

AMENDED IN ASSEMBLY MARCH 17, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2618

Introduced by Assembly Member Nazarian

February 19, 2016

~~An act to amend Section 53328.1 of the Government Code, relating to local government.~~ *An act to amend Sections 53313.5 and 53328.1 of the Government Code, relating to local government.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2618, as amended, Nazarian. ~~community facilities districts.~~ *Community facilities districts: powers.*

(1) The Mello-Roos Community Facilities Act of 1982 specifies the requirements for the establishment of a community facilities district, including, among other things, a petition, a hearing, the establishment of the boundaries of the community facilities district, and an election on the question. A community facilities district formed pursuant to that law is authorized to, among other things, finance and refinance the acquisition, installation, and improvement of energy efficiency, water conservation, and renewable energy improvements to or on real property and in buildings, as specified.

This bill would specify that for purposes of financing and refinancing these types of improvements, a community facilities district may utilize purchase power agreements.

(2) Existing law additionally authorizes an alternative procedure for establishing a community facilities district under which the district initially consists solely of territory proposed for annexation to the community facilities district in the future, and territory is annexed and subjected to special taxes only upon unanimous approval of the owners,

to finance and refinance the acquisition, installation, and improvement of energy efficiency, water conservation, and renewable energy improvements.

This bill would authorize a community facilities district that is formed pursuant to the alternative procedure to additionally finance seismic retrofitting, as specified.

~~The Mello-Roos Community Facilities Act of 1982 specifies the requirements for the establishment of a community facilities district, including, among other things, a petition, a hearing, the establishment of the boundaries of the community facilities district, and an election on the question. Existing law authorizes an alternative procedure for establishing a community facilities district under which the district initially consists solely of territory proposed for annexation to the community facilities district in the future, and territory is annexed and subjected to special taxes only upon unanimous approval of the owners.~~

~~This bill would make nonsubstantive changes to those provisions.~~

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 53313.5 of the Government Code is
2 amended to read:
3 53313.5. A community facilities district may also finance the
4 purchase, construction, expansion, improvement, or rehabilitation
5 of any real or other tangible property with an estimated useful life
6 of five years or longer or may finance planning and design work
7 that is directly related to the purchase, construction, expansion, or
8 rehabilitation of any real or tangible property. The facilities need
9 not be physically located within the district. A district may not
10 lease out facilities that it has financed except pursuant to a lease
11 agreement or annexation agreement entered into prior to January
12 1, 1988. A district may only finance the purchase of facilities
13 whose construction has been completed, as determined by the
14 legislative body, before the resolution of formation to establish
15 the district is adopted pursuant to Section 53325.1, except that a
16 district may finance the purchase of facilities completed after the
17 adoption of the resolution of formation if the facility was
18 constructed as if it had been constructed under the direction and
19 supervision, or under the authority of, the local agency that will

1 own or operate the facility. For example, a community facilities
2 district may finance facilities, including, but not limited to, the
3 following:

4 (a) Local park, recreation, parkway, and open-space facilities.

5 (b) Elementary and secondary schoolsites and structures
6 provided that the facilities meet the building area and cost standards
7 established by the State Allocation Board.

8 (c) Libraries.

9 (d) Child care facilities, including costs of insuring the facilities
10 against loss, liability insurance in connection with the operation
11 of the facility, and other insurance costs relating to the operation
12 of the facilities, but excluding all other operational costs. However,
13 the proceeds of bonds issued pursuant to this chapter shall not be
14 used to pay these insurance costs.

15 (e) The district may also finance the construction or
16 undergrounding of water transmission and distribution facilities,
17 natural gas pipeline facilities, telephone lines, facilities for the
18 transmission or distribution of electrical energy, and cable
19 television lines to provide access to those services to customers
20 who do not have access to those services or to mitigate existing
21 visual blight. The district may enter into an agreement with a public
22 utility to utilize those facilities to provide a particular service and
23 for the conveyance of those facilities to the public utility. "Public
24 utility" shall include all utilities, whether public and regulated by
25 the Public Utilities Commission, or municipal. If the facilities are
26 conveyed to the public utility, the agreement shall provide that the
27 cost or a portion of the cost of the facilities that are the
28 responsibility of the utility shall be refunded by the public utility
29 to the district or improvement area thereof, to the extent that
30 refunds are applicable pursuant to (1) the Public Utilities Code or
31 rules of the Public Utilities Commission, as to utilities regulated
32 by the commission, or (2) other laws regulating public utilities.
33 Any reimbursement made to the district shall be utilized to reduce
34 or minimize the special tax levied within the district or
35 improvement area, or to construct or acquire additional facilities
36 within the district or improvement area, as specified in the
37 resolution of formation.

38 (f) The district may also finance the acquisition, improvement,
39 rehabilitation, or maintenance of any real or other tangible property,
40 whether privately or publicly owned, for flood and storm protection

1 services, including, but not limited to, storm drainage and treatment
2 systems and sandstorm protection systems.

3 (g) The district may also pay in full all amounts necessary to
4 eliminate any fixed special assessment liens or to pay, repay, or
5 defease any obligation to pay or any indebtedness secured by any
6 tax, fee, charge, or assessment levied within the area of a
7 community facilities district or may pay debt service on that
8 indebtedness. When the amount financed by the district is to pay
9 a tax, fee, charge, or assessment imposed by a public agency other
10 than the one conducting the proceedings, and if the amount
11 provided to the other public agency will not be entirely used to
12 pay off or prepay an assessment lien or special tax obligation
13 pursuant to the property owner's legal right to do so, the written
14 consent of the other public agency is required. In addition, tax
15 revenues of a district may be used to make lease or debt service
16 payments on any lease, lease-purchase contract, or certificate of
17 participation used to finance facilities authorized to be financed
18 by the district.

19 (h) Any other governmental facilities that the legislative body
20 creating the community facilities district is authorized by law to
21 contribute revenue to, or construct, own, or operate. However, the
22 district shall not operate or maintain or, except as otherwise
23 provided in subdivisions (e) and (k), have any ownership interest
24 in any facilities for the transmission or distribution of natural gas,
25 telephone service, or electrical energy.

26 (i) (1) A district may also pay for the following:

27 (A) Work deemed necessary to bring buildings or real property,
28 including privately owned buildings or real property, into
29 compliance with seismic safety standards or regulations. Only
30 work certified as necessary to comply with seismic safety standards
31 or regulations by local building officials may be financed. No
32 project involving the dismantling of an existing building and its
33 replacement by a new building, nor the construction of a new or
34 substantially new building may be financed pursuant to this
35 subparagraph. Work on qualified historical buildings or structures
36 shall be done in accordance with the State Historical Building
37 Code (Part 2.7 (commencing with Section 18950) of Division 13
38 of the Health and Safety Code).

39 (B) In addition, within any county or area designated by the
40 President of the United States or by the Governor as a disaster area

1 or for which the Governor has proclaimed the existence of a state
2 of emergency because of earthquake damage, a district may also
3 pay for any work deemed necessary to repair any damage to real
4 property directly or indirectly caused by the occurrence of an
5 earthquake cited in the President’s or the Governor’s designation
6 or proclamation, or by aftershocks associated with that earthquake,
7 including work to reconstruct, repair, shore up, or replace any
8 building damaged or destroyed by the earthquake, and specifically
9 including, but not limited to, work on any building damaged or
10 destroyed in the Loma Prieta earthquake that occurred on October
11 17, 1989, or by its aftershocks. Work may be financed pursuant
12 to this subparagraph only on property or buildings identified in a
13 resolution of intention to establish a community facilities district
14 adopted within seven years of the date on which the county or area
15 is designated as a disaster area by the President or by the Governor
16 or on which the Governor proclaims for the area the existence of
17 a state of emergency.

18 (2) Work on privately owned property, including reconstruction
19 or replacement of privately owned buildings pursuant to
20 subparagraph (B) of paragraph (1), may only be financed by a tax
21 levy if all of the votes cast on the question of levying the tax, vote
22 in favor of levying the tax, or with the prior written consent to the
23 tax of the owners of all property that may be subject to the tax, in
24 that case the prior written consent shall be deemed to constitute a
25 vote in favor of the tax and any associated bond issue. Any district
26 created to finance seismic safety work on privately owned
27 buildings, including repair, reconstruction, or replacement of
28 privately owned buildings pursuant to this subdivision, shall consist
29 only of lots or parcels that the legislative body finds have buildings
30 that were damaged or destroyed by the earthquake cited pursuant
31 to subparagraph (B) of paragraph (1) or by the aftershocks of that
32 earthquake.

33 (j) A district may also pay for the following:

34 (1) Work deemed necessary to repair and abate damage caused
35 to privately owned buildings and structures by soil deterioration.
36 “Soil deterioration” means a chemical reaction by soils that causes
37 structural damage or defects in construction materials including
38 concrete, steel, and ductile or cast iron. Only work certified as
39 necessary by local building officials may be financed. No project
40 involving the dismantling of an existing building or structure and

1 its replacement by a new building or structure, nor the construction
2 of a new or substantially new building or structure may be financed
3 pursuant to this paragraph.

4 (2) Work on privately owned buildings and structures pursuant
5 to this subdivision, including reconstruction, repair, and abatement
6 of damage caused by soil deterioration, may only be financed by
7 a tax levy if all of the votes cast on the question of levying the tax
8 vote in favor of levying the tax. Any district created to finance the
9 work on privately owned buildings or structures, including
10 reconstruction, repair, and abatement of damage caused by soil
11 deterioration, shall consist only of lots or parcels on which the
12 legislative body finds that the buildings or structures to be worked
13 on pursuant to this subdivision suffer from soil deterioration.

14 (k) A district may also finance the acquisition, improvement,
15 rehabilitation, or maintenance of any real or other tangible property,
16 whether privately or publicly owned, for the purposes of removal
17 or remedial action for the cleanup of any hazardous substance
18 released or threatened to be released into the environment. As used
19 in this subdivision, “remedial action” and “removal” shall have
20 the meaning set forth in Sections 25322 and 25323, respectively,
21 of the Health and Safety Code, and “hazardous substance” shall
22 have the meaning set forth in Section 25281 of the Health and
23 Safety Code.

24 (l) (1) A district may also finance and refinance the acquisition,
25 installation, and improvement of energy efficiency, water
26 conservation, and renewable energy improvements that are affixed,
27 as specified in Section 660 of the Civil Code, to or on real property
28 and in buildings, whether the real property or buildings are
29 privately or publicly owned. Energy efficiency, water conservation,
30 and renewable energy improvements financed by a district may
31 only be installed on a privately owned building and on privately
32 owned real property with the prior written consent of the owner
33 or owners of the building or real property. ~~This~~

34 (2) *This* chapter shall not be used to finance installation of
35 energy efficiency, water conservation, and renewable energy
36 improvements on a privately owned building or on privately owned
37 real property in connection with the initial construction of a
38 residential building unless the initial construction is undertaken
39 by the intended owner or occupant.

1 (3) A district may use power purchase agreements for purposes
2 of financing and refinancing improvements pursuant to this
3 subdivision.

4 (m) Any improvement on private property authorized to be
5 financed by this section shall constitute a “public facility” for
6 purposes of this chapter and a “public improvement” for purposes
7 of Part 1 (commencing with Section 3100) and Part 2 (commencing
8 with Section 3110) of Division 4.5 of the Streets and Highways
9 Code, whether the improvement is owned by a private entity, if
10 the legislative body has determined that the improvement provides
11 a public benefit, or the improvement is owned by a public agency.

12 SEC. 2. Section 53328.1 of the Government Code is amended
13 to read:

14 53328.1. (a) As an alternate and independent procedure for
15 forming a community facilities district, the legislative body may
16 form a community facilities district that initially consists solely
17 of territory proposed for annexation to the community facilities
18 district in the future, with the condition that a parcel or parcels
19 within that territory may be annexed to the community facilities
20 district and subjected to the special tax only with the unanimous
21 approval of the owner or owners of the parcel or parcels at the
22 time that the parcel or parcels are annexed. In that case, the
23 legislative body shall follow the procedures set forth in this article
24 for the formation of a community facilities district, with the
25 following exceptions:

26 (1) The legislative body shall not be obligated to specify the
27 rate or rates of special tax in the resolution of intention or the
28 resolution of formation, provided that both of the following are
29 met:

30 (A) The resolution of intention and the resolution of formation
31 include a statement that the rate shall be established in an amount
32 required to finance or refinance the authorized improvements and
33 to pay the district’s administrative expenses.

34 (B) The maximum rate of special tax applicable to a parcel or
35 parcels shall be specified in the unanimous approval described in
36 this section relating to the parcel or parcels.

37 (2) The legislative body shall not be obligated to specify in the
38 resolution of intention the conditions under which the obligation
39 to pay the specified special tax may be prepaid and permanently
40 satisfied. Instead, a prepayment provision may be included in the

1 unanimous approval of the owner or owners of each parcel or
2 parcels at the time that the parcel or parcels are annexed to the
3 community facilities district.

4 (3) In lieu of approval pursuant to an election held in accordance
5 with the procedures set forth in Sections 53326, 53327, 53327.5,
6 and 53328, the appropriations limit for the community facilities
7 district, the applicable rate of the special tax and the method of
8 apportionment and manner of collection of that tax, and the
9 authorization to incur bonded indebtedness for the community
10 facilities district shall be specified and be approved by the
11 unanimous approval of the owner or owners of each parcel or
12 parcels at the time that the parcel or parcels are annexed to the
13 community facilities district. No additional hearings or procedures
14 are required, and the unanimous approval shall be deemed to
15 constitute a unanimous vote in favor of the appropriations limit
16 for the community facilities district, the authorization to levy the
17 special tax on the parcel or parcels, and the authorization to incur
18 bonded indebtedness for the community facilities district.

19 (4) Notwithstanding Section 53324, this paragraph establishes
20 the applicable protest provisions in the event a local agency forms
21 a community facilities district pursuant to the procedures set forth
22 in this section. If 50 percent or more of the registered voters, or
23 six registered voters, whichever is more, residing within the
24 territory proposed to be annexed to the community facilities district
25 in the future, or if the owners of one-half or more of the area of
26 land proposed to be annexed in the future and not exempt from
27 the special tax, file written protests against establishment of the
28 community facilities district, and protests are not withdrawn so as
29 to reduce the protests to less than a majority, no further proceedings
30 to form the community facilities district shall be undertaken for a
31 period of one year from the date of decision of the legislative body
32 on the issues discussed at the hearing. If the majority protests of
33 the registered voters or of the landowners are only against the
34 furnishing of a specified type or types of facilities or services
35 within the district, or against levying a specified special tax, those
36 types of facilities or services or the specified special tax shall be
37 eliminated from the resolution of formation.

38 (5) The legislative body shall not record a notice of special tax
39 lien against any parcel or parcels in the community facilities district
40 until the owner or owners of the parcel or parcels have given their

1 unanimous approval of the parcel's or parcels' annexation to the
2 community facilities district, at which time the notice of special
3 tax lien shall be recorded against the parcel or parcels as set forth
4 in Section 53328.3.

5 (b) Notwithstanding the provisions of Section 53340, after
6 adoption of the resolution of formation for a community facilities
7 district described in subdivision (a), the legislative body may, by
8 ordinance, provide for the levy of the special taxes on parcels that
9 will annex to the community facilities district at the rate or rates
10 to be approved unanimously by the owner or owners of each parcel
11 or parcels to be annexed to the community facilities district and
12 for apportionment and collection of the special taxes in the manner
13 specified in the resolution of formation. No further ordinance shall
14 be required even though no parcels may then have annexed to the
15 community facilities district.

16 (c) The local agency may bring an action to determine the
17 validity of any special taxes levied pursuant to this chapter and
18 authorized pursuant to the procedures set forth in this section
19 pursuant to Chapter 9 (commencing with Section 860) of Title 10
20 of Part 2 of the Code of Civil Procedure. Notwithstanding Section
21 53359, if an action is brought by an interested person pursuant to
22 Section 863 of the Code of Civil Procedure to determine the
23 validity of any special taxes levied against a parcel pursuant to
24 this chapter and authorized pursuant to the procedures set forth in
25 this section, the action shall be brought pursuant to Chapter 9
26 (commencing with Section 860) of Title 10 of Part 2 of the Code
27 of Civil Procedure, but shall, notwithstanding the time limits
28 specified in Section 860 of the Code of Civil Procedure, be
29 commenced within 15 days after the date on which the notice of
30 special tax lien is recorded against the parcel. Any appeal from a
31 judgment in any action or proceeding described in this subdivision
32 shall be commenced within 30 days after entry of judgment.

33 (d) A community facilities district formed pursuant to this
34 section may only finance facilities pursuant to ~~subdivision~~
35 *subdivisions (i) or (l)* of Section 53313.5.

36 (e) In connection with formation of a community facilities
37 district and annexation of a parcel or parcels to the community
38 facilities district pursuant to this section, and the conduct of an
39 election on the proposition to authorize bonded indebtedness
40 pursuant to the alternate procedures set forth in Section 53355.5,

1 the local agency may, without additional hearings or procedures,
2 designate a parcel or parcels as an improvement area within the
3 community facilities district. After the designation of a parcel or
4 parcels as an improvement area, all proceedings for approval of
5 the appropriations limit, the rate and method of apportionment and
6 manner of collection of special tax and the authorization to incur
7 bonded indebtedness for the parcel or parcels shall apply only to
8 the improvement area.

9 (f) In connection with a community facilities district formed
10 under this section, as an alternate and independent procedure for
11 making the changes described in Section 53330.7, the changes
12 may be made with the unanimous approval of the owner or owners
13 of the parcel or parcels that will be affected by the change and
14 with the written consent of the local agency. No additional hearings
15 or procedures are required, and the unanimous approval shall be
16 deemed to constitute a unanimous vote in favor of the proposed
17 changes. If the proceeds of a special tax are being used to retire
18 any debt incurred pursuant to this chapter and the unanimous
19 approval relates to the reduction of the special tax rate, the
20 unanimous approval shall recite that the reduction or termination
21 of the special tax will not interfere with the timely retirement of
22 that debt.

23 ~~SECTION 1. Section 53328.1 of the Government Code is~~
24 ~~amended to read:~~

25 ~~53328.1. (a) As an alternate and independent procedure for~~
26 ~~forming a community facilities district, the legislative body may~~
27 ~~form a community facilities district that initially consists solely~~
28 ~~of territory proposed for annexation to the community facilities~~
29 ~~district in the future, with the condition that a parcel or parcels~~
30 ~~within that territory may be annexed to the community facilities~~
31 ~~district and subjected to the special tax only with the unanimous~~
32 ~~approval of the owner or owners of the parcel or parcels at the~~
33 ~~time that the parcel or parcels are annexed. In that case, the~~
34 ~~legislative body shall follow the procedures set forth in this article~~
35 ~~for the formation of a community facilities district, with the~~
36 ~~following exceptions:~~

37 ~~(1) The legislative body is not required to specify the rate or~~
38 ~~rates of special tax in the resolution of intention or the resolution~~
39 ~~of formation, provided that both of the following are met:~~

1 (A) The resolution of intention and the resolution of formation
2 include a statement that the rate shall be established in an amount
3 required to finance or refinance the authorized improvements and
4 to pay the district's administrative expenses.

5 (B) The maximum rate of special tax applicable to a parcel or
6 parcels shall be specified in the unanimous approval described in
7 this section relating to the parcel or parcels.

8 (2) The legislative body is not required to specify in the
9 resolution of intention the conditions under which the obligation
10 to pay the specified special tax may be prepaid and permanently
11 satisfied. Instead, a prepayment provision may be included in the
12 unanimous approval of the owner or owners of each parcel or
13 parcels at the time that the parcel or parcels are annexed to the
14 community facilities district.

15 (3) In lieu of approval pursuant to an election held in accordance
16 with the procedures set forth in Sections 53326, 53327, 53327.5,
17 and 53328, the appropriations limit for the community facilities
18 district, the applicable rate of the special tax and the method of
19 apportionment and manner of collection of that tax, and the
20 authorization to incur bonded indebtedness for the community
21 facilities district shall be specified and be approved by the
22 unanimous approval of the owner or owners of each parcel or
23 parcels at the time that the parcel or parcels are annexed to the
24 community facilities district. No additional hearings or procedures
25 are required, and the unanimous approval shall be deemed to
26 constitute a unanimous vote in favor of the appropriations limit
27 for the community facilities district, the authorization to levy the
28 special tax on the parcel or parcels, and the authorization to incur
29 bonded indebtedness for the community facilities district.

30 (4) Notwithstanding Section 53324, this paragraph establishes
31 the applicable protest provisions in the event a local agency forms
32 a community facilities district pursuant to the procedures set forth
33 in this section. If 50 percent or more of the registered voters, or
34 six registered voters, whichever is more, residing within the
35 territory proposed to be annexed to the community facilities district
36 in the future, or if the owners of one-half or more of the area of
37 land proposed to be annexed in the future and not exempt from
38 the special tax, file written protests against establishment of the
39 community facilities district, and protests are not withdrawn so as
40 to reduce the protests to less than a majority, no further proceedings

1 to form the community facilities district shall be undertaken for a
2 period of one year from the date of decision of the legislative body
3 on the issues discussed at the hearing. If the majority protests of
4 the registered voters or of the landowners are only against the
5 furnishing of a specified type or types of facilities or services
6 within the district, or against levying a specified special tax, those
7 types of facilities or services or the specified special tax shall be
8 eliminated from the resolution of formation.

9 (5) ~~The legislative body shall not record a notice of special tax~~
10 ~~lien against any parcel or parcels in the community facilities district~~
11 ~~until the owner or owners of the parcel or parcels have given their~~
12 ~~unanimous approval of the parcel's or parcels' annexation to the~~
13 ~~community facilities district, at which time the notice of special~~
14 ~~tax lien shall be recorded against the parcel or parcels as set forth~~
15 ~~in Section 53328.3.~~

16 (b) ~~Notwithstanding the provisions of Section 53340, after~~
17 ~~adoption of the resolution of formation for a community facilities~~
18 ~~district described in subdivision (a), the legislative body may, by~~
19 ~~ordinance, provide for the levy of the special taxes on parcels that~~
20 ~~will annex to the community facilities district at the rate or rates~~
21 ~~to be approved unanimously by the owner or owners of each parcel~~
22 ~~or parcels to be annexed to the community facilities district and~~
23 ~~for apportionment and collection of the special taxes in the manner~~
24 ~~specified in the resolution of formation. No further ordinance shall~~
25 ~~be required even though no parcels may then have annexed to the~~
26 ~~community facilities district.~~

27 (e) ~~The local agency may bring an action to determine the~~
28 ~~validity of any special taxes levied pursuant to this chapter and~~
29 ~~authorized pursuant to the procedures set forth in this section~~
30 ~~pursuant to Chapter 9 (commencing with Section 860) of Title 10~~
31 ~~of Part 2 of the Code of Civil Procedure. Notwithstanding Section~~
32 ~~53359, if an action is brought by an interested person pursuant to~~
33 ~~Section 863 of the Code of Civil Procedure to determine the~~
34 ~~validity of any special taxes levied against a parcel pursuant to~~
35 ~~this chapter and authorized pursuant to the procedures set forth in~~
36 ~~this section, the action shall be brought pursuant to Chapter 9~~
37 ~~(commencing with Section 860) of Title 10 of Part 2 of the Code~~
38 ~~of Civil Procedure, but shall, notwithstanding the time limits~~
39 ~~specified in Section 860 of the Code of Civil Procedure, be~~
40 ~~commenced within 15 days after the date on which the notice of~~

1 special tax lien is recorded against the parcel. Any appeal from a
2 judgment in any action or proceeding described in this subdivision
3 shall be commenced within 30 days after entry of judgment.

4 (d) ~~A community facilities district formed pursuant to this~~
5 ~~section may only finance facilities pursuant to subdivision (l) of~~
6 ~~Section 53313.5.~~

7 (e) ~~In connection with formation of a community facilities~~
8 ~~district and annexation of a parcel or parcels to the community~~
9 ~~facilities district pursuant to this section, and the conduct of an~~
10 ~~election on the proposition to authorize bonded indebtedness~~
11 ~~pursuant to the alternate procedures set forth in Section 53355.5,~~
12 ~~the local agency may, without additional hearings or procedures,~~
13 ~~designate a parcel or parcels as an improvement area within the~~
14 ~~community facilities district. After the designation of a parcel or~~
15 ~~parcels as an improvement area, all proceedings for approval of~~
16 ~~the appropriations limit, the rate and method of apportionment and~~
17 ~~manner of collection of special tax and the authorization to incur~~
18 ~~bonded indebtedness for the parcel or parcels shall apply only to~~
19 ~~the improvement area.~~

20 (f) ~~In connection with a community facilities district formed~~
21 ~~under this section, as an alternate and independent procedure for~~
22 ~~making the changes described in Section 53330.7, the changes~~
23 ~~may be made with the unanimous approval of the owner or owners~~
24 ~~of the parcel or parcels that will be affected by the change and~~
25 ~~with the written consent of the local agency. No additional hearings~~
26 ~~or procedures are required, and the unanimous approval shall be~~
27 ~~deemed to constitute a unanimous vote in favor of the proposed~~
28 ~~changes. If the proceeds of a special tax are being used to retire~~
29 ~~any debt incurred pursuant to this chapter and the unanimous~~
30 ~~approval relates to the reduction of the special tax rate, the~~
31 ~~unanimous approval shall recite that the reduction or termination~~
32 ~~of the special tax will not interfere with the timely retirement of~~
33 ~~that debt.~~