

AMENDED IN ASSEMBLY APRIL 14, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2697

Introduced by Assembly Member Bonilla

February 19, 2016

An act to amend Section 34181 of the Health and Safety Code, relating to redevelopment.

LEGISLATIVE COUNSEL'S DIGEST

AB 2697, as amended, Bonilla. Redevelopment dissolution: successor agencies: disposal of assets and properties.

Existing law dissolved redevelopment agencies and community development agencies as of February 1, 2012, and provides for the designation of successor agencies to wind down the affairs of the dissolved redevelopment agencies and to, among other things, dispose of all assets and properties of the former redevelopment agency in an expeditious manner aimed at maximizing value.

This bill would require a successor agency, prior to the disposal of land of the former redevelopment agency, to send a written offer to sell for the purposes of developing low- and moderate-income housing to any local public entity within whose jurisdiction the land is located, as specified. The bill would additionally require the sale of land of the former redevelopment agency to be subject to certain requirements relating to affordable housing. By imposing new duties on local officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 SECTION 1. Section 34181 of the Health and Safety Code is
2 amended to read:

3 34181. The oversight board shall direct the successor agency
4 to do all of the following:

5 (a) (1) (A) Dispose of all assets and properties of the former
6 redevelopment agency; provided, however, that the oversight board
7 may instead direct the successor agency to transfer ownership of
8 those assets that were constructed and used for a governmental
9 purpose, such as roads, school buildings, parks, police and fire
10 stations, libraries, parking facilities and lots dedicated solely to
11 public parking, and local agency administrative buildings, to the
12 appropriate public jurisdiction pursuant to any existing agreements
13 relating to the construction or use of such an asset. Any
14 compensation to be provided to the successor agency for the
15 transfer of the asset shall be governed by the agreements relating
16 to the construction or use of that asset. Except as provided in
17 subparagraph (B), disposal shall be done expeditiously and in a
18 manner aimed at maximizing value. Asset disposition may be
19 accomplished by a distribution of income to taxing entities
20 proportionate to their property tax share from one or more
21 properties that may be transferred to a public or private agency for
22 management pursuant to the direction of the oversight board.

23 (B) (i) Prior to the disposal of land of the former redevelopment
24 agency, the successor agency shall send a written offer to sell for
25 the purpose of developing low- and moderate-income housing to
26 any local public entity, as defined in Section 50079, within whose
27 jurisdiction the land is located. Housing sponsors, as defined by
28 Section 50074, shall be sent, upon written request, a written offer
29 to sell land for the purpose of developing low- and
30 moderate-income housing. All notices shall be sent by first-class
31 mail and shall include the location and a description of the property.

1 With respect to any offer to purchase pursuant to this subparagraph,
2 priority shall be given to development of the land to provide
3 housing affordable for lower income households.

4 (ii) The sale of any land of the former redevelopment agency
5 shall be subject to Sections 54222.5, 54226, 54227, and 54233 of
6 the Government Code.

7 (2) “Parking facilities and lots dedicated solely to public
8 parking” do not include properties that generate revenues in excess
9 of reasonable maintenance costs of the properties.

10 (b) Cease performance in connection with and terminate all
11 existing agreements that do not qualify as enforceable obligations.

12 (c) Transfer housing assets pursuant to Section 34176.

13 (d) Terminate any agreement, between the dissolved
14 redevelopment agency and any public entity located in the same
15 county, obligating the redevelopment agency to provide funding
16 for any debt service obligations of the public entity or for the
17 construction, or operation of facilities owned or operated by such
18 public entity, in any instance where the oversight board has found
19 that early termination would be in the best interests of the taxing
20 entities.

21 (e) Determine whether any contracts, agreements, or other
22 arrangements between the dissolved redevelopment agency and
23 any private parties should be terminated or renegotiated to reduce
24 liabilities and increase net revenues to the taxing entities, and
25 present proposed termination or amendment agreements to the
26 oversight board for its approval. The board may approve any
27 amendments to or early termination of those agreements if it finds
28 that amendments or early termination would be in the best interests
29 of the taxing entities.

30 (f) All actions taken pursuant to subdivisions (a) and (c) shall
31 be approved by resolution of the oversight board at a public
32 meeting after at least 10 days’ notice to the public of the specific
33 proposed actions. The actions shall be subject to review by the
34 department pursuant to Section 34179 except that the department
35 may extend its review period by up to 60 days. If the department
36 does not object to an action subject to this section, and if no action
37 challenging an action is commenced within 60 days of the approval
38 of the action by the oversight board, the action of the oversight
39 board shall be considered final and can be relied upon as conclusive
40 by any person. If an action is brought to challenge an action

1 involving title to or an interest in real property, a notice of
2 pendency of action shall be recorded by the claimant as provided
3 in Title 4.5 (commencing with Section 405) of Part 2 of the Code
4 of Civil Procedure within a 60-day period.

5 SEC. 2. If the Commission on State Mandates determines that
6 this act contains costs mandated by the state, reimbursement to
7 local agencies and school districts for those costs shall be made
8 pursuant to Part 7 (commencing with Section 17500) of Division
9 4 of Title 2 of the Government Code.