

Assembly Bill No. 950

CHAPTER 469

An act to amend Section 33334.27 of the Health and Safety Code, relating to housing and community development.

[Approved by Governor September 16, 2000. Filed
with Secretary of State September 18, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

AB 950, Thomson. Travis Air Force Base Retention Program.

Existing law authorizes the redevelopment agencies for the County of Solano and the Cities of Fairfield, Suisun City, and Vacaville to expend tax increment funds generally designated for low- and moderate-income housing within territorial limits to develop housing outside those entities' territorial jurisdictions, subject to specified conditions, in order to implement the Travis Air Force Base Retention Program through the formation of a separate joint powers entity, as specified. The statute authorizing this use of funds would be repealed as of January 1, 2001, except as specified.

This bill would extend the date of the repeal of the statute to January 1, 2006, except as specified.

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

SECTION 1. Section 33334.27 of the Health and Safety Code is amended to read:

33334.27. (a) The Legislature finds and declares all of the following:

(1) The retention of the Travis Air Force Base within the County of Solano is crucial to the economic health of its surrounding region. If the closure of the Travis Air Force Base is not averted by using the powers set forth in this section, it will cause serious economic hardship throughout the State of California of an annual multibillion dollar expenditure budget, increased unemployment, deterioration of properties and land use, and undue disruption of the lives and activities of the people of the area. This concern is based in large part on an inadequate supply of affordable housing for low- and moderate-income persons and families employed by or serving at the Travis Air Force Base.

(2) To avoid serious economic hardship and accompanying blight, it is necessary to enact the act which adds this section, which shall apply only within the County of Solano and the Cities of Fairfield, Suisun City, and Vacaville, and which is adopted only for the purpose of retaining the Travis Air Force Base. In enacting this act, it is the



policy of the Legislature to assist the County of Solano and the Cities of Fairfield, Suisun City, and Vacaville in their attempt to preserve the affected military facilities and installations for their continued use as the Travis Air Force Base, and to protect and enhance these vital facilities by, among other things, ensuring an adequate supply of affordable housing in proximity to the Travis Air Force Base.

(3) The cost and availability of land, construction costs, geophysical and environmental constraints, household incomes, the market for affordable housing, commuting patterns, and fiscal and other related factors make it infeasible for a single community acting alone, limited to its own resources, to provide the entire supply of affordable housing necessary to ensure the retention of the Travis Air Force Base. It is, therefore, necessary and appropriate that the agencies of the County of Solano and the Cities of Fairfield, Suisun City, and Vacaville be permitted, under specified conditions, to pool their resources to retain the Travis Air Force Base. It is necessary that those agencies possess the limited ability to use their tax-increment moneys outside their individual communities for these limited purposes.

(b) The agencies for the County of Solano and the Cities of Fairfield, Suisun City, and Vacaville may create a separate joint powers agency pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code, which joint powers agency shall have, and exercise, powers of an agency within the territorial jurisdiction of the City of Fairfield, Suisun City, the City of Vacaville or the unincorporated area of the County of Solano to provide housing for the retention of the Travis Air Force Base. Notwithstanding any provision of existing law, the joint powers agency shall not have the power to levy any tax. All land use, planning, and development decisions with regard to real property within the City of Fairfield, the City of Suisun City, the City of Vacaville or the unincorporated area of the County of Solano which is to be developed or redeveloped by the joint powers agency pursuant to this section shall continue to be under the control and jurisdiction of the legislative body or planning commission, as applicable, of the City of Fairfield, the City of Suisun City, the City of Vacaville, or the unincorporated area of the County of Solano.

(c) The powers of the joint powers agency shall be used in accordance with a "Travis Air Force Base Retention Program" to be formulated and approved by the joint powers agency consistent with this section. The Travis Air Force Base Retention Program shall not be implemented unless and until the legislative bodies of the County of Solano and the Cities of Fairfield, Suisun City, and Vacaville each adopts an ordinance approving the Travis Air Force Base Retention Program. The expenditure of tax-increment moneys outside of the territorial jurisdiction of each agency involved, as contemplated by that program, as well as the program itself, shall, upon the adoption



of each ordinance, be deemed to be a part of each redevelopment plan for each redevelopment project generating the tax-increment moneys to be expended in carrying out the program, as if each redevelopment plan had been amended to include the program and those expenditures. However, in adopting the ordinance, neither the legislative body nor the agency is required to comply with Article 12 (commencing with Section 33450) or any other provision of this part relating to the amendment of redevelopment plans. The joint powers agency may amend the Travis Air Force Base Retention Program from time to time. The procedure for amending the ordinance required by this section shall be the same as for adopting the ordinance under this section.

(d) As used in this section, “tax-increment moneys” shall mean all tax-increment moneys allocated to an agency, including, but not limited to, tax-increment moneys deposited in an agency’s Low and Moderate Income Fund.

(e) Notwithstanding subdivision (c) of Section 33334.3 or Section 33670, an agency may use tax-increment moneys to develop housing outside of the territorial jurisdiction of the agency pursuant to this section and consistent with the provisions of a Travis Air Force Base Retention Program approved and adopted pursuant to this section, if each agency involved finds that no other reasonable means of financing this housing are available in sufficient amount. The Legislature finds and declares that the use of tax-increment funds pursuant to this section shall be conclusively deemed to be a benefit to the project area in which those funds were generated.

(f) Each of the following conditions shall be met before an agency may use tax-increment moneys to develop housing outside its territorial jurisdiction pursuant to this section or to lend, pay, or advance these funds to the joint powers agency pursuant to this section:

(1) The community in which the agency is located must have met, in the current or previous housing element cycle, at least 50 percent of its existing share of the region’s affordable housing needs, as defined in Section 65684 of the Government Code, for very low income households.

(2) The community in which the housing will be developed shall be the City of Fairfield, the City of Suisun City, or the City of Vacaville.

(3) The joint powers agency shall enter into a mutually acceptable, binding agreement with the City of Fairfield, the City of Suisun City, or the City of Vacaville where the housing will be developed. The contract shall specify the terms and conditions under which the housing will be developed. The contract shall specify the responsibilities of the joint powers agency and the City of Fairfield, the City of Suisun City, or the City of Vacaville.



(4) The contract shall contain a provision that allows any taxpayer or resident of the County of Solano and the Cities of Fairfield, Suisun City, and Vacaville, the Attorney General, or any other interested person to enforce the terms of the contract.

(5) (A) Moneys from an agency's Low and Moderate Income Housing Fund shall be used in the City of Fairfield, the City of Suisun City, or the City of Vacaville to pay for the costs of developing housing as permitted by subdivision (e) of Section 33334.2.

(B) Notwithstanding subparagraph (A), money from a Low and Moderate Income Housing Fund shall not be used for offsite improvements.

(6) (A) The joint powers agency or the City of Fairfield, the City of Suisun City, or the City of Vacaville shall not spend money from a Low and Moderate Income Housing Fund in any way which is inconsistent with the requirements of Section 33334.3.

(B) Notwithstanding subdivision (e) of Section 33334.3, the joint powers agency, the City of Fairfield, the City of Suisun City, or the City of Vacaville or the agency of the City of Fairfield, Suisun City, the City of Vacaville, or the County of Solano shall not spend money from a Low and Moderate Income Housing Fund for administrative costs, salaries, or wages, except for legal, architectural, and engineering costs and other salaries, wages, and costs directly related to the planning and execution of the development of the housing which is authorized by this section.

(7) Each of the agencies whose Low and Moderate Income Housing Fund moneys are to be expended pursuant to this section shall be in compliance with all applicable replacement housing requirements of this part.

(8) The maximum aggregate number of dwelling units developed with moneys transferred to the joint powers agency from the Low and Moderate Income Housing Funds of its member agencies pursuant to this section shall be no more than 500 dwelling units.

(9) No agency shall transfer to the joint powers agency pursuant to this section an amount more than:

(A) Fifty percent of the balance of its Low and Moderate Income Housing Fund moneys reflected in the accounts of the agency on June 30, 1997.

(B) Fifty percent of the total amount required by Sections 33334.2 and 33334.6 to be set aside by the agency in its Low and Moderate Income Housing Fund for all redevelopment projects for each fiscal year commencing with the 1997-98 fiscal year and for each fiscal year thereafter.

(10) The County of Solano and the Cities of Fairfield, Suisun City, and Vacaville shall each have a complete and adequate general plan, including a housing element that substantially complies with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7 of the Government Code.



(g) (1) At least 60 days before the date proposed for the approval of the contract pursuant to subdivision (f), the joint powers agency shall send the draft contract to the department for its review, comment, and recommendation.

(2) Upon receipt of a draft contract, the department shall solicit public comments from persons and organizations experienced in affordable housing issues. After soliciting and considering these public comments, the department shall review the draft contract for its consistency with the requirements of this section. The department shall report its written findings and its recommendations to the joint powers agency and the Cities of Fairfield, Suisun City, and Vacaville, and the County of Solano, within 45 days of receiving the draft contract. The department may charge and the joint powers agency shall pay a fee that shall not exceed the department's estimated reasonable costs of complying with this section. The joint powers agency may pay this fee from Low and Moderate Income Housing Fund moneys.

(3) If the department finds that the draft contract is not consistent with the requirements of this section, the department may recommend changes to the draft contract to achieve that consistency. The department shall recommend that the joint powers agency approve the draft contract, approve the draft contract after making changes, or not approve the draft contract.

(4) If the department recommends against the approval of the draft contract, the joint powers agency shall not approve the contract. If the department recommends changes to the draft contract before its approval, the joint powers agency shall not approve the contract unless it makes the changes recommended by the department.

(h) The housing units to be built within the City of Fairfield, the City of Suisun City, or the City of Vacaville with Low and Moderate Income Housing Fund moneys transferred pursuant to this section shall be affordable to lower income households or very low income households, as those terms are defined in Sections 50052.5 and 50053.

(i) The joint powers agency shall not receive more than an aggregate total of two million dollars (\$2,000,000) from the other agencies pursuant to this section.

(j) (1) If any housing occupied by persons or families of very low, low, or moderate income is destroyed by the development of housing pursuant to the authority of this section, displaced residents from the destroyed housing shall be provided with relocation benefits which result in the additional replacement housing payment required by Section 7264 of the Government Code, enabling the person to lease or rent a comparable replacement dwelling for a period not to exceed 96 months, instead of 48 months as required by Section 7264 of the Government Code.



(2) If any housing occupied by persons or families of very low, low, or moderate income is destroyed by the development of housing pursuant to the authority of this section, the destroyed housing shall be replaced with housing of the same or greater size and shall be affordable in direct proportion to the displaced income groups, and shall be provided simultaneously with the housing developed pursuant to the authority of this section.

(k) In the event the Travis Air Force Base relocates from its current location prior to the substantial commencement of construction of the housing authorized to be developed pursuant to this section, all moneys from the Low and Moderate Income Housing Funds which have been transferred to the joint powers agency pursuant to this section shall be returned by the joint powers agency to the agencies that originally transferred the funds in ratable portion to the proportion of the transferred funds that were transferred from each agency. However, nothing in this subdivision shall require the joint powers agency to return any funds that have been expended or committed for the purposes of the joint powers agency or which are necessary to pay any indebtedness of the joint powers agency.

(l) The joint powers agency established pursuant to this section shall require, as a condition precedent to the expenditure of any tax-increment moneys to carry out the Travis Air Force Base Retention Program, that the real property on which the housing is developed pursuant to that program shall be burdened with covenants running with the land for the period and with the substance required by Section 33334.3. The joint powers agency shall also require that these covenants include a mechanism that shall ensure the continued availability of the dwelling units for very low or low-income persons and families for the period required by Section 33334.3 in the event the Travis Air Force Base relocates or, for any other reason, no longer uses these housing units, or, in the absence of this continued availability, implements a procedure that protects the joint powers agency's investment of moneys from Low and Moderate Income Housing Funds and provides for the pro rata return of the sales proceeds to the Low and Moderate Income Housing Funds of those agencies expending these funds to carry out the Travis Air Force Base Retention Program.

(m) This section shall remain in effect only until January 1, 2006, and as of that date is repealed, unless a later enacted statute, which is chaptered before January 1, 2006, deletes or extends that date, or unless tax-increment moneys have, prior to that date, been received by the joint powers agency, in which case the date of repeal of this section shall be extended until the time that the joint powers agency shall expend these funds in accordance with this section. This repeal shall not affect any contract or covenant which shall have been entered into prior to January 1, 2006, to implement this section, and



all contracts and covenants shall continue after the repeal date in full force and effect in accordance with their terms.

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