

Assembly Committee on Housing and Community Development

Legislative Bill Summary 2009-10 Regular Session

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ASSEMBLY COMMITTEE ON
HOUSING & COMMUNITY DEVELOPMENT
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To All Interested Parties:

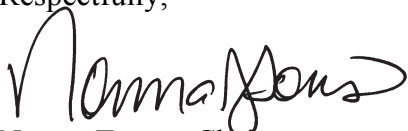
Government Code Section 65580 declares: *The availability of housing is of vital statewide importance, and the early attainment of decent housing and a suitable living environment for every Californian, including farm-workers, is a priority of the highest order.*

During the 2009-10 Legislative Session, the Assembly Committee on Housing and Community Development heard a wide range of measures affecting housing and land use policy. As the foreclosure crisis continues, many homeowners are still losing equity in their homes and facing the risk or reality of foreclosure. Between 2009 and 2010 there were 441,070 foreclosures statewide. Despite falling real estate values, California still faces a lack of housing that is affordable to low-income and moderate-income families.

In addition to reviewing legislation, the Committee also worked on several key oversight issues during the session, including coordinating state agencies' activities to reduce homelessness, identifying opportunities to spend bond funds more efficiently for affordable housing projects, and monitoring the delivery of federal funds to reduce and prevent foreclosure.

Affordable housing and debates over land use decisions continue to be significant challenges in California. The following is a summary of legislation reviewed by the Assembly Committee on Housing and Community Development during the 2009-10 Legislative Session. This document is intended as a source for preliminary information. For additional detail about this summary or other activities of the committee, please contact committee staff at (916) 319-2085.

Respectfully,



Norma Torres, Chair
Assembly Committee on Housing and
Community Development



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Budget Bills

***AB 182 (Assembly Committee on Budget): clean-up bill to the budget trailer bill ABx4 26 (Assembly Committee on Budget).**

- Would have provided for an adjustment to the required contribution to the Educational Revenue Augmentation Fund (ERAF) shift required in 2009-10 and 2010-11 of redevelopment agencies that have deleted territory; and, therefore now receive less tax increment than they reported in the 2006-07 edition of the Controller's Community Redevelopment Agencies Annual Report.
- Would have allowed the Department of Finance to use the 2007-08 edition of the Controller's report as its basis of calculations for the ERAF shift in 2009-10 and 2010-11 if that report is available at the time the determinations are made.
- Would have authorized redevelopment agencies to borrow from the balance of the Low and Moderate Income Housing Fund in addition to suspending and repaying the 2009-10 contribution.

Died on the Assembly Inactive File

***AB 188 (Assembly Committee on Budget) as amended September 4, 2009: budget trailer bill that clarifies provisions enacted by ABx4 12.**

- Would have increased statute fees collected in support of the Employee Housing Program, mobilehome licensing, and mobilehome park compliance.

This bill was amended October 14, 2009 (Jones) out of the committee's jurisdiction

***SB 80 (Senate Committee on Budget and Fiscal Review): community redevelopment.**

- Would have required redevelopment agencies to shift \$350 million in property tax increment revenues to schools.

Senate refused to concur in Assembly amendments

[*Bills not heard in the Assembly Committee on Housing and Community Development.]

***ABx4 26 (Assembly Committee on Budget): community redevelopment: Supplemental Educational Revenue Augmentation Fund.**

- Requires redevelopment agencies to shift \$1.7 billion in property tax increment revenues to schools in 2009-10 and \$350 million in 2010-11.

Chapter 21, Statutes of 2009 Fourth Extraordinary Session

***ABx4 27 (Assembly Committee on Budget): redevelopment: Educational Revenue Augmentation Fund: transfer payments.**

- Would have allowed redevelopment agencies to extend their project areas for 40 years in exchange for shifting 10% of their property increment revenues to a new school account to securitize a multi-billion state bond issue.

Died on the Assembly Floor

***SB 863 (Senate Committee on Budget and Fiscal Review): redevelopment.**

- Provides relief from penalties for redevelopment agencies (RDA) that experienced a substantial reduction in their tax increment in Fiscal Year 2009-10 which prevented them from paying their share of last year's Educational Revenue Augmentation Fund contribution.
- Removes the debt cap on the San Diego Centre City redevelopment area, enabling the RDA to continue to receive Tax Increment Finance funds and to issue additional debt. Relates to an National Football League stadium issue.

Chapter 722, Statutes of 2010

***SB 870 (Ducheny): housing.**

- Includes a provision requiring the Department of Housing & Community Development, upon determining that funds are available in the Emergency Housing Assistance Program fund, to issue a Notice of Funding Availability.
- Includes provisions that extend the date by which funds awarded for the Infill Infrastructure Grant and Transit-Oriented Development must be encumbered until three years.

Chapter 712, Statutes of 2010

[*Bills not heard in the Assembly Committee on Housing and Community Development.]

Building Standards

AB 433 (Ammiano): newly constructed buildings ventilation systems.

- Would have required the Department of Housing and Community Development to propose building standards to the California Building Standards Commission by July 1, 2012 that would have created a standard for ventilation systems for newly constructed buildings of 10 units or more located within 500 feet of freeways and roadways where the resulting annual average traffic produces a particular matter 2.5 concentration that is greater than 12 micrograms per cubic meter.

Died in the Assembly Committee on Appropriations

SB 183 (Alan Lowenthal): residential building safety.

- Enacts the Carbon Monoxide Poisoning Prevention Act of 2009 requiring all existing dwelling units intended for human occupancy that have a fossil fuel burning appliance, a fireplace, or an attached garage to install a carbon monoxide detection device by January 1, 2011.

Chapter 19, Statutes of 2010

SB 407 (Padilla): property transfers: plumbing fixtures replacement.

- Requires replacement of all noncompliant plumbing fixtures, as defined, in commercial and residential properties built prior to 1994 with water-conserving fixtures, by either 2017 for single-family residential properties and by 2019 for multi-family residential and commercial property.

Chapter 587, Statutes of 2009

Common Interest Developments

AB 313 (Fletcher): assessments.

- Prohibits a homeowners association in a common interest development from levying assessments on separate interests based on the taxable value of the separate interest unless the declaration allowed for this practice on or before December 31, 2009.

Chapter 431, Statutes of 2009

AB 899 (Torres): disclosures.

- Creates the Disclosure Document Index, as specified, and requires the index be available to members of a common interest development.
- Requires an agreement between a homeowners association and a homeowner in a common interest development to provide documents via e-mail to conform to Corporation Code Section 20.

Chapter 484, Statutes of 2009

AB 1328 (Salas): contracts.

- Would have allowed a common interest development (CID) to enter into a multiyear contract for a water and energy efficiency program if the board of directors reasonably determines that there may be verifiable savings to the homeowners association.
- Would have limited the length of contracts for water and energy efficiency programs that a CID board can enter into, to up to five years.
- Would have prohibited a board from entering into a contract for a water and energy efficiency program with a supplier if the developer of the common interest development still has representation on the board and has ten percent or more interest in the supplier.

Vetoed, October 11, 2009, Governor Schwarzenegger's veto message:

This bill would allow a homeowners association (HOA) of a common interest development (CID) to enter into a contract of up to five years for water or energy efficiency programs under specified conditions.

This bill is unnecessary. Existing law limits a HOA's capacity to enter into multi-year contracts for various types of services, instead requiring a vote of the membership to enter into contracts of more than one year. This bill would override this important veto requirement, weakening the system of self governance that is central to the operations of CIDs and could result in contracts that do not reflect the approval of a majority of the members of the HOA. Further, if this bill is enacted, it could potentially expose CID members to long-term negative consequences brought about by board mistakes.

AB 1726 (Swanson): ballots: quorums.

- Would have allowed for a reduction in the quorum requirement needed to approve an election for the board of directors in a common interest development (CID), subject to referendum by the members of a CID.

Vetoed, September 30, 2010, Governor's Schwarzenegger's veto message:

This bill would allow a homeowners association (HOA) of a common interest development (CID) unable to achieve a quorum for a member meeting or an election of directors to lower the quorum requirement for the second election to 40% and for the third or additional elections to 33%, unless otherwise specified in the CID's governing documents.

I believe that this bill is unnecessary because existing law allows a HOA to amend its governing documents to establish a lower quorum. I am also concerned that this bill would interfere with the basic democratic principle of CIDs.

AB 1793 (Saldana): artificial turf.

- Would have made the governing documents of a common interest development (CID) void and unenforceable if they prohibit the use or include conditions that effectively prohibit the use of artificial turf or any other synthetic surface that resembles grass, but allows a CID to apply design and quality standards for artificial turf.

Vetoed, September 30, 2010, Governor's Schwarzenegger's veto message:

This bill would void a provision in the governing documents of a common interest development (CID) if it prohibits the use of artificial turf or any other synthetic surface that resembles grass in its landscaping rules and regulations.

CIDs provide a system of self-governance through a community association, responsible for managing, maintaining, and repairing the common areas, and have the authority to enforce special rules. Decisions such as these regarding the use of

artificial turf can be made by the homeowners and amended into their governing documents.

AB 1927 (Knight): rental units.

- Would have required, after January 1, 2011, the membership of a common interest development (CID) is required to vote on changes to the governing documents that prohibit the rental or lease of a separate interest in a CID.
- Would have made the vote subject to the voting requirements in the governing documents of a CID.

Vetoed, September 30, 2010, Governor's Schwarzenegger's veto message:

This bill would void any provision that is added to or included in a government document initially recorded on or after January 1, 2011, that prohibits the rental or lease of a separate interest, unless the provision imposing the prohibition is approved, by the owners of separate interests, as provided.

The right to rent or lease a unit is an important right for a homeowner. However, there is insufficient evidence to indicate that rental restrictions are currently a growing or widespread problem to justify such a wide-ranging rule change. Furthermore, current provisions in law provide for an amendment process for HOAs to make rule changes.

***AB 2016 (Torres): requests for notices of default.**

- Allows a homeowner's association (HOA) to record one notice with a county recorder against all properties with a trustee's deed upon sale in a common interest development.
- Provides that a request by HOAs for notification of a trustee's deed upon sale does not constitute a request for a document that either effects or evidences a transfer of encumbrance of an interest in real property or that releases or terminates any interest, right or encumbrance of an interest in real property.

Chapter 133, Statutes of 2010

[*Bill not heard in the Assembly Committee on Housing and Community Development.]

AB 2502 (Brownley): homeowners' association: delinquencies.

- Would have required any payment made by an owner of a separate interest in a common interest development toward a delinquent assessment to be applied first to the assessment owed whether the payment is made to the homeowners association (HOA) or an agent of the HOA assigned to collect the unpaid debt.

Died in the Assembly Committee on Judiciary

SB 1128 (DeSaulnier): governance.

- Allows a non-profit entity providing services to a common interest development under a declaration of trust to collect an assessment fee from purchasers during a transfer of title, and also provides that a non-profit entity is subject to the open records provisions of the Davis-Stirling Act.

Chapter 322, Statutes of 2010

Homelessness

***AB 1177 (Fong): Interagency Council on Homelessness.**

- Would have established the Interagency Council on Homelessness (ICH) and prescribed the membership and duties of the ICH.

Died in the Senate Appropriations Committee

AB 2033 (Torres): federal funding.

- Would have required the Department of Housing and Community Development (HCD) to establish a balance of state continuum of care (COC) and apply for federal McKinney-Vento Homeless Assistance Act funds by September 1, 2011.
- Would have required HCD to notify the Legislature's Housing Committees of its efforts to establish a state COC by September 30, 2011.
- Would have allowed counties that have established COC programs to join the state COC rather than administering their own program.

Died in the Senate Committee on Appropriations

[*Bill not heard in the Assembly Committee on Housing and Community Development.]

Housing Finance

AB 570 (Arambula): Local Housing Trust Fund Matching Grant Program.

- Reduces the minimum grant amount a newly established housing trust fund that represents a county with a population of less than 425,000 can receive from the Local Housing Trust Fund Matching Grant Program, administered by the Department of Housing and Community Development (HCD), from \$1 million to \$500,000.
- Requires a city and county to have submitted an annual progress report update on their housing element within the last 12 months to be eligible to apply for the program. Makes the requirements contingent upon HCD having adopted the form necessary to file the annual report.

Chapter 455, Statutes of 2009

AB 702 (Salas) as introduced: Veterans Housing and Assistance Program.

- Would have required the Department of Housing and Community Development to allocate a percentage of the money in the Emergency Housing Assistance Program fund to sponsors of veterans-only projects or projects that give preference to veterans in an amount equal to the percentage of veterans within the total homeless population.

As amended August 9, 2010: Joe Serna, Jr., Farmworker Housing Grant Program: agricultural employees.

- Removed all reference to the Veterans Housing and Assistance Program.
- Expands the definition of farmworker for the purpose of the Joe Serna Jr., Farmworker Housing Grant Program to include any person who works on or off the farm in processing of any agricultural commodity until it is shipped for distribution.

Chapter 348, Statutes of 2010

AB 767 (Ammiano/Bass): Housing and Emergency Shelter Trust Fund of 2006: reversion of funds.

- Provides a two-year extension for the Homeless Youth Program, appropriated by the Proposition 1C Housing and Emergency Shelter Trust Fund Bond Act of 2006 (Proposition 1C), after which all unencumbered funds shall revert to general use for the Multifamily Housing Program.

- Provides a two-year extension for the Building Equity and Growth in Neighborhoods program, appropriated by Proposition 1C, after which all unencumbered funds shall revert to general use for the CalHome Program.

Chapter 123, Statutes of 2009

AB 1246 (Jones): workforce housing cooperative trust.

- Revises the definition of "limited-equity housing cooperative" in the Subdivided Lands Law to include "workforce housing cooperative trust," and defines and establishes "workforce housing cooperative trust."
- Establishes new procedures and standards for the dissolution of both limited-equity housing cooperatives and workforce housing cooperatives.

Chapter 520, Statutes of 2009

AB 1459 (Davis): Multifamily Housing Program: veterans.

- Allows supportive housing developments restricted to persons with veterans status to compete for Multifamily Housing Program funding, regardless of whether or not the project is located on property that is owned or leased by the United States Department of Veteran Affairs, the California Department of Veteran Affairs, a city and/or a county.

Chapter 533, Statutes of 2009

AB 1522 (V. Manuel Pérez): Housing Bond: priority consideration.

- Would have required the Department of Housing and Community Development to give priority to organizations that provide training for at-risk youth when administering Proposition 1C funded programs.

This bill was amended April 13, 2009 out of the committee's jurisdiction.

AB 1865 (Audra Strickland): Local Housing Trust Fund Matching Grant Program.

- Reduces the amount of matching grant funds an applicant for a newly formed local housing trust fund must raise from \$1 million to \$500,000 to qualify for the Local Housing Trust Fund Program funded by Proposition 1C: the Housing and Emergency Trust Fund Act of 2006.

Chapter 198, Statutes of 2010

AB 2064 (John A. Pérez) as introduced: Emergency Housing Assistance Program funds.

- Would have required the Department of Housing and Community Development to issue a Notice of Funding Availability (NOFA) for the amount of General Fund monies available for the Emergency Housing and Assistance Program, and award grants within 180 days of issuing the NOFA.

This bill was amended August 19, 2010 (Huber) out of the committee's jurisdiction.

AB 2136 (V. Manuel Pérez): disaster relief: County of Imperial earthquake.

- Specifies that loans provided under the "CalHome Program Disaster Assistance" for Imperial County that have been made to rehabilitate, reconstruct, or replace lower income owner-occupied manufactured homes shall be due and payable in 10 years, with 20% of the original principal to be forgiven annually for each additional year beyond the fifth year that the manufactured home is owned and continuously occupied by the borrower.

Chapter 461, Statutes of 2010

AB 2293 (Torres): housing construction loans.

- Would have required the Department of Housing & Community Development to reserve funds for awards for the Multifamily Housing Program, Transit-Oriented Development Program, and the Joe Serna, Jr. Farmworker Grant Program that meet specified qualifications.

Vetoed, September 25, 2010, Governor Schwarzenegger's veto message:

While I am sympathetic to the difficulties developers of affordable housing are facing, I am concerned that the practical effect of this bill would be to establish the Department of Housing and Community Development as an indirect guarantor of a developer's construction loan. The Administration has developed a plan that will enable it to meet the cash needs of all general obligation bond projects for 2010 and 2011. However, if the state is required to set cash aside that is not needed until a later time, it could compromise the ability to fund other projects that have current cash needs. In addition, this bill could remove incentives for bond recipients to perform their obligations in a timely manner and would further increase interest costs on bonds.

AB 2536 (Carter): Housing and Emergency Shelter Trust Fund Acts of 2002 and 2006: supportive housing.

- Would have allowed Emergency Housing and Assistance Program funds approved by the voters in the Housing and Emergency Shelter Trust Fund Acts of 2002 and 2006 to be used for supportive housing programs.

Vetoed, September 25, 2010, Governor Schwarzenegger's veto message:

This bill would change the use of housing bonds contrary to the intent of the voters in approving Proposition 1C. These funds were intended to help some of the most vulnerable Californians by funding the construction of emergency shelters that also provide supportive service. It is not consistent with the intent of the voters to redirect these funds to provide services to families in permanent housing.

SB 224 (Correa): housing assistance.

- Permits local public agencies and nonprofit corporations to make grants of CalHome funds specifically for the installation or retrofit of ignition-resistant exterior components on existing mobilehomes and accessory structures.
- Allows California Housing Finance Agency (CalHFA) to subordinate a downpayment assistance loan made through the California Homeownership Downpayment Assistance Program to refinance the mortgage if the Agency determines: the borrower has demonstrated hardship; subordination is required to avoid foreclosure; and, the new loan meets the agency's underwriting requirement.
- Allows CalHFA to permit subordination on such terms and conditions as it determines are reasonable.

Chapter 172, Statutes of 2009

SB 450 (Alan Lowenthal) as introduced: Federal Housing Trust Fund.

- Would have designated the Department of Housing and Community Development as the agency responsible for administering the federal Housing Trust Fund pursuant to the Housing and Economic Recovery Act of 2008.

This bill was amended September 4, 2009 out of the committee's jurisdiction.

SB 608 (Ducheny) as introduced: Department of Housing and Community Development bond fund expenditures report.

- Would have required that cumulative information on programs funded under the Housing and Emergency Shelter Trust Fund Acts of 2002 and 2006 be included in the Department of Housing and Community Development's (HCD) annual report.
- Would have required that HCD's annual report break out the required information for each program funded by Proposition 46 or Proposition 1C, respectively, and include a cumulative total of this information for all funds distributed under Proposition 46 and Proposition 1C.

This bill was amended August 24, 2010 (Alquist) out of the committee's jurisdiction.

SB 958 (Lowenthal): Federal Housing Trust Fund.

- Would have designated the Department of Housing & Community Development as the agency responsible for administering the federal Housing Trust Fund pursuant to the Housing and Economic Recovery Act of 2008.

Died in the Assembly Inactive File

***SBx8 27 (Lowenthal): Federal Housing Trust Fund.**

- Would have dedicated funds that California receives from the National Housing Trust Fund primarily to the Department of Housing and Community Development's Multifamily Housing Program, except that the Legislature may appropriate up to 10% of the funds to the CalHome Program.

Held at the Assembly Desk

***SBx8 28 (Yee): Housing and Emergency Shelter Trust Fund Act of 2006 appropriations.**

- Would have revised the allocation of some general obligation bond funds made available pursuant to the Housing and Emergency Shelter Trust Fund Act of 2006 (Proposition 1C), and appropriate other bond funds from Proposition 1C.

Died in the Senate

[*Bill not heard in the Assembly Committee on Housing and Community Development.]

Land Use

***AB 602 (Feuer): land use and planning cause of actions time limitations.**

- Would have revised the statute of limitations and remedies for specified housing-related challenges.

Vetoed, September 30, 2010, Governor's Schwarzenegger's veto message:

Local governments face numerous potential legal liabilities when land is developed. One of the protections and assurances provided to local governments in order to encourage them to move forward with land development is that there is a reasonable statute of limitations on when a legal claim can be filed. Existing law gives interested parties sufficient time to bring an action, and extending this period to five years could result in uncertainty for local governments.

AB 720 (Caballero): housing element.

- Gives local governments more time to provide committed assistance for the rehabilitation of affordable housing units in order to count those units towards meeting their share of the regional housing need.
- Allows a jurisdiction to include in its annual housing element progress report data on the number of units preserved, acquired, or substantially rehabilitated that meet certain statutory requirements, provided that the jurisdiction documents how the units meet the statutory requirements.
- Allows a jurisdiction to include weatherization and energy efficiency improvements in the substantial rehabilitation of units, and encourages jurisdictions, as part of their housing needs assessment, to include weatherization and energy improvements as part of publicly subsidized housing rehabilitation projects.

Chapter 467, Statutes of 2009

AB 1867 (Harkey): local planning housing element program.

- Allows a city or county to count towards meeting its share of the regional housing need the conversion of existing homeownership units in complexes of three or more units to affordable rental housing, provided that an equal number of new-construction multifamily units affordable to lower-income households have been constructed in the city or county within the same planning period.

Chapter 367, Statutes of 2010

[*Bill not heard in the Assembly Committee on Housing and Community Development.]

AB 2425 (Hagman): City of La Habra Heights: regional housing need allocation.

- Would have exempted the City of La Habra Heights from receiving an allocation of the regional housing need during its next housing element planning period.

Failed passage in the Assembly Committee on Housing and Community Development

AB 2508 (Caballero): Infill Incentive Grant Program of 2007.

- Allows a city of greater than 100,000 in population in a metropolitan statistical area of less than two million in population to petition the Department of Housing and Community Development for an exception to its jurisdictional classification for purposes of the Infill Infrastructure Grant Program if the city believes that it is unable to meet the related minimum housing density requirements.

Chapter 390, Statutes of 2010

SB 454 (Lowenthal): preservation of existing affordable housing.

- Deletes the sunset date on three sections of law requiring the owners of affordable housing to provide notice to tenants and governmental entities before converting a property to market rate and giving a limited priority to preservation purchasers in the event the owner wishes to sell, and makes minor changes to the requirements.

Chapter 308, Statutes of 2010

***SB 575 (Steinberg): housing element.**

- Revises timelines for the adoption of the fifth revision of the housing element by local governments within the regional jurisdiction of the San Diego Association of Governments, provides for timelines for subsequent housing element revisions, and makes other changes related to the clean-up of SB 375 (Steinberg), Chapter 728, Statutes of 2008.

Chapter 354, Statutes of 2009

[*Bill not heard in the Assembly Committee on Housing and Community Development.]

SB 812 (Ashburn): developmental services housing.

- Requires cities and counties to include an analysis of the housing needs of the developmentally disabled in the analysis of special housing needs in their housing elements.

Chapter 507, Statutes of 2010

Manufactured and Mobile Homes

AB 566 (Nava): mobilehome conversion.

- Would have allowed a local government to consider the level of support among current residents when deciding whether to approve or disapprove the conversion of a rental mobilehome park to resident ownership.

Vetoed, October 11, 2009, Governor Schwarzenegger's veto message:

While the intent of this bill is to preserve low-income housing, the fact that a majority of mobilehome park residents do not support a conversion is not an appropriate means for determining the legitimacy of a conversion. The law is not intended to allow park residents to block a request to subdivide.

AB 761 (Charles Calderon) as introduced: rent control.

- Would have allowed the management of a mobilehome park in a jurisdiction with a mobilehome rent control ordinance to set the initial rental rate upon a new tenancy at either market rate or up to twice the last-charged rent, whichever is less.

As amended March 24, 2010: rent control.

- Would have allowed the management of a mobilehome park in a jurisdiction with a mobilehome rent control ordinance to set the initial rental rate upon a new tenancy at a minimum of 20% or \$100 higher than would otherwise be allowed under the local ordinance, whichever is greater.

Failed passage in the Senate Committee on Judiciary

AB 869 (Mendoza): certified mobilehome park managers.

- Would have created the title of "Certified Mobilehome Park Manager" and prescribes requirements for using the title.
- In cases where the mobilehome park has been issued a notice on or after January 1, 2010, regarding a violation of the Mobilehome Parks Act, would have required the manager to become a certified mobilehome park manager within 60 days.
- Would have required that a notice stating whether the park is managed by a certified manager be posted in the clubhouse, or, if there is no clubhouse, in a conspicuous public place in the park accessible to homeowners and residents.

Failed passage in the Assembly Committee on Housing and Community Development

AB 1803 (Nava): Mobilehome Residency Law Mediation Act.

- Would have created a dispute resolution program within the Attorney General's Office to resolve disputes related to the Mobilehome Residency Law, the landlord-tenant law for mobilehome parks.

Failed passage in the Assembly Committee on Housing and Community Development

AB 1964 (Torres): Mobilehome Parks Act.

- Would have extended the Department of Housing and Community Development's Mobilehome Park Maintenance Inspection Program until January 1, 2019.

Died in the Senate Inactive File

AB 2029 (Cook): Mobilehomes: annual registration fee.

- Would have exempted manufactured home or mobilehome owners whose income is below the federal poverty level from paying annual registration fees.

Failed passage in the Assembly Committee on Housing and Community Development

AB 2120 (Silva): mobilehome parks.

- Requires the management in a mobilehome park to do one of the following prior to February 1 of each year, if a significant change was made in the Mobilehome Residency Law (MRL) by legislation enacted in the prior year:
 - 1) Provide all homeowners with a copy of the MRL.
 - 2) Provide written notice to all homeowners that there has been a change to the MRL and that they may obtain a copy of the text of the law from management at no charge. Management must provide the copy within a reasonable time not to exceed seven days upon request.

Chapter 90, Statutes of 2010

SB 23 (Padilla): manufactured housing emergency preparedness plan.

- Requires the owner or operator of a mobilehome park or a special occupancy park to adopt and post an emergency preparedness plan.

Chapter 551, Statutes of 2009

SB 111 (Correa): Mobilehome Residency Law.

- Groups certain existing sections of the Mobilehome Residency Law into a new Article 4 entitled "Utilities" and makes other minor, non-substantive changes.

Chapter 558, Statutes of 2009

SB 398 (Correa): mobilehome parks fire code enforcement.

- Specifies that fire prevention regulations adopted by the Department of Housing and Community Development (HCD) are not applicable in a mobilehome park within a special district, or another entity organized solely to provide fire protection services and monitored and funded by a county or other public entity, that meets both of the following requirements:
 - 1) Has been delegated fire code enforcement by a city, county, or city and county that is the mobilehome code enforcement agency; and,
 - 2) Is enforcing a fire prevention code imposing restrictions equal to or greater than the restrictions imposed by those building standards published in the California Building Standards Code and other state regulations adopted by HCD.
- Adds combustible brush and vegetation clearance on a lot or common area that represents an imminent fire hazard, flammable liquid storage, hazardous materials storage and use, and open flame or open burning to the list of items a city, county, city and county, or special district can enforce under its own fire prevention code without assuming full code enforcement responsibility for mobilehome parks from HCD.

Chapter 586, Statutes of 2009

SB 804 (Leno): mobilehomes sales and replacement.

- Prohibits the management of a mobilehome park from requiring a homeowner to use a specific broker, dealer, or other person as an agent in the purchase or installation of a replacement home.

Chapter 66, Statutes of 2009

SB 951 (Correa): Mobilehome Parks Act.

- Extends the sunset on the Mobilehome Park Maintenance inspection program and its related fees until January 1, 2019, and makes minor changes to related reporting requirements.

Chapter 314, Statutes of 2010

SB 1047 (Correa): nonprofit resident-owned mobilehome park.

- Clarifies that the tenant provisions of the Mobilehome Residency Law apply in nonprofit resident-owned mobilehome parks to members of the nonprofit mutual benefit corporation that lease a space in the park.

Chapter 175, Statutes of 2010

Redevelopment

AB 1422 (Bass) as introduced: affordable housing

- Would have allowed a redevelopment agency to use tax increment funds, not held in the Low & Moderate Income Housing Fund, to acquire, assume or refinance loans to eligible homeowners with subprime or nontraditional mortgages in default or at risk of default and included a sunset date of January 1, 2013.

This bill was amended August 24, 2009 out of the committee's jurisdiction.

AB 1641 (Hall): City of Los Angeles public housing projects.

- Establishes that public housing projects over 50-years-old are blighted if they meet the blight definition and provides the requirements for redeveloping public housing projects.

Chapter 665, Statutes of 2010

AB 2043 (Torricono): redevelopment funds mortgage assistance.

- Would have allowed redevelopment agencies to issue subordinate loans using the non-Low- & Moderate-Income Housing Funds for qualified homeowners to prevent foreclosure inside or outside a project area.

Died in the Assembly Committee on Appropriations

AB 2065 (Charles Calderon): Redevelopment Agency of the City of Downey plan amendment.

- Would have allowed the City of Downey to add two parcels to a redevelopment project area in the city by ordinance and declares that the parcels are predominately urbanized and meet the statutory definition of blight.

Died in the Assembly Committee on Appropriations

AB 2406 (Blakeslee): pooled housing funds.

- Allows redevelopment agencies in adjoining cities to form a joint powers authority for the purpose of pooling their Low- and Moderate-Income Housing Funds to construct, rehabilitate and preserve extremely low-income affordable housing units.

Chapter 209, Statutes of 2010

AB 2531 (Fuentes): economic development.

- Would have given redevelopment agencies additional authority to provide loans, loan guarantees and other financial assistance to businesses, assist nonprofits and public agencies to establish small business incubators, and clarifies the City of Los Angeles' authority to apply for and administer federal funding for economic development.

Vetoed, September 30, 2010, Governor's Schwarzenegger's veto message:

Redevelopment funds are to be used solely for the purpose of eliminating blight in urban neighborhoods in California cities. This bill would authorize the use of redevelopment funds for projects that are not necessarily blighted as well as for projects outside the redevelopment area, and as such would violate the primary purpose of redevelopment law.

AB 2759 (Nestande): pooled housing funds: emergency shelters and transitional housing.

- Would have allowed redevelopment agencies to transfer up to 5% of their Low- and Moderate-Income Housing Fund to another agency to be used to develop emergency shelters or transitional housing outside of the project area where the tax increment is collected.

Died in the Assembly Committee on Housing and Community Development

SB 477 (Florez) as introduced: low- and moderate-income housing agency powers.

- Would have permitted a redevelopment agency to loan, grant, contribute or pledge funds to an authorized purchaser for low-income housing tax credits for the construction of low-income housing located within the community.

- Would have clarified that a redevelopment agency may loan, grant, contribute or pledge funds to an authorized purchaser for low-income housing tax credits for the construction of low-income housing located within the community.
- Would have defined an "authorized purchaser" as a joint power entity that consists of no less than 100 local agencies.

This bill was amended August 2, 2010 out of the committee's jurisdiction.

SB 813 (Kehoe) as introduced: local agencies annual reports.

- Would have extended the deadline for a legislative body to review its redevelopment agency's annual report from 21 days to 30 days.
- Would have required local officials to report an audit response to the grand jury, highlighting how they would have responded if an annual audit of the redevelopment agency uncovers major violations.

As amended September 4, 2009: community development deferred payment future value loan programs.

- Removed all reference to redevelopment annual report.
- Would have allowed the Department of Housing and Community Development (HCD), for four years, to make financial assistance provided for self-help housing through the CalHOME program, Building Equity and Growth in Neighborhoods, Home Investment Partnership Program, and the Joe Serna Jr. Farmworker Housing Grant program as a deferred payment loan to be paid through an increase in the future equity of the home.

Vetoed, October 11, 2009, Governor Schwarzenegger's veto message:

I support trying to create stability in the housing market and I realize that the downturn in the real estate market makes it difficult for self-help housing projects to be economically feasible. However, I do not believe that California offering unsecured second mortgages for projects is the appropriate way to solve this problem. The instability in the housing market makes the repayment of these unsecured second mortgages risky. To the extent state funds are lost due to foreclosures or sales before housing values increase, these funds will not be available to fund future self-help housing projects.

SB 977 (Hollingsworth): Redevelopment Agency of the County of Riverside.

- Permits the Riverside County Redevelopment Agency to continue to fund affordable housing projects in project areas that were annexed from the county after the projects were started.

Chapter 315, Statutes of 2010

SB 1374 (Kehoe): plan amendment procedures.

- Requires a redevelopment agency to include any written objections the agency has received from resident or community organizations as part of the agency's report to the legislative body required to extend the time period for a project area by ten years.
- Requires a hearing to review a proposed amendment to a redevelopment plan to extend a project area, that the legislative body consider the objections or concerns of the affected taxing entities, a project area committee if any, residents, and community organizations.

Chapter 182, Statutes of 2010

Miscellaneous

***AB 1178 (Torres) as amended June 16, 2010: property taxation: possessory interests on publicly owned low-income housing.**

- Would have clarified that a tenancy in publicly owned low-income housing does not constitute a taxable possessory interest.

This bill was amended August 5, 2010. The amendments changed authors, removed all content related to property taxes, and added content related to income taxes.

AB 1330 (Salas): veterans' pilot project cooperative housing.

- Authorizes the California Department of Veterans Affairs (CDVA) to establish a pilot project for operating a cooperative housing project, in which CDVA would prescribe the rules, regulations, and conditions necessary to implement the pilot project.

Chapter 524, Statutes of 2009

AB 1556 (Assembly Committee on Jobs, Economic Development and the Economy): community development grants:

- Would have defined the term "qualified financial intermediary" for purposes of the Community Development Block Grant Program as a nonprofit organization certified by the Department of Housing and Community Development or a financial development corporation with direct lending experience to administer small business land and grant programs for one or more eligible city or county jurisdictions.

Died in the Assembly Committee on Appropriations

***AB 2087 (Torres): veterans' farm and home purchases.**

- Expands the definition of "home," for purposes of the CalVet Home Loan Program, to include a residence of two to four units.

Chapter 542, Statutes of 2010

[*Bills not heard in the Assembly Committee on Housing and Community Development.]

AB 2327 (Harkey): affordable housing: risk retention pool.

- Authorizes affordable housing entities to join in an arrangement that provides for the pooling of self-insured claims or losses against tort liability, liability to officers and employees for their acts or omissions, and physical damage to motor vehicles, personal property, and real property of the affordable housing entity.

Chapter 384, Statutes of 2010

AB 2362 (Skinner): redevelopment funds: soft-story building seismic retrofits.

- Would have allowed redevelopment funding to be used to rehabilitate a "soft-story building." Defines a "soft-story building" as a wood frame, multi-unit residence built prior to January 1, 1978, where the ground floor of the structure contains parking or other open floor space that causes soft, weak, or open front wall lines.

Vetoed, September 25, 2010, Governor Schwarzenegger's veto message:

This bill would clarify that soft-story buildings are among the types of buildings which redevelopment agencies may provide seismic retrofitting.

This bill is not needed. Current law already allows redevelopment agencies to provide for seismic retrofitting in unreinforced masonry buildings, historical buildings, and all other buildings, which includes soft-story buildings.

***AB 2516 (Hill) as amended April 27, 2010: housing accessibility.**

- Would have required the Department of Housing and Community Development to establish the Accessible Housing Task Force to expand the amount of housing near public transit that is accessible and habitable by people of all ages and disabilities.
- Would have required the task force to produce a report of their findings and provide it to the Legislature by June 30, 2012.

Died in the Assembly Committee on Appropriations

[*Bill not heard in the Assembly Committee on Housing and Community Development.]

AB 2701 (Eng): State Historical Building Code: playgrounds.

- Would have clarified that a playground that has been designated as a historical site falls under the state historical building code.

Vetoed, September 29, 2010, Governor Schwarzenegger's veto message:

This bill places qualified playgrounds and playground sites with historical or cultural significance under the jurisdiction of the State Historical Building Code.

This bill is unnecessary, as existing law already specifies that any structure with a historic designation is subject to the California Historical Building Code.

AB 2762 (Housing and Community Development Committee): housing omnibus bill.

- Makes technical and non-controversial changes to various sections of the law dealing with housing.

Chapter 610, Statutes of 2010

SB 166 (George Runner): special occupancy parks.

- Would have allowed occupancy of a camper that is dismantled from a pick-up truck in a special occupancy park.

Vetoed, October 11, 2009, Governor Schwarzenegger's veto message:

The Department of Housing and Community Development has the authority to adopt regulations for special occupancy parks. Any change in this area in regards to dismantled campers should be handled via this process.

SB 194 (Flores): Community Equity Investment Act of 2010.

- Would have provided that unless prohibited by federal regulations, local governments must include representation from disadvantaged unincorporated communities in their Citizen Advisory Committee.

Vetoed, September 30, 2010, Governor's Schwarzenegger's veto message:

This bill would establish, to the extent permitted by federal law, requirements governing the use of a citizen advisory committee (CAC) by a local government that chooses to use a CAC in the course of preparing plans for the expenditure of federal

Community Development Block Grant (CDBG) funds received directly from the federal Department of Housing and Urban Development (HUD).

This bill is unnecessary. The federal CDBG regulations already mandate a public hearing with significant outreach elements as part of grant recipients' planning processes; further, imposing a state requirement on a federal program would be inappropriate and in fact may not be permitted by federal law and regulations.

SB 251 (Senate Committee on Transportation and Housing): Housing omnibus bill.

- Makes technical and non-controversial changes to various sections of the law dealing with housing.

Chapter 632, Statutes of 2009.

***SCR 90 (Lowenthal): affordable housing: in-home internet service accessibility.**

- Would have encouraged state and local multifamily housing lending agencies to align their policies on the provision of free Internet access with those of the Tax Credit Allocation Committee.

Held at the Assembly Desk.

[*Bill not heard in the Assembly Committee on Housing and Community Development.]

The following bills were referred to the Committee in 2009 but were never heard:

AB 481 (Ma): mobilehome parks rent control: principal residence.

Would have prevented a mobilehome that is not the homeowner's principal residence from being eligible for rent control.

AB 498 (Hayashi) as introduced: multifamily military housing: veterans.

Would have required the California Department of Veterans Affairs (CDVA) to collaborate with the Department of Housing and Community Development to facilitate the development of multifamily housing for military veterans and their families.

AB 558 (Portantino): as introduced: housing element: foster youth placement.

Would have allowed a city to reduce its regional housing need allocation by 10% if it adopts a program to actively promote and assist in the placement of foster youth in existing family-based households.

AB 594 (Harkey): housing element.

Would have increased from 25% to 50% the amount of its regional housing needs allocation a jurisdiction can meet through the use of certain existing units that are made affordable to low- and very-low income households during the planning period rather than through the identification of sites available for new construction.

AB 841 (Fuentes) as introduced: low-income housing tax credits: City of Los Angeles.

Would have required the California Tax Credit Allocation Committee to allocate a portion of California's low-income housing tax credits to the City of Los Angeles in accordance with specified procedures.

AB 897 (Torres): Homeless Prevention and Rapid Re-Housing Program.

Would have established the Homeless Prevention and Rapid Re-Housing Program within the Department of Housing and Community Development for the purpose of distributing funds, estimated at approximately \$44 million, provided by the federal Homeless Prevention and Rapid Re-Housing Program established under the American Recovery and Reinvestment Act of 2009.

AB 1065 (Gilmore): low-income housing tax credit.

Would have modified the recapture period and the recapture amount for low-income housing tax credits.

AB 1171 (Ammiano): rental property.

Would have extended from 120 days to one year the time period given to a tenant to vacate a rental property that is taken out of the rental business when the property owner's date of withdrawal has already been extended by reason of a qualified elderly or disabled tenant exercising his or her right to the extended date of withdrawal.

AB 1432 (Mendoza): qualified mortgage lender loans terms and conditions.

Would have specified that if the California Housing Finance Agency receives funds from the federal Troubled Asset Relief Program established pursuant to the federal Emergency Economic Stabilization Act of 2008, it shall use the funds to make or refinance acquisition, construction, or development loans for housing developments or residential structures affordable to persons and families earning up to 200% of the area median income.

AB 1529 (Salas): Community Stabilization Home Loan Program eligible properties.

Would have authorized the California Housing Finance Agency to continue the Community Stabilization Home Loan Program and to place specified restrictions on the eligibility of properties for the program.

AB 2010 (Fong): migrant farm labor centers.

Would have repealed the requirement that the Department of Housing and Community Development (HCD) consider whether there is adequate documentation that there is a need for residents to continue work in the area in determining whether to extend the operating period of a migrant farm labor center.

Would have required HCD to consider the disruption of a child's education if required to be relocated during the middle of a school year in determining whether to extend the operating period of a migrant center.

AB 2085 (Saldana): Housing and Emergency Shelter Trust Fund Act of 2006, state audits.

Would have expanded the scope of the Bureau of Audits to include requirements relating to the deposit and expenditure of bond proceeds in the Regional Planning, Housing, and Infill Incentive Account, the Transit-Oriented Development Account, and the Housing Urban-Suburban-Rural Parks Account.

AB 2439 (Nestande): mobilehome parks.

Would have exempted sublet mobilehomes from local rent control ordinances, except in cases where the home is sublet because a medical emergency or medical treatment requires the homeowner to be absent from his or her home.

AB 2709 (Blumenfield): California Housing Finance Agency: federal loan guarantee.

Would have authorized the California Housing Finance Agency to utilize federal subsidies available to it to issue loan guarantees provided by the United States Department of Housing and Urban Development.; would have authorized the agency to make loan guarantees, in addition to grants, to nonprofit housing sponsors and local public entities, as specified.; and, would have required the loan guarantee assistance provided by the department be allocated by and in conjunction with the award of a tax credit for low-income rental housing by the California Tax Credit Allocation Committee.

SB 326 (Tony Strickland): housing element.

Would have changed the existing requirement that a local government zone or rezone adequate sites within the first year of the planning period of a new housing element to accommodate any unaccommodated portion of its share of the regional housing need from the prior housing element planning period, to additionally allow the local government to "identify" adequate sites rather than actually zoning or rezoning them.

SB 1392 (Steinberg) as introduced: Housing and Emergency Shelter Trust Fund Act of 2006.

Would have required the Department of Housing and Community Development to include in its annual report for each Proposition 1C program the amount of funds it awarded and disbursed in the prior year on a per-project and aggregate basis.

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