

Assembly Bill No. 2161

CHAPTER 563

An act to add and repeal Section 33413.1 of the Health and Safety Code, relating to redevelopment, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 28, 2006. Filed with
Secretary of State September 28, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2161, Klehs. Child welfare services: resource family pilot program.

The Community Redevelopment Law requires a redevelopment agency to replace dwelling units housing persons and families of low or moderate income that are destroyed or removed from the low- and moderate-income housing market as part of a redevelopment project that is subject to a written agreement with the agency or where financial assistance is provided by the agency. Existing law also requires that specified percentages of new and substantially rehabilitated dwelling units within a project area that are developed by public or private entities or by persons other than the redevelopment agency be affordable to and occupied by persons of low and moderate income. These replacement, new, or rehabilitated dwelling units are required to remain available at affordable housing cost to, and occupied by, persons and families of low-income, moderate-income, and very low income households for at least 55 years for rental units and 45 years for homeownership units.

This bill would, until January 1, 2012, authorize the Redevelopment Agency of the County of Alameda to count the new construction of units outside the project area, but within the City of Hayward towards satisfaction of these housing obligations if certain conditions are met. This authorization would apply only to the Mt. Eden Sub-Area of the Eden Area Redevelopment Project Area.

This bill would declare that because of the unique circumstances applicable to the Redevelopment Agency of Alameda County with respect to local housing requirements, a statute of general applicability could not be enacted within the meaning of subdivision (b) of Section 16 of Article IV of the California Constitution, thus necessitating the enactment of a special statute.

This bill would declare that it is to take effect immediately as an urgency statute.

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

SECTION 1. Section 33413.1 is added to the Health and Safety Code, to read:

33413.1. (a) For only the Mt. Eden Sub-Area of the Eden Redevelopment Project Area, the Redevelopment Agency of the County of Alameda may count, towards satisfaction of the housing production requirements of subdivision (b) of Section 33413, the construction of units outside the project area but within the City of Hayward if all of the following conditions are met:

(1) The units shall be available at affordable housing cost to, and occupied by, persons and families of very low or low income.

(2) The units shall comply with subdivision (c) of Section 33413, except that the requirements of that subdivision shall be deemed satisfied if the recorded covenants or restrictions are enforceable by the City of Hayward.

(3) The units shall be located on a parcel or parcels immediately contiguous to the Mt. Eden Sub-Area of the Eden Redevelopment Project Area.

(4) The Redevelopment Agency of the City of Hayward shall provide to the Redevelopment Agency of the County of Alameda written consent to the measures taken pursuant to this section and shall not count any units credited to the Redevelopment Agency of Alameda County pursuant to this section towards its own production or replacement requirements under Section 33413.

(b) The Redevelopment Agency of the County of Alameda shall cause to be made available, at affordable housing cost to, and occupied by, persons and families of very low, low-, or moderate-income households, as applicable, two units outside the project area for each unit that otherwise would have been required to be available inside the project area as required by clause (ii) of subparagraph (A) of paragraph (2) of subdivision (b) of Section 33413.

(c) This section shall remain in effect only until January 1, 2012, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2012, deletes or extends that date.

SEC. 2. The Legislature finds and declares that because of the unique circumstances applicable to the Redevelopment Agency of Alameda County with respect to local housing requirements, a statute of general applicability cannot be enacted within the meaning of subdivision (b) of Section 16 of Article IV of the California Constitution, and the enactment of a special statute is therefore necessary.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that the Redevelopment Agency of the County of Alameda will be able to count these units towards satisfying its housing

obligation after the Mt. Eden Sub-Area of the Eden Project Area is annexed to the City of Hayward on January 1, 2007, it is necessary that this act take effect immediately.

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