

AMENDED IN SENATE AUGUST 29, 2003

AMENDED IN SENATE JULY 2, 2003

AMENDED IN ASSEMBLY MAY 8, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1731

**Introduced by Committee on Housing and Community
Development (Lowenthal (Chair), Cogdill, Dutra, Kehoe,
Mullin, Runner, Salinas, and Steinberg)**

March 5, 2003

~~An act to add Section 1350.5 to, and to add chapter and article headings to Title 6 (commencing with Section 1350) of Part 4 of Division 2 of, the Civil Code, and to amend Sections 18951, 18952, An act to amend Sections 18951, 18952, 18953, 18954, 18955, 18958, 18959, 18960, and 18961 18961, and 33333.6 of the Health and Safety Code, relating to buildings and housing.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1731, as amended, Committee on Housing and Community Development. Buildings and housing.

~~(1) The Davis-Stirling Common Interest Development Act defines and regulates common interest developments.~~

~~This bill would revise the Davis-Stirling Common Interest Development Act to add chapter and article headings to its provisions. The bill would also provide that these headings do not change the scope, meaning, or intent of the act.~~

~~(2) The State Historical Building Code authorizes repairs, alterations, and additions necessary for the preservation, restoration,~~

rehabilitation, moving, or continued use of a historic building or structure if they conform to this code. The code defines a qualified historical building or structure as any structure, collection of structures, and their associated sites deemed of importance to the history, architecture, or culture of an area by an appropriate local or state governmental jurisdiction. The code also establishes the State Historical Building Safety Board with a specified membership and authorizes the board to charge fees for specified requests.

This bill would revise the definition of qualified historical building or structure to include structures under construction and other places, locations, and sites, identified on historical registers or official inventories, as specified, and would revise the membership of the board. It would authorize the board to charge fees for its activities pursuant to this code and would make other conforming changes.

(2) *The Community Redevelopment Law prescribes time limits on the effectiveness of redevelopment plans and the establishment of loans, advances, and indebtedness, and prescribes criteria for the extension of those time limits. SB 1045 would further revise those provisions.*

This bill would, contingent on the chaptering of SB 1045, prescribe additional criteria for the amendment of redevelopment plans to extend time limits to fulfill affordable housing obligations, and would provide that the time limits on loans, advances, and indebtedness do not prevent the establishment of more debt to fulfill affordable housing obligations.

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. A chapter heading is added to Title 6~~
2 ~~(commencing with Section 1350) of Part 4 of Division 2 of the~~
3 ~~Civil Code, immediately preceding Section 1350, to read:~~

4
5 ~~CHAPTER 1. GENERAL PROVISIONS~~

6
7 ~~SEC. 2. An article heading is added to Title 6 (commencing~~
8 ~~with Section 1350) of Part 4 of Division 2 of the Civil Code,~~
9 ~~immediately preceding Section 1350, to read:~~

10



Article 1.—Preliminary Provisions

SEC. 3.—Section 1350.5 is added to the Civil Code, to read:
1350.5.—Division, part, title, chapter, and section headings do not in any manner affect the scope, meaning, or intent of this title.

SEC. 4.—An article heading is added to Title 6 (commencing with Section 1350) of Part 4 of Division 2 of the Civil Code, immediately preceding Section 1351, to read:

Article 2.—Definitions

SEC. 5.—A chapter heading is added to Title 6 (commencing with Section 1350) of Part 4 of Division 2 of the Civil Code, immediately preceding Section 1352, to read:

CHAPTER 2.—GOVERNING DOCUMENTS

SEC. 6.—An article heading is added to Title 6 (commencing with Section 1350) of Part 4 of Division 2 of the Civil Code, immediately preceding Section 1352, to read:

Article 1.—Creation

SEC. 7.—An article heading is added to Title 6 (commencing with Section 1350) of Part 4 of Division 2 of the Civil Code, immediately preceding Section 1354, to read:

Article 2.—Enforcement

SEC. 8.—An article heading is added to Title 6 (commencing with Section 1350) of Part 4 of Division 2 of the Civil Code, immediately preceding Section 1355, to read:

Article 3.—Amendment

SEC. 9.—A chapter heading is added to Title 6 (commencing with Section 1350) of Part 4 of Division 2 of the Civil Code, immediately preceding Section 1358, to read:



CHAPTER 3.— OWNERSHIP RIGHTS AND INTERESTS

SEC. 10.— A chapter heading is added to Title 6 (commencing with Section 1350) of Part 4 of Division 2 of the Civil Code, immediately preceding Section 1363, to read:

CHAPTER 4.— GOVERNANCE

SEC. 11.— An article heading is added to Title 6 (commencing with Section 1350) of Part 4 of Division 2 of the Civil Code, immediately preceding Section 1363, to read:

Article 1.— Association

SEC. 12.— An article heading is added to Title 6 (commencing with Section 1350) of Part 4 of Division 2 of the Civil Code, immediately preceding Section 1363.05, to read:

Article 2.— Common Interest Development Open Meeting Act

SEC. 13.— An article heading is added to Title 6 (commencing with Section 1350) of Part 4 of Division 2 of the Civil Code, immediately preceding Section 1363.1, to read:

Article 3.— Managing Agents

SEC. 14.— An article heading is added to Title 6 (commencing with Section 1350) of Part 4 of Division 2 of the Civil Code, immediately preceding Section 1363.5, to read:

Article 4.— Public Information

SEC. 15.— A chapter heading is added to Title 6 (commencing with Section 1350) of Part 4 of Division 2 of the Civil Code, immediately preceding Section 1364, to read:



CHAPTER 5.—OPERATIONS

SEC. 16.—An article heading is added to Title 6 (commencing with Section 1350) of Part 4 of Division 2 of the Civil Code, immediately preceding Section 1364, to read:

Article 1.—Common Areas

SEC. 17.—An article heading is added to Title 6 (commencing with Section 1350) of Part 4 of Division 2 of the Civil Code, immediately preceding Section 1365, to read:

Article 2.—Fiscal Matters

SEC. 18.—An article heading is added to Title 6 (commencing with Section 1350) of Part 4 of Division 2 of the Civil Code, immediately preceding Section 1365.7, to read:

Article 3.—Insurance

SEC. 19.—An article heading is added to Title 6 (commencing with Section 1350) of Part 4 of Division 2 of the Civil Code, immediately preceding Section 1366, to read:

Article 4.—Assessments

SEC. 20.—A chapter heading is added to Title 6 (commencing with Section 1350) of Part 4 of Division 2 of the Civil Code, immediately preceding Section 1368, to read:

CHAPTER 6.—TRANSFER OF OWNERSHIP INTERESTS

SEC. 21.—A chapter heading is added to Title 6 (commencing with Section 1350) of Part 4 of Division 2 of the Civil Code, immediately preceding Section 1368.4, to read:



~~CHAPTER 7. CIVIL ACTIONS AND LIENS~~

~~SEC. 22. A chapter heading is added to Title 6 (commencing with Section 1350) of Part 4 of Division 2 of the Civil Code, immediately preceding Section 1370, to read:~~

~~CHAPTER 8. CONSTRUCTION OF INSTRUMENTS AND ZONING~~

~~SEC. 23. A chapter heading is added to Title 6 (commencing with Section 1350) of Part 4 of Division 2 of the Civil Code, immediately preceding Section 1375, to read:~~

~~CHAPTER 9. CONSTRUCTION DEFECT LITIGATION~~

~~SEC. 24. A chapter heading is added to Title 6 (commencing with Section 1350) of Part 4 of Division 2 of the Civil Code, immediately preceding Section 1376, to read:~~

~~CHAPTER 10. IMPROVEMENTS~~

~~SEC. 25.—~~

~~SECTION 1. Section 18951 of the Health and Safety Code is amended to read:~~

~~18951. It is the purpose of this part to provide alternative regulations and standards for the rehabilitation, preservation, restoration (including related reconstruction), or relocation of qualified historical buildings or structures, as defined in Section 18955. These alternative standards and regulations are intended to facilitate the rehabilitation, restoration, or change of occupancy so as to preserve their original or restored architectural elements and features, to encourage energy conservation and a cost-effective approach to preservation, and to provide for the safety of the building occupants.~~

~~SEC. 26.—~~

~~SEC. 2. Section 18952 of the Health and Safety Code is amended to read:~~

~~18952. This part shall apply to all qualified historical buildings or structures as defined in Section 18955.~~

~~SEC. 27.—~~



1 SEC. 3. Section 18953 of the Health and Safety Code is
2 amended to read:

3 18953. It is the intent of this part to provide means for the
4 preservation of the historical value of qualified historical buildings
5 or structures and, concurrently, to provide reasonable safety from
6 fire, seismic forces or other hazards for occupants of these
7 buildings or structures, and to provide reasonable availability to
8 and usability by, the disabled.

9 ~~SEC. 28.—~~

10 SEC. 4. Section 18954 of the Health and Safety Code is
11 amended to read:

12 18954. Repairs, alterations, and additions necessary for the
13 preservation, restoration, rehabilitation, moving, or continued use
14 of a qualified historical building or structure may be made if they
15 conform to this part. The building department of every city or
16 county or other local agency that has jurisdiction over the
17 enforcement of ~~building codes~~ *code within its legal authority* shall
18 apply the alternative standards and regulations adopted pursuant
19 to Section 18959.5 in permitting repairs, alterations, and additions
20 necessary for the preservation, restoration, rehabilitation, safety,
21 moving, or continued use of a qualified historical building or
22 structure. A state agency shall apply the alternative regulations
23 adopted pursuant to Section 18959.5 in permitting repairs,
24 alterations, and additions necessary for the preservation,
25 restoration, rehabilitation, safety, moving, or continued use of a
26 qualified historical building or structure.

27 The application of any alternative standards for the provision of
28 access to the disabled or exemption from access requirements shall
29 be done on a case-by-case and item-by-item basis, and shall not be
30 applied to an entire qualified historical building or structure
31 without individual consideration of each item, and shall not be
32 applied to related sites or areas except on an item-by-item basis.

33 ~~SEC. 29.—~~

34 SEC. 5. Section 18955 of the Health and Safety Code is
35 amended to read:

36 18955. For the purposes of this part, a qualified historical
37 building or structure is any structure ~~under construction, structure~~
38 *or property*, collection of structures, and their related sites deemed
39 of importance to the history, architecture, or culture of an area by
40 an appropriate local or state governmental jurisdiction. This shall



1 include historical buildings or structures on existing or future
2 national, state or local historical registers or official inventories,
3 such as the National Register of Historic Places, State Historical
4 Landmarks, State Points of Historical Interest, and city or county
5 registers or inventories of historical or architecturally significant
6 sites, places, historic districts, or landmarks. This shall also
7 include places, locations, or sites identified on these historical
8 registers or official inventories and deemed of importance to the
9 history, architecture, or culture of an area by an appropriate local
10 or state governmental jurisdiction.

11 ~~SEC. 30.~~

12 *SEC. 6.* Section 18958 of the Health and Safety Code is
13 amended to read:

14 18958. Except as provided in Section 18930, the following
15 state agencies, in addition to the State Historical Building Safety
16 Board, shall have the authority to adopt rules and regulations
17 pursuant to the State Historical Building Code governing the
18 rehabilitation, preservation, restoration, related reconstruction,
19 safety, or relocation of qualified historical buildings and structures
20 within their jurisdiction:

- 21 (a) The Division of the State Architect.
- 22 (b) The State Fire Marshal.
- 23 (c) The State Building Standards Commission, but only with
24 respect to approval of building standards.
- 25 (d) The Department of Housing and Community
26 Development.
- 27 (e) The Department of Transportation.
- 28 (f) Other state agencies that may be affected by this part.

29 ~~SEC. 31.~~

30 *SEC. 7.* Section 18959 of the Health and Safety Code is
31 amended to read:

32 18959. (a) Except as otherwise provided in Part 2.5
33 (commencing with Section 18901), all state agencies shall
34 administer and enforce this part with respect to qualified historical
35 buildings or structures under their respective jurisdiction.

36 (b) Except as otherwise provided in Part 2.5 (commencing with
37 Section 18901), all local ~~building authorities shall~~ *authorities*
38 *shall, within their legal authority,* administer and enforce this part
39 with respect to qualified historical buildings or structures under
40 their respective jurisdictions where applicable.



1 (c) The State Historical Building Safety Board shall coordinate
2 and consult with the other applicable state agencies affected by this
3 part and, except as provided in Section 18943, disseminate
4 provisions adopted pursuant to this part to all local building
5 authorities and state agencies at cost.

6 (d) Regulations adopted by the State Fire Marshal pursuant to
7 this part shall be enforced in the same manner as regulations are
8 enforced under Sections 13145, 13146, and 13146.5.

9 (e) Regular and alternative building standards published in the
10 California Building Standards Code shall be enforced in the same
11 manner by the same governmental entities as provided by law.

12 (f) When administering and enforcing this part, each local
13 agency may make changes or modifications in the requirements
14 contained in the ~~State~~ *California* Historical Building Code, as
15 described in Section 18944.7, as it determines are reasonably
16 necessary because of local climatic, geological, seismic, and
17 topographical conditions. The local agency shall make an express
18 finding that the modifications or changes are needed, and the
19 finding shall be available as a public record. A copy of the finding
20 and change or modification shall be filed with the State Historical
21 Building Safety Board. No modification or change shall become
22 effective or operative for any purpose until the finding and
23 modification or change has been filed with the board.

24 ~~SEC. 32.—~~

25 *SEC. 8.* Section 18960 of the Health and Safety Code is
26 amended to read:

27 18960. (a) A State Historical Building Safety Board is
28 hereby established as a unit within the Division of the State
29 Architect. The board shall be composed of qualified experts in
30 their respective fields who shall represent various state and local
31 public agencies, professional design societies and building and
32 preservation oriented organizations.

33 (b) This board shall act as a consultant to the State Architect
34 and to the other applicable state agencies for purposes of this part.
35 The board shall recommend to the State Architect and the other
36 applicable state agencies rules and regulations for adoption
37 pursuant to this part.

38 (c) The board shall also act as a review body to state and local
39 agencies with respect to interpretations of this part as well as on



1 matters of administration and enforcement of it. The board's
2 decisions shall be reported in printed form.

3 (1) Notwithstanding subdivision (b) of Section 18945, if any
4 local agency administering and enforcing this part or any person
5 adversely affected by any regulation, rule, omission,
6 interpretation, decision, or practice of this agency representing a
7 building standard wishes to appeal the issue for resolution to the
8 State Historical Building Safety Board, these parties may appeal
9 to the board. The board may accept the appeal only if it determines
10 that issues involved in the appeal have statewide significance.

11 (2) The State Historical Building Safety Board shall, upon
12 making a decision on an appeal pursuant to paragraph (1), send a
13 copy to the State Building Standards Commission.

14 (3) Requests for interpretation by local agencies of the
15 provisions of this part may be accepted for review by the State
16 Historical Building Safety Board. A copy of an interpretation
17 decision shall be sent to the State Building Standards Commission
18 in the same manner as paragraph (2).

19 (4) The State Historical Building Safety Board may charge a
20 reasonable fee, not to exceed the cost of the service, for requests
21 for copies of their decisions and for requests for reviews by the
22 board pursuant to paragraph (1) or (3). All funds collected
23 pursuant to this paragraph shall be deposited in the State Historical
24 Building Code Fund, which is hereby established, for use by the
25 State Historical Building Safety Board. The State Historical
26 Building Code Fund and the fees collected therefor, and the budget
27 of the State Historical Building Safety Board, shall be subject to
28 annual appropriation in the Budget Act.

29 (5) Local agencies may also charge reasonable fees not to
30 exceed the cost for making an appeal pursuant to paragraph (1) to
31 persons adversely affected as described in that appeal.

32 (6) All other appeals involving building standards under this
33 part shall be made as set forth in subdivision (a) of Section 18945.

34 (d) The board shall be composed of representatives of state
35 agencies and public and professional building design,
36 construction, and preservation organizations experienced in
37 dealing with historic buildings. Unless otherwise indicated, each
38 named organization shall appoint its own representatives. Each of
39 the following shall have one member on the board who shall serve



1 without pay, but shall receive actual and necessary expenses
2 incurred while serving on the board:

- 3 (1) The Division of the State Architect.
- 4 (2) The State Fire Marshal.
- 5 (3) The State Historical Resources Commission.
- 6 (4) The California Occupational Safety and Health Standards
7 Board.
- 8 (5) California Council, American Institute of Architects.
- 9 (6) Structural Engineers Association of California.
- 10 (7) A mechanical engineer, Consulting Engineers and Land
11 Surveyors of California.
- 12 (8) An electrical engineer, Consulting Engineers and Land
13 Surveyors of California.
- 14 (9) California Council of Landscape Architects.
- 15 (10) The Department of Housing and Community
16 Development.
- 17 (11) The Department of Parks and Recreation.
- 18 (12) The California State Association of Counties.
- 19 (13) League of California Cities.
- 20 (14) The Office of Statewide Health Planning and
21 Development.
- 22 (15) The Department of Rehabilitation.
- 23 (16) The California Chapter of the American Planning
24 Association.
- 25 (17) The Department of Transportation.
- 26 (18) The California Preservation Foundation.
- 27 (19) The Seismic Safety Commission.
- 28 (20) The California Building Officials.

29 The 20 members listed above shall select a building contractor
30 as a member of the board. The members shall serve without pay,
31 but shall receive actual and necessary expenses incurred while
32 serving on the board.

33 Each of the appointing authorities shall appoint, in the same
34 manner as for members, an alternate in addition to a member. The
35 alternate member shall serve in place of the member at the
36 meetings of the board that the member is unable to attend. The
37 alternate shall have all of the authority that the member would have
38 when the alternate is attending in the place of the member. The
39 board may appoint, from time to time, as it deems necessary,



1 consultants who shall serve without pay but shall receive actual
2 and necessary expenses as approved by the board.

3 (e) The term of membership on the board shall be for four
4 years, with the State Architect's representative serving continually
5 until replaced. Vacancies on the board shall be filled in the same
6 manner as original appointments. The board shall annually select
7 a chairperson from among the members of the board.

8 ~~SEC. 33.—~~

9 *SEC. 9.* Section 18961 of the Health and Safety Code is
10 amended to read:

11 18961. All state agencies that enforce and administer
12 approvals, variances, or appeals procedures or decisions affecting
13 the preservation or safety of the historical aspects of qualified
14 historical buildings or structures shall use the alternative
15 provisions of this part and shall consult with the State Historical
16 Building Safety Board to obtain its review prior to undertaking
17 action or making decisions on variances or appeals that affect
18 qualified historical buildings or structures.

19 *SEC. 10.* Section 33333.6 of the Health and Safety Code is
20 amended to read:

21 33333.6. The limitations of this section shall apply to every
22 redevelopment plan adopted on or before December 31, 1993.

23 (a) The effectiveness of every redevelopment plan to which
24 this section applies shall terminate at a date that shall not exceed
25 40 years from the adoption of the redevelopment plan or January
26 1, 2009, whichever is later. After the time limit on the effectiveness
27 of the redevelopment plan, the agency shall have no authority to
28 act pursuant to the redevelopment plan except to pay previously
29 incurred indebtedness, to comply with Section 33333.8 and to
30 enforce existing covenants, contracts, or other obligations.

31 (b) Except as provided in subdivisions (f) and (g), a
32 redevelopment agency may not pay indebtedness or receive
33 property taxes pursuant to Section 33670 after 10 years from the
34 termination of the effectiveness of the redevelopment plan
35 pursuant to subdivision (b).

36 (c) (1) If plans that had different dates of adoption were
37 merged on or before December 31, 1993, the time limitations
38 required by this section shall be counted individually for each
39 merged plan from the date of the adoption of each plan. If an
40 amendment to a redevelopment plan added territory to the project



1 area on or before December 31, 1993, the time limitations required
2 by this section shall commence, with respect to the redevelopment
3 plan, from the date of the adoption of the redevelopment plan, and,
4 with respect to the added territory, from the date of the adoption
5 of the amendment.

6 (2) If plans that had different dates of adoption are merged on
7 or after January 1, 1994, the time limitations required by this
8 section shall be counted individually for each merged plan from
9 the date of the adoption of each plan.

10 (d) (1) Unless a redevelopment plan adopted prior to January
11 1, 1994, contains all of the limitations required by this section and
12 each of these limitations does not exceed the applicable time limits
13 established by this section, the legislative body, acting by
14 ordinance on or before December 31, 1994, shall amend every
15 redevelopment plan adopted prior to January 1, 1994, either to
16 amend an existing time limit that exceeds the applicable time limit
17 established by this section or to establish time limits that do not
18 exceed the provisions of subdivision (b) or (c).

19 (2) The limitations established in the ordinance adopted
20 pursuant to this section shall apply to the redevelopment plan as
21 if the redevelopment plan had been amended to include those
22 limitations. However, in adopting the ordinance required by this
23 section, neither the legislative body nor the agency is required to
24 comply with Article 12 (commencing with Section 33450) or any
25 other provision of this part relating to the amendment of
26 redevelopment plans.

27 (e) (1) If a redevelopment plan adopted prior to January 1,
28 1994, contains one or more limitations required by this section,
29 and the limitation does not exceed the applicable time limit
30 required by this section, this section shall not be construed to
31 require an amendment of this limitation.

32 (2) (A) A redevelopment plan adopted prior to January 1,
33 1994, that has a limitation shorter than the terms provided in this
34 section may be amended by a legislative body by adoption of an
35 ordinance on or after January 1, 1999, but on or before December
36 31, 1999, to extend the limitation, provided that the plan as so
37 amended does not exceed the terms provided in this section. In
38 adopting an ordinance pursuant to this subparagraph, neither the
39 legislative body nor the agency is required to comply with Section
40 33354.6, Article 12 (commencing with Section 33450), or any



1 other provision of this part relating to the amendment of
2 redevelopment plans.

3 (B) On or after January 1, 2002, a redevelopment plan may be
4 amended by a legislative body by adoption of an ordinance to
5 eliminate the time limit on the establishment of loans, advances,
6 and indebtedness required by this section prior to January 1, 2002.
7 In adopting an ordinance pursuant to this subparagraph, neither the
8 legislative body nor the agency is required to comply with Section
9 33354.6, Article 12 (commencing with Section 33450), or any
10 other provision of this part relating to the amendment of
11 redevelopment plans, except that the agency shall make the
12 payment to affected taxing entities required by Section 33607.7.

13 (C) When an agency is required to make a payment pursuant to
14 Section 33681.9, the legislative body may amend the
15 redevelopment plan to extend the time limits required pursuant to
16 subdivisions (a) and (b) by one year by adoption of an ordinance.
17 In adopting an ordinance pursuant to this subparagraph, neither the
18 legislative body nor the agency is required to comply with Section
19 33354.6 or Article 12 (commencing with Section 33450) or any
20 other provision of this part relating to the amendment of
21 redevelopment plans, including, but not limited to, the
22 requirement to make the payment to affected taxing entities
23 required by Section 33607.7.

24 (3) (A) *A time limit on the establishing of loans, advances, and*
25 *indebtedness to be paid with the proceeds of property taxes*
26 *received pursuant to Section 33670 to finance in whole or in part*
27 *the redevelopment project shall not prevent an agency from*
28 *incurring debt to be paid from the agency's Low and Moderate*
29 *Income Housing Fund or establishing more debt in order to fulfill*
30 *the agency's affordable housing obligations, as defined in*
31 *paragraph (1) of subdivision (a) of Section 33333.8.*

32 (B) *A redevelopment plan may be amended by a legislative*
33 *body to provide that there shall be no time limit on the*
34 *establishment of loans, advances, and indebtedness paid from the*
35 *agency's Low and Moderate Income Housing Fund or establishing*
36 *more debt in order to fulfill the agency's affordable housing*
37 *obligations, as defined in paragraph (1) of subdivision (a) of*
38 *Section 33333.8. In adopting such an ordinance, neither the*
39 *legislative body nor the agency is required to comply with Section*
40 *33345.6, Article 12 (commencing with Section 33450), or any*



1 *other provision of this part relating to the amendment of*
2 *redevelopment plans, and the agency shall not make the payment*
3 *to affected taxing entities required by Section 33607.7.*

4 (f) The limitations established in the ordinance adopted
5 pursuant to this section shall not be applied to limit the allocation
6 of taxes to an agency to the extent required to comply with Section
7 33333.8. In the event of a conflict between these limitations and
8 the obligations under Section 33333.8, the limitations established
9 in the ordinance shall be suspended pursuant to Section 33333.8.

10 (g) This section shall not be construed to affect the validity of
11 any bond, indebtedness, or other obligation, including any
12 mitigation agreement entered into pursuant to Section 33401,
13 authorized by the legislative body, or the agency pursuant to this
14 part, prior to January 1, 1994. This section shall not be construed
15 to affect the right of an agency to receive property taxes, pursuant
16 to Section 33670, to pay the bond, indebtedness, or other
17 obligation.

18 (h) A redevelopment agency shall not pay indebtedness or
19 receive property taxes pursuant to Section 33670, with respect to
20 a redevelopment plan adopted prior to January 1, 1994, after the
21 date identified in subdivision (b) or the date identified in the
22 redevelopment plan, whichever is earlier, except as provided in
23 paragraph (2) of subdivision (e), in subdivision (g), or in Section
24 33333.8.

25 (i) The Legislature finds and declares that the amendments
26 made to this section by the act that adds this subdivision are
27 intended to add limitations to the law on and after January 1, 1994,
28 and are not intended to change or express legislative intent with
29 respect to the law prior to that date. It is not the intent of the
30 Legislature to affect the merits of any litigation regarding the
31 ability of a redevelopment agency to sell bonds for a term that
32 exceeds the limit of a redevelopment plan pursuant to law that
33 existed prior to January 1, 1994.

34 (j) If a redevelopment plan is amended to add territory, the
35 amendment shall contain the time limits required by Section
36 33333.2.



1 *SEC. 11. Section 10 of this act shall become operative only if*
2 *SB 1045 of the 2003–04 Regular Session of the Legislature is*
3 *chaptered on or before January 1, 2004.*

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