

Introduced by Senator Walters

February 27, 2009

An act to amend Section 66452.11 of, to repeal Section 66452.13 of, and to add Sections 66452.14 and 66452.15 to, the Government Code, relating to land use, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 763, as introduced, Walters. Land use: subdivision maps.

(1) The Subdivision Map Act establishes a statewide regulatory framework for controlling the subdividing of land. It generally requires a subdivider to submit, and have approved by the city, county, or city and county in which the land is situated a tentative or vesting tentative map, which confers a vested right to proceed with development in substantial compliance with specified ordinances, policies, and standards. The act provides for the expiration of tentative or vesting tentative maps, after specified periods of time, and specifically extends by 12 months the expiration date of any tentative or vesting tentative map or parcel map for which a tentative or vesting tentative map has been approved that had not expired on May 15, 1996. This extension is in addition to any other extension of the expiration date provided for in specified provisions of the act. Any legislative, administrative, or other approval by any local agency, state agency, or other political subdivision of the state that pertains to a development project included in a map that is extended is to be extended by 12 months under specified conditions.

This bill would extend the applicable expiration date to 24 months, as specified for any vesting tentative map, in addition to a tentative map, generally. By adding to the procedures officials in counties, cities,

and cities and counties must follow, this bill would impose a state-mandated local program.

(2) 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.

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

Vote: $\frac{2}{3}$. 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 66452.11 of the Government Code is
2 amended to read:

3 66452.11. (a) The expiration date of any tentative *or vesting*
4 *tentative* subdivision map or parcel map for which a tentative *or*
5 *vesting tentative* map, *as the case may be*, has been approved that
6 has not expired on the date that the act that ~~adds~~ *amends* this
7 section becomes effective shall be extended by 24 months.

8 (b) The extension provided by subdivision (a) shall be in
9 addition to any extension of the expiration date provided for in
10 Section 66452.6 or 66463.5.

11 (c) Any legislative, administrative, or other approval by any
12 ~~state agency of the State of California~~ that pertains to a
13 development project included in a map that is extended pursuant
14 to subdivision (a) shall be extended by 24 months if this approval
15 has not expired on the date that the act that ~~adds~~ *amends* this
16 section becomes effective.

17 SEC. 2. Section 66452.13 of the Government Code is repealed.

18 ~~66452.13. (a) The expiration date of any tentative or vesting~~
19 ~~tentative subdivision map or parcel map for which a tentative map~~
20 ~~or vesting tentative map has been approved, that has not expired~~
21 ~~on or before the date the act that adds this section becomes effective~~
22 ~~shall be extended by 12 months.~~

~~(b) The extension provided by subdivision (a) shall be in addition to any extension of the expiration date provided for in Section 66452.11, 66452.6, or 66463.5.~~

~~(c) Any legislative, administrative, or other approval by any state agency that pertains to a development project included in a map that is extended pursuant to subdivision (a) shall be extended by 12 months if this approval has not expired on the date that the act that adds this section becomes effective. This extension shall be in addition to any extension provided for in Section 66452.11.~~

SEC. 3. Section 66452.14 is added to the Government Code, to read:

66452.14. (a) Pursuant to the provisions of subparagraph (E) of paragraph (2) of subdivision (a) of Section 66427.1, the subdivider shall give written notice of the intent to convert 180 days prior to the termination of tenancy in the form outlined in subdivision (b), to each tenant of the subject property.

(b) The notice shall be as follows:

“To the occupant(s) of

(address)

The owner(s) of this building, at (address), plans to convert this building to a (condominium, community apartment, or stock cooperative project). This is a notice of the owner’s intention to convert the building to a (condominium, community apartment, or stock cooperative project).

A tentative map to convert the building to a (condominium, community apartment, or stock cooperative project) was approved by the City on _____. If the City approves a final map, you may be required to vacate the premises, but that cannot happen for at least 180 days from the date this notice was served upon you.

Any future notice given to you to terminate your tenancy because of the conversion cannot be effective for at least 180 days from the date this notice was served upon you. This present notice is not a notice to terminate your tenancy; it is not a notice that you must now vacate the premises.

1 (signature of owner or owner's agent)

2 _____
3 (date)"

4
5 The written notices to tenants required by this section shall be
6 deemed satisfied if such notices comply with the legal requirements
7 for service by mail.

8 SEC. 4. Section 66452.15 is added to the Government Code,
9 to read:

10 66452.15. (a) Pursuant to subparagraph (F) of paragraph (2)
11 of subdivision (a) of Section 66427.1, the subdivider shall give
12 written notice within five days after receipt of the subdivision
13 public report to each tenant of his or her exclusive right for at least
14 90 days after issuance of the subdivision public report to contract
15 for the purchase of his or her respective unit in the form outlined
16 in subdivision (b).

17 (b) The notice shall be as follows:

18
19 "To the occupant(s) of
20 _____:
21 (address)

22
23 The owner(s) of this building, at (address), have received the
24 final subdivision report on the proposed conversion of this building
25 to a (condominium, community apartment, or stock cooperative
26 project). Commencing on the date of issuance of the subdivision
27 public report, you have the exclusive right for 90 days to contract
28 for the purchase of your rental unit upon the same or more
29 favorable terms and conditions than the unit will initially be offered
30 to the general public.

31
32 _____
33 (signature of owner or owner's agent)

34 _____
35 (date)"

36
37 The written notices to tenants required by this section shall be
38 deemed satisfied if the notices comply with the legal requirements
39 for service by mail.

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

6 SEC. 6. This act is an urgency statute necessary for the
7 immediate preservation of the public peace, health, or safety within
8 the meaning of Article IV of the Constitution and shall go into
9 immediate effect. The facts constituting the necessity are:

10 In order to permit cities, counties, and a city and county to
11 preserve development applications that are set to expire and that
12 cannot be processed presently due to prevailing adverse economic
13 conditions in the construction industry, it is necessary that this act
14 take immediate effect.