, assets,  
17 duties, and obligations associated with the housing activities of  
18 the agency, excluding enforceable obligations retained by the  
19 successor agency and any amounts in the Low and Moderate  
20 Income Housing Fund, shall be transferred as follows:

21 (1) If there is no local housing authority in the territorial  
22 jurisdiction of the former redevelopment agency, to the Department  
23 of Housing and Community Development.

24 (2) If there is one local housing authority in the territorial  
25 jurisdiction of the former redevelopment agency, to that local  
26 housing authority.

27 (3) If there is more than one local housing authority in the  
28 territorial jurisdiction of the former redevelopment agency, to the  
29 local housing authority selected by the city, county, or city and  
30 county that authorized the creation of the redevelopment agency.

31 (c) Commencing on the operative date of this part, the housing  
32 successor may enforce affordability covenants and perform related  
33 activities pursuant to applicable provisions of the Community  
34 Redevelopment Law (Part 1 (commencing with Section 33000)),  
35 including, but not limited to, Section 33418.

36 (d) Except as specifically provided in Section 34191.4, any  
37 funds transferred to the housing successor, together with any funds  
38 generated from housing assets, as defined in subdivision (e), shall  
39 be maintained in a separate Low and Moderate Income Housing

1 Asset Fund which is hereby created in the accounts of the housing  
2 successor.

3 (e) For purposes of this part, “housing asset” includes all of the  
4 following:

5 (1) Any real property, interest in, or restriction on the use of  
6 real property, whether improved or not, and any personal property  
7 provided in residences, including furniture and appliances, all  
8 housing-related files and loan documents, office supplies, software  
9 licenses, and mapping programs, that were acquired for low- and  
10 moderate-income housing purposes, either by purchase or through  
11 a loan, in whole or in part, with any source of funds.

12 (2) Any funds that are encumbered by an enforceable obligation  
13 to build or acquire low- and moderate-income housing, as defined  
14 by the Community Redevelopment Law (Part 1 (commencing with  
15 Section 33000)) unless required in the bond covenants to be used  
16 for repayment purposes of the bond.

17 (3) Any loan or grant receivable, funded from the Low and  
18 Moderate Income Housing Fund, from homebuyers, homeowners,  
19 nonprofit or for-profit developers, and other parties that require  
20 occupancy by persons of low or moderate income as defined by  
21 the Community Redevelopment Law (Part 1 (commencing with  
22 Section 33000)).

23 (4) Any funds derived from rents or operation of properties  
24 acquired for low- and moderate-income housing purposes by other  
25 parties that were financed with any source of funds, including  
26 residual receipt payments from developers, conditional grant  
27 repayments, cost savings and proceeds from refinancing, and  
28 principal and interest payments from homebuyers subject to  
29 enforceable income limits.

30 (5) A stream of rents or other payments from housing tenants  
31 or operators of low- and moderate-income housing financed with  
32 any source of funds that are used to maintain, operate, and enforce  
33 the affordability of housing or for enforceable obligations  
34 associated with low- and moderate-income housing.

35 (6) (A) Repayments of loans or deferrals owed to the Low and  
36 Moderate Income Housing Fund pursuant to subparagraph (G) of  
37 paragraph (1) of subdivision (d) of Section 34171, which shall be  
38 used consistent with the affordable housing requirements in the  
39 Community Redevelopment Law (Part 1 (commencing with  
40 Section 33000)).

1 (B) Loan or deferral repayments shall not be made prior to the  
2 2013–14 fiscal year. Beginning in the 2013–14 fiscal year, the  
3 maximum repayment amount authorized each fiscal year for  
4 repayments made pursuant to this paragraph and subdivision (b)  
5 of Section 34191.4 combined shall be equal to one-half of the  
6 increase between the amount distributed to taxing entities pursuant  
7 to paragraph (4) of subdivision (a) of Section 34183 in that fiscal  
8 year and the amount distributed to taxing entities pursuant to that  
9 paragraph in the 2012–13 base year. Loan or deferral repayments  
10 made pursuant to this paragraph shall take priority over amounts  
11 to be repaid pursuant to subdivision (b) of Section 34191.4.

12 (f) If a development includes both low- and moderate-income  
13 housing that meets the definition of a housing asset under  
14 subdivision (e) and other types of property use, including, but not  
15 limited to, commercial use, governmental use, open space, and  
16 parks, the oversight board shall consider the overall value to the  
17 community as well as the benefit to taxing entities of keeping the  
18 entire development intact or dividing the title and control over the  
19 property between the housing successor and the successor agency  
20 or other public or private agencies. The disposition of those assets  
21 may be accomplished by a revenue-sharing arrangement as  
22 approved by the oversight board on behalf of the affected taxing  
23 entities.

24 (g) (1) (A) The housing successor may designate the use of  
25 and commit indebtedness obligation proceeds that remain after the  
26 satisfaction of enforceable obligations that have been approved in  
27 a Recognized Obligation Payment Schedule and that are consistent  
28 with the indebtedness obligation covenants. The proceeds shall be  
29 derived from indebtedness obligations that were issued for the  
30 purposes of affordable housing prior to January 1, 2011, and were  
31 backed by the Low and Moderate Income Housing Fund.  
32 Enforceable obligations may be satisfied by the creation of reserves  
33 for the projects that are the subject of the enforceable obligation  
34 that are consistent with the contractual obligations for those  
35 projects, or by expending funds to complete the projects.

36 (B) The housing successor shall provide notice to the successor  
37 agency of any designations of use or commitments of funds  
38 specified in subparagraph (A) that it wishes to make at least 20  
39 days before the deadline for submission of the Recognized  
40 Obligation Payment Schedule to the oversight board. Commitments

1 and designations shall not be valid and binding on any party until  
2 they are included in an approved and valid Recognized Obligation  
3 Payment Schedule. The review of these designations and  
4 commitments by the successor agency, oversight board, and  
5 Department of Finance shall be limited to a determination that the  
6 designations and commitments are consistent with bond covenants  
7 and that there are sufficient funds available.

8 (2) Funds shall be used and committed in a manner consistent  
9 with the purposes of the Low and Moderate Income Housing Asset  
10 Fund. Notwithstanding any other law, the successor agency shall  
11 retain and expend the excess housing obligation proceeds at the  
12 discretion of the housing successor, provided that the successor  
13 agency ensures that the proceeds are expended in a manner  
14 consistent with the indebtedness obligation covenants and with  
15 any requirements relating to the tax status of those obligations.  
16 The amount expended shall not exceed the amount of indebtedness  
17 obligation proceeds available and such expenditure shall constitute  
18 the creation of excess housing proceeds expenditures to be paid  
19 from the excess proceeds. Excess housing proceeds expenditures  
20 shall be listed separately on the Recognized Obligation Payment  
21 Schedule submitted by the successor agency.

22 (h) This section shall not be construed to provide any stream of  
23 tax increment financing.

24 SEC. 2. Section 34176.1 is added to the Health and Safety  
25 Code, to read:

26 34176.1. Funds in the Low and Moderate Income Housing  
27 Asset Fund described in subdivision (d) of Section 34176 shall be  
28 subject to the provisions of the Community Redevelopment Law  
29 (Part 1 (commencing with Section 33000)) relating to the Low and  
30 Moderate Income Housing Fund, except as follows:

31 (a) Subdivision (d) of Section 33334.3 and subdivision (a) of  
32 Section 33334.4 shall not apply. Instead, funds received from the  
33 successor agency for items listed on the Recognized Obligation  
34 Payment Schedule shall be expended to meet the enforceable  
35 obligations, and the housing successor shall expend all other funds  
36 in the Low and Moderate Income Housing Asset Fund as follows:

37 (1) For the purpose of monitoring and preserving the long-term  
38 affordability of units subject to affordability restrictions or  
39 covenants entered into by the redevelopment agency or the housing  
40 successor and for the purpose of administering the activities

1 described in paragraphs (2) and (3), a housing successor may  
2 expend per fiscal year up to an amount equal to 2 percent of the  
3 ~~purchase price~~ *statutory value* of real property owned by the  
4 housing successor and of loans and grants receivable, including  
5 real property and loans and grants transferred to the housing  
6 successor pursuant to Section 34176 and real property purchased  
7 and loans and grants made by the housing successor. If this amount  
8 is less than ~~one hundred thousand dollars (\$100,000)~~ *two hundred*  
9 *thousand dollars (\$200,000)* for any given fiscal year, the housing  
10 successor may expend up to ~~one hundred thousand dollars~~  
11 ~~(\$100,000)~~ *two hundred thousand dollars (\$200,000)* in that fiscal  
12 year for these purposes. *The Department of Housing and*  
13 *Community Development shall annually publish on its Internet*  
14 *Web site an adjustment to this amount to reflect any change in the*  
15 *Consumer Price Index for All Urban Consumers published by the*  
16 *federal Department of Labor for the preceding calendar year. For*  
17 *purposes of this paragraph, “statutory value of real property”*  
18 *means the value of properties formerly held by the former*  
19 *redevelopment agency as listed on the housing asset transfer form*  
20 *approved by the Department of Finance pursuant to subparagraph*  
21 *(2) of subdivision (a) of Section 34176 and the purchase price of*  
22 *properties purchased by the housing successor.*

23 (2) Notwithstanding Section 33334.2, if the housing successor  
24 has fulfilled all obligations pursuant to Sections 33413 and 33418,  
25 the housing successor may expend up to two hundred fifty thousand  
26 dollars (\$250,000) per fiscal year for homeless prevention and  
27 rapid rehousing services for individuals and families who are  
28 homeless or would be homeless but for this assistance, including  
29 the provision of short-term or medium-term rental assistance,  
30 housing relocation and stabilization services including housing  
31 search, mediation, or outreach to property owners, credit repair,  
32 security or utility deposits, utility payments, rental assistance for  
33 a final month at a location, moving cost assistance, and case  
34 management, or other appropriate activities for homelessness  
35 prevention and rapid rehousing of persons who have become  
36 homeless.

37 (3) (A) The housing successor shall expend all funds remaining  
38 in the Low and Moderate Income Housing Asset Fund after the  
39 expenditures allowed pursuant to paragraphs (1) and (2) for the  
40 development of housing affordable to and occupied by households

1 earning 80 percent or less of the area median income, with at least  
2 30 percent of these remaining funds expended for the development  
3 of rental housing affordable to and occupied by households earning  
4 30 percent or less of the area median income and no more than 20  
5 percent of these remaining funds expended for the development  
6 of housing affordable to and occupied by households earning  
7 between 60 percent and 80 percent of the area median income. A  
8 *housing successor shall demonstrate in the annual report described*  
9 *in subdivision (f), for 2019, and every five years thereafter, that*  
10 *the housing successor's expenditures from January 1, 2014,*  
11 *through the end of the latest fiscal year covered in the report*  
12 *comply with the requirements of this subparagraph.*

13 ~~(B) A housing successor shall demonstrate in the annual report~~  
14 ~~described in subdivision (f) for year 2019, and every five years~~  
15 ~~thereafter, that the housing successor's expenditures from January~~  
16 ~~1, 2014, through the end of the latest fiscal year covered in the~~  
17 ~~report comply with this program. If the housing successor fails to~~  
18 ~~comply with the extremely low income low income requirement~~  
19 ~~in any five-year report, then the housing successor shall ensure~~  
20 ~~that at least 50 percent of these remaining funds expended in each~~  
21 ~~fiscal year following the latest fiscal year following the report are~~  
22 ~~expended for the development of rental housing affordable to, and~~  
23 ~~occupied by, households earning 30 percent or less of the area~~  
24 ~~median income until the housing successor demonstrates~~  
25 ~~compliance with the extremely low income requirement in an~~  
26 ~~annual report described in subdivision (f).~~

27 (C) If the housing successor exceeds the expenditure limit for  
28 households earning between 60 percent and 80 percent of the area  
29 median income in any five-year report, the housing successor shall  
30 not expend any of the remaining funds for households earning  
31 between 60 percent and 80 percent of the area median income until  
32 the housing successor demonstrates compliance with this limit in  
33 an annual report described in subdivision (f).

34 (D) For purposes of this subdivision, "development" means new  
35 construction, acquisition and rehabilitation, substantial  
36 rehabilitation as defined in Section 33413, the acquisition of  
37 long-term affordability covenants on multifamily units as described  
38 in Section 33413, or the preservation of an assisted housing  
39 development that is eligible for prepayment or termination or for  
40 which within the expiration of rental restrictions is scheduled to

1 occur within five years as those terms are defined in Section  
2 65863.10 of the Government Code. Units described in ~~to~~ this  
3 subparagraph may be counted towards any outstanding obligations  
4 pursuant to Section 33413, provided that the units meet the  
5 requirements of that section and are counted as provided in that  
6 section.

7 (b) Subdivision (b) of Section 33334.4 shall not apply. Instead,  
8 if the aggregate number of units of deed-restricted rental housing  
9 restricted to seniors and assisted individually or jointly by the  
10 housing successor, its former redevelopment agency, and its host  
11 jurisdiction within the previous 10 years exceeds 50 percent of the  
12 aggregate number of units of deed-restricted rental housing assisted  
13 individually or jointly by the housing successor, its former  
14 redevelopment agency, and its host jurisdiction within the same  
15 time period, then the housing successor shall not expend these  
16 funds to assist additional senior housing units until the housing  
17 successor or its host jurisdiction assists, and construction has  
18 commenced, a number of units available to all persons, regardless  
19 of age, that is equal to 50 percent of the aggregate number of units  
20 of deed-restricted rental housing units assisted individually or  
21 jointly by the housing successor, its former redevelopment agency,  
22 and its host jurisdiction within the time period described above.

23 (c) (1) Program income a housing successor receives shall not  
24 be associated with a project area and, notwithstanding subdivision  
25 (g) of Section 33334.2, may be expended anywhere within the  
26 jurisdiction of the housing successor or transferred pursuant to  
27 paragraph (2) without a finding of benefit to a project area. For  
28 purposes of this paragraph, “program income” means the sources  
29 described in paragraphs (3), (4), and (5) of subdivision (e) of  
30 Section 34176 and interest earned on deposits in the account.

31 (2) Two or more housing successors within a county, within a  
32 single metropolitan statistical area, within 15 miles of each other,  
33 or that are in contiguous jurisdictions may enter into an agreement  
34 to transfer funds among their respective Low and Moderate Income  
35 Housing Asset Funds for the sole purpose of developing transit  
36 priority projects as defined in subdivisions (a) and (b) of Section  
37 21155 of the Public Resources Code, permanent supportive housing  
38 as defined in paragraph (2) of subdivision (b) of Section 50675.14,  
39 housing for agricultural employees as defined in subdivision (g)

1 of Section 50517.5, or special needs housing as defined in federal  
2 or state law or regulation if all of the following conditions are met:

3 (A) Each participating housing successor has made a finding  
4 based on substantial evidence, after a public hearing, that the  
5 agreement to transfer funds will not cause or exacerbate racial,  
6 ethnic, or economic segregation.

7 (B) The development to be funded shall not be located in a  
8 census tract where more than 50 percent of its population is very  
9 low income, unless the development is within one-half mile of a  
10 major transit stop or high-quality transit corridor as defined in  
11 paragraph (3) of subdivision (b) of Section 21155 of the Public  
12 Resources Code.

13 (C) The completed development shall not result in a reduction  
14 in the number of housing units or a reduction in the affordability  
15 of housing units on the site where the development is to be built.

16 (D) A transferring housing successor shall not have any  
17 outstanding obligations pursuant to Section 33413.

18 (E) No housing successor may transfer more than one million  
19 dollars (\$1,000,000) per fiscal year.

20 (F) The jurisdictions of the transferring and receiving housing  
21 successors each have an adopted housing element that the  
22 Department of Housing and Community Development has found  
23 pursuant to Section 65585 of the Government Code to be in  
24 substantial compliance with the requirements of Article 10.6  
25 (commencing with Section 65580) of Chapter 3 of Division 1 of  
26 Title 7 of the Government Code and have submitted to the  
27 Department of Housing and Community Development the annual  
28 progress report required by Section 65400 of the Government Code  
29 within the preceding 12 months.

30 (G) Transferred funds shall only assist rental units affordable  
31 to, and occupied by, households earning 60 percent or less of the  
32 area median income.

33 (H) Transferred funds not encumbered within two years shall  
34 be transferred to the Department of Housing and Community  
35 Development for expenditure pursuant to the Multifamily Housing  
36 Program or the Joe Serna, Jr. Farmworker Housing Grant Program.

37 (d) Sections 33334.10 and 33334.12 shall not apply. Instead, if  
38 a housing successor has an excess surplus, the housing successor  
39 shall encumber the excess surplus for the purposes described in  
40 paragraph (3) of subdivision (a) or transfer the funds pursuant to

1 paragraph (2) of subdivision (c) within three fiscal years. If the  
2 housing successor fails to comply with this subdivision, the housing  
3 successor, within 90 days of the end of the third fiscal year, shall  
4 transfer any excess surplus to the Department of Housing and  
5 Community Development for expenditure pursuant to the  
6 Multifamily Housing Program or the Joe Serna, Jr. Farmworker  
7 Housing Grant Program. For purposes of this subdivision, “excess  
8 surplus” shall mean an unencumbered amount in the account that  
9 exceeds the greater of one million dollars (\$1,000,000) or the  
10 aggregate amount deposited into the account during the housing  
11 successor’s preceding four fiscal years, whichever is greater.

12 (e) Section 33334.16 shall not apply to interests in real property  
13 acquired on or after February 1, 2012. With respect to interests in  
14 real property acquired by the former redevelopment agency prior  
15 to February 1, 2012, the time periods described in Section 33334.16  
16 shall be deemed to have commenced on the date that the  
17 Department of Finance approved the property as a housing asset.

18 (f) Section 33080.1 of this code and Section 12463.3 of the  
19 Government Code shall not apply. Instead, the housing successor  
20 shall conduct, and shall provide to its governing body, an  
21 independent financial audit of the Low and Moderate Income  
22 *Housing* Asset Fund within six months after the end of each fiscal  
23 year, which may be included in the independent financial audit of  
24 the host jurisdiction. If the housing successor is a city or county,  
25 it shall also include in its report pursuant to Section 65400 of the  
26 Government Code and post on its Internet Web site all of the  
27 following information for the previous fiscal year. If the housing  
28 successor is not a city or county, it shall also provide to its  
29 governing body and post on its Internet Web site all of the  
30 following information for the previous fiscal year:

31 (1) The amount deposited to the Low and Moderate Income  
32 *Housing* Asset Fund, distinguishing any amounts deposited for  
33 items listed on the Recognized Obligation Payment Schedule from  
34 other amounts deposited.

35 (2) A statement of the balance in the fund as of the close of the  
36 fiscal year, distinguishing any amounts held for items listed on the  
37 Recognized Obligation Payment Schedule from other amounts.

38 (3) A description of expenditures from the fund by category,  
39 including, but not limited to, expenditures (A) for monitoring and  
40 preserving the long-term affordability of units subject to

1 affordability restrictions or covenants entered into by the  
2 redevelopment agency or the housing successor and administering  
3 the activities described in paragraphs (2) and (3) of subdivision  
4 (a), ~~(C)~~ (B) for homeless prevention and rapid rehousing services  
5 for the development of housing described in paragraph (2) of  
6 subdivision (a), ~~(B)~~ and (C) for the development of housing  
7 pursuant to paragraph (3) of subdivision (a).

8 (4) As described in paragraph (1) of subdivision (a), the *statutory*  
9 value of real property owned by the housing successor, the value  
10 of loans and grants receivable, and the sum of these two ~~values~~  
11 *amounts*.

12 (5) A description of any transfers made pursuant to paragraph  
13 (2) of subdivision (c) in the previous fiscal year and, if still  
14 unencumbered, in earlier fiscal years and a description of and status  
15 update on any project for which transferred funds have been or  
16 will be expended if that project has not yet been placed in service.

17 (6) A description of any project for which the housing successor  
18 receives or holds property tax revenue pursuant to the Recognized  
19 Obligation Payment Schedule and the status of that project.

20 (7) For interests in real property acquired by the former  
21 redevelopment agency prior to February 1, 2012, a status update  
22 on compliance with Section 33334.16. For interests in real property  
23 acquired on or after February 1, 2012, a status update on the  
24 project.

25 (8) A description of any outstanding obligations pursuant to  
26 Section 33413 that remained to transfer to the housing successor  
27 on February 1, 2012, of the housing successor's progress in meeting  
28 those obligations, and of the housing successor's plans to meet  
29 unmet obligations. In addition, the housing successor shall include  
30 in the report posted on its Internet Web site the implementation  
31 plans of the former redevelopment agency.

32 (9) The information required by subparagraph ~~(b)~~ (B) of  
33 paragraph (3) of subdivision (a).

34 (10) The percentage of units of deed-restricted rental housing  
35 restricted to seniors and assisted individually or jointly by the  
36 housing successor, its former redevelopment agency, and its host  
37 jurisdiction within the previous 10 years in relation to the aggregate  
38 number of units of deed-restricted rental housing assisted  
39 individually or jointly by the housing successor, its former

- 1 redevelopment agency, and its host jurisdiction within the same
- 2 time period.
- 3 (11) The amount of any excess surplus, the amount of time that
- 4 the successor agency has had excess surplus, and the housing
- 5 successor's plan for eliminating the excess surplus.

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