

Senate Bill No. 257

CHAPTER 42

An act to add and repeal Section 33334.21 of the Health and Safety Code, relating to redevelopment.

[Approved by Governor July 1, 1997. Filed with
Secretary of State July 2, 1997.]

LEGISLATIVE COUNSEL'S DIGEST

SB 257, Lee. Redevelopment: low- and moderate-income housing.

Existing law, known as the Community Redevelopment Law, authorizes the establishment of redevelopment agencies in communities to address the effects of blight, including, among other specified conditions, a high crime rate that constitutes a serious threat to the public safety and welfare, in those communities. Also under the Community Redevelopment Law, not less than 20% of all tax-increment revenues that are allocated to a redevelopment agency are required to be held in a separate Low- and Moderate-Income Housing Fund and used by the agency for the purposes of increasing, improving, and preserving the community's supply of low- and moderate-income housing available at affordable housing cost to persons and families of specified income levels.

This bill would establish a pilot program that would permit redevelopment agencies in specified urban counties in order to encourage county peace officers, as defined, who are assigned to that community based on a contract for law enforcement services with a county, to purchase homes, as a principal residence, located within an urban neighborhood, as defined, in the community where the crime rate, as defined, is at least 110% of the countywide crime rate over the last year, by providing the peace officer with a downpayment, not to exceed 20% of the purchase price of the home, with prescribed restrictions and obligations through the use of funds from its Low- and Moderate-Income Housing Fund. This bill also would require the governmental entity employing the peace officer, pursuant to specified provisions of law, to reimburse the actual and necessary moving expenses of the peace officer, or any member of his or her immediate family residing with the officer, where the officer has found it necessary to relocate because he or she has received a credible threat to his or her life because of the employment.

The bill also would require a redevelopment agency that provides downpayments under these provisions to transmit a report, on or before January 1, 2002, to the Chairs of the Assembly Housing and

Community Development Committee and Senate Housing and Land Use Committee containing specified information that describes the effect of the program on the incidence of crime in the affected urban neighborhoods and in the relevant county.

The bill also would make findings of the Legislature that criminal activity, including violent crimes, is prevalent in some urban neighborhoods constituting a serious threat to the public safety and welfare and that the presence of peace officers who also reside in urban neighborhoods can reduce criminal activities.

The California Constitution provides that a local or special statute is invalid in any case if a general statute can be made applicable.

This bill would declare that, due to the unique circumstances within the Counties of Alameda, Contra Costa, Los Angeles, Orange, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, San Mateo, Santa Clara, and Ventura, and within cities in other counties if the city has a population of greater than 100,000 residents, that the bill is intended to remedy, a general statute within the meaning of specified provisions of the California Constitution cannot be made applicable and a special statute is necessary.

This bill would repeal its provisions as of January 1, 2003, unless a later enacted statute, that is enacted before January 1, 2003, deletes or extends that date.

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

SECTION 1. Section 33334.21 is added to the Health and Safety Code, to read:

33334.21. (a) The Legislature finds and declares all of the following:

(1) Violent crimes, burglaries, robberies, drug dealing, prostitution, and other criminal activities are so prevalent and substantial in some urban neighborhoods that they constitute a serious threat to the public safety and welfare, resulting in blight.

(2) Criminal activity is so prevalent and substantial in some urban neighborhoods that it becomes an economic burden that cannot be reasonably expected to be reversed or alleviated by private enterprise or government action, or both, without redevelopment.

(3) The presence of peace officers who also reside in urban neighborhoods can reduce criminal activities.

(4) Communities in California and other states have successfully attracted peace officers to buy homes and reside in urban neighborhoods as an effective deterrent to crime.

(5) Economic, physical, and social conditions can discourage peace officers from purchasing homes in the communities that employ them.



(6) It is the intent of the Legislature in enacting this section to establish a pilot program that permits agencies to encourage peace officers to buy homes and reside in urban neighborhoods.

(b) From the Low- and Moderate-Income Housing Fund or any other source, an agency may provide up to 100 percent of the downpayment for the purchase of a principal residence by a peace officer in an urban neighborhood in the community. The downpayment shall not exceed 20 percent of the purchase price of the residence. The peace officer shall occupy the residence as his or her principal residence for at least 10 years. An agency may adopt any rules, regulations, or limitations necessary to implement this section.

(c) An agency in a community that contracts for law enforcement services with a county may provide downpayments pursuant to this section to county peace officers who are assigned to that community.

(d) If, during those 10 years, the peace officer ceases to be employed by the community or establishes another principal residence, the peace officer shall repay the agency a prorated amount of the downpayment, based on the time remaining.

(e) If, during those 10 years, a county peace officer who resides in a community that contracts for law enforcement services with a county ceases to be employed by the county or if it is necessary for the county peace officer to move from his or her principal residence because the county assigns the county peace officer to another community, the county peace officer shall repay the agency a prorated amount of the downpayment, based on the time remaining.

(f) If, during those 10 years, it is necessary for the peace officer to move from his or her principal residence because the officer has received a credible threat that a life threatening action may be taken against the officer or his or her immediate family because of the peace officer's employment, the provisions of Section 832.9 of the Penal Code shall apply.

(g) If the value of the residence declines on resale within those 10 years, the peace officer and the agency shall share the loss in proportion to each party's contribution to the original purchase price.

(h) Subdivision (f) of Section 33334.3 does not apply to a residence purchased by a peace officer pursuant to this section. To the extent that this section conflicts with other provisions of this part, this section shall prevail.

(i) This section may be used only by agencies that are located in the Counties of Alameda, Contra Costa, Los Angeles, Orange, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, San Mateo, Santa Clara, and Ventura, and by agencies within cities that are located in other counties if the city has a population that is greater than 100,000 residents.

(j) As used in this section:



(1) "Crimes" means those crimes reported in the California Crime Index prepared by the Department of Justice.

(2) "Peace officer" means a peace officer as defined in Section 830 of the Penal Code who is employed by the community and whose income at the time of the purchase does not exceed 120 percent of the area median income, adjusted for family size by the department pursuant to Section 50093.

(3) "Urban neighborhood" means territory within a project area that is all or a portion of a census tract designated by the agency, after consulting with the community's law enforcement officials, where the number of crimes per capita in the census tract over the last year is at least 10 percent greater than the number of crimes per capita countywide, over the last year.

(k) If a redevelopment agency provides downpayments pursuant to this section, the agency shall transmit a report, on or before January 1, 2002, to the Chair of the Assembly Housing and Community Development Committee and the Chair of the Senate Housing and Land Use Committee regarding the number of downpayments provided and the change in the number of crimes per capita in the urban neighborhood and the change in the number of crimes per capita countywide after providing the downpayments.

(l) This section shall remain in effect only until January 1, 2003, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2003, deletes or extends that date.

SEC. 2. The Legislature finds and declares that, because of the unique circumstances applicable only to the Counties of Alameda, Contra Costa, Los Angeles, Orange, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, San Mateo, Santa Clara, and Ventura, and within cities in other counties, if the city has a population greater than 100,000 residents, a statute of general applicability cannot be enacted within the meaning of subdivision (b) of Section 16 of Article IV of the California Constitution. Therefore, this special statute is necessary.

