

AMENDED IN SENATE JUNE 25, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1484**

**Introduced by Committee on Budget (Blumenfield (Chair), Alejo, Bonilla, Brownley, Buchanan, Butler, Cedillo, Chesbro, Dickinson, Feuer, Gordon, Huffman, Mitchell, Monning, and Swanson)**

January 10, 2012

*An act relating to the Budget Act of 2012. An act to amend Section 53760.1 of the Government Code, and to amend Sections 33500, 33501, 34163, 34171, 34173, 34175, 34176, 34177, 34178, 34179, 34180, 34181, 34182, 34183, 34185, 34186, 34187, 34188, and 34189 of, to add Sections 34167.10, 34177.3, 34177.5, 34178.8, 34179.5, 34179.6, 34179.7, 34179.8, 34182.5, 34183.5, 34189.1, 34189.2, and 34189.3 to, to add Chapter 9 (commencing with Section 34191.1) to Part 1.85 of Division 24 of, and to add and repeal Section 34176.5 of, the Health and Safety Code, relating to community redevelopment, and making an appropriation therefor; to take effect immediately, bill related to the budget.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1484, as amended, Committee on Budget. ~~Budget Act of 2012.~~ *Community redevelopment.*

*The Community Redevelopment Law authorizes the establishment of redevelopment agencies in communities to address the effects of blight, and, among other things, provides that an action may be brought to review the validity of specified agency actions, findings, or determinations that occurred after January 1, 2011, within 2 years of the triggering event.*

<b>AB 1484 Overview</b>
<b>New Rules and Clarification for Oversight Boards</b>
<b>New Rules for ROPS</b>
<b>Due Diligence Review</b>
<b>Post Finding of Completion Actions</b>
<b>Bonds</b>
<b>Housing</b>
<b>Other Issues</b>

*This bill would toll the time limit for bringing an action until the Department of Finance issues a finding of completion to the successor agency.*

*Existing law dissolved redevelopment agencies and community development agencies, as of February 1, 2012, and provides for the designation of successor agencies, as defined. Existing law requires successor agencies to wind down the affairs of the dissolved redevelopment agencies and to, among other things, make payments due for enforceable obligations, as defined, perform obligations required pursuant to any enforceable obligation, dispose of all assets of the former redevelopment agency, and to remit unencumbered balances of redevelopment agency funds, including housing funds, to the county auditor-controller for distribution to taxing entities.*

*Existing law authorizes the city, county, or city and county that authorized the creation of a redevelopment agency to retain the housing assets, functions, and powers previously performed by the redevelopment agency, excluding amounts on deposit in the Low and Moderate Income Housing Fund.*

*The bill would modify provisions relating to the transfer of housing responsibilities associated with dissolved redevelopment agencies and would define the term “housing asset” for these purposes. The bill would impose new requirements on successor agencies with regard to the submittal of the Recognized Obligation Payment Schedule, the conducting of a due diligence review to determine the unobligated balances available for transfer to affected taxing entities, and the recovery and subsequent remittance of funds determined to have been transferred absent an enforceable obligation. The bill would authorize the Department of Finance to issue a finding of completion to a successor agency that completes the due diligence review and meets other requirements. Upon receiving a finding of completion, the bill would authorize the successor agency to participate in a loan repayment program and limited property management activities.*

*Existing law authorizes the Department of Finance and the Controller to require any documents associated with enforceable obligations to be provided to them in a manner of their choosing.*

*The bill would authorize the county auditor-controller and the department, under specified circumstances, to require the return of funds improperly spent or transferred to a public entity and would authorize the department and the Controller to require the State Board of Equalization and the county auditor-controller to offset sales and*

Summary of modifications and new requirements

Summary of new authorizations

*use tax and property tax allocations, respectively, to the local agency. The bill would authorize the Controller to review the activities of a successor agency to determine if an improper asset transfer had occurred between the successor agency and the city or county that created the former redevelopment agency, and would require the Controller to order the return of these assets if such an asset transfer did occur.*

*The bill would impose new requirements on the county auditor-controller relating to the allocation of property tax revenues to affected taxing entities during a specified timeframe. By imposing additional duties upon local public officials, the bill would create a state-mandated local program.*

*The bill would appropriate up to \$22,000,000 to the Department of Finance from the General Fund for costs associated with the bill, as specified.*

*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 no reimbursement is required by this act for a specified reason.*

*This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.*

~~*This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.*~~

Vote: majority. Appropriation: ~~no~~-yes. Fiscal committee: ~~no~~ yes. State-mandated local program: ~~no~~-yes.

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

- 1 SECTION 1. Section 53760.1 of the Government Code is
- 2 amended to read:
- 3 53760.1. As used in this article the following terms have the
- 4 following meanings:
- 5 (a) "Chapter 9" means Chapter 9 (commencing with Section
- 6 901) of Title 11 of the United States Code.
- 7 (b) "Creditor" means either of the following:
- 8 (1) An entity that has a noncontingent claim against a
- 9 municipality that arose at the time of or before the commencement
- 10 of the neutral evaluation process and whose claim represents at

Summary of new authorizations and requirements for State Controller and county auditor-controller

1 least five million dollars (\$5,000,000) or comprises more than 5  
2 percent of the local public entity’s debt or obligations, whichever  
3 is less.

4 (2) An entity that would have a noncontingent claim against the  
5 municipality upon the rejection of an executory contract or  
6 unexpired lease in a Chapter 9 case and whose claim would  
7 represent at least five million dollars (\$5,000,000) or comprises  
8 more than 5 percent of the local public entity’s debt or obligations,  
9 whichever is less.

10 (c) “Debtor” means a local public entity that may file for  
11 bankruptcy under Chapter 9.

12 (d) “Good faith” means participation by a party in the neutral  
13 evaluation process with the intent to negotiate toward a resolution  
14 of the issues that are the subject of the neutral evaluation process,  
15 including the timely provision of complete and accurate  
16 information to provide the relevant parties through the neutral  
17 evaluation process with sufficient information, in a confidential  
18 manner, to negotiate the readjustment of the municipality’s debt.

19 (e) “Interested party” means a trustee, a committee of creditors,  
20 an affected creditor, an indenture trustee, a pension fund, a  
21 bondholder, a union that, under its collective bargaining  
22 agreements, has standing to initiate contract or debt restructuring  
23 negotiations with the municipality, or a representative selected by  
24 an association of retired employees of the public entity who receive  
25 income from the public entity convening the neutral evaluation.  
26 A local public entity may invite holders of contingent claims to  
27 participate as interested parties in the neutral evaluation if the local  
28 public entity determines that the contingency is likely to occur and  
29 the claim may represent five million dollars (\$5,000,000) or  
30 comprise more than 5 percent of the local public entity’s debt or  
31 obligations, whichever is less.

32 (f) “Local public entity” means any county, city, district, public  
33 authority, public agency, or other entity, without limitation, that  
34 is a municipality as defined in Section 101(40) of Title 11 of the  
35 United States Code (bankruptcy), or that qualifies as a debtor under  
36 any other federal bankruptcy law applicable to local public entities,  
37 and also includes a successor agency to a redevelopment agency  
38 created pursuant to Part 1.85 (commencing with Section 34170)  
39 of Division 24 of the Health and Safety Code. For purposes of this  
40 article, “local public entity” does not include a school district.

Definitions

1 (g) "Local public entity representative" means the person or  
2 persons designated by the local public agency with authority to  
3 make recommendations and to attend the neutral evaluation on  
4 behalf of the governing body of the municipality.

5 (h) "Neutral evaluation" is a form of alternative dispute  
6 resolution that may be known as mandatory mediation. A "neutral  
7 evaluator" may also be known as a mediator.

8 *SEC. 2. Section 33500 of the Health and Safety Code is*  
9 *amended to read:*

10 33500. (a) Notwithstanding any other provision of law,  
11 including Section 33501, an action may be brought to review the  
12 validity of the adoption or amendment of a redevelopment plan at  
13 any time within 90 days after the date of the adoption of the  
14 ordinance adopting or amending the plan, if the adoption of the  
15 ordinance occurred prior to January 1, 2011.

16 (b) Notwithstanding any other provision of law, including  
17 Section 33501, an action may be brought to review the validity of  
18 any findings or determinations by the agency or the legislative  
19 body at any time within 90 days after the date on which the agency  
20 or the legislative body made those findings or determinations, if  
21 the findings or determinations occurred prior to January 1, 2011.

22 (c) Notwithstanding any other law, including Section 33501,  
23 an action may be brought to review the validity of the adoption or  
24 amendment of a redevelopment plan at any time within two years  
25 after the date of the adoption of the ordinance adopting or  
26 amending the plan, if the adoption of the ordinance occurred after  
27 January 1, 2011.

28 (d) Notwithstanding any other law, including Section 33501,  
29 an action may be brought to review the validity of any findings or  
30 determinations by the agency or the legislative body at any time  
31 within two years after the date on which the agency or the  
32 legislative body made those findings or determinations, if the  
33 findings or determinations occurred after January 1, 2011.

34 (e) *The time limit for bringing an action under subdivision (c)*  
35 *or (d) shall be tolled with respect to the adoptions, findings, and*  
36 *determinations of any former redevelopment agency or its*  
37 *legislative body until the Department of Finance has issued a*  
38 *finding of completion to the successor agency of that former*  
39 *redevelopment agency pursuant to Section 34179.7. Subdivisions*  
40 *(c) and (d) shall not apply to any adoption, finding, or*

1 *determination of any former redevelopment agency or its legislative*  
2 *body after the department has issued a finding of completion to*  
3 *the successor agency of that former redevelopment agency pursuant*  
4 *to Section 34179.7.*

5 SEC. 3. Section 33501 of the Health and Safety Code is  
6 amended to read:

7 33501. (a) An action may be brought pursuant to Chapter 9  
8 (commencing with Section 860) of Title 10 of Part 2 of the Code  
9 of Civil Procedure to determine the validity of bonds and the  
10 redevelopment plan to be financed or refinanced, in whole or in  
11 part, by the bonds, or to determine the validity of a redevelopment  
12 plan not financed by bonds, including without limiting the  
13 generality of the foregoing, the legality and validity of all  
14 proceedings theretofore taken for or in any way connected with  
15 the establishment of the agency, its authority to transact business  
16 and exercise its powers, the designation of the survey area, the  
17 selection of the project area, the formulation of the preliminary  
18 plan, the validity of the finding and determination that the project  
19 area is predominantly urbanized, and the validity of the adoption  
20 of the redevelopment plan, and also including the legality and  
21 validity of all proceedings theretofore taken and (as provided in  
22 the bond resolution) proposed to be taken for the authorization,  
23 issuance, sale, and delivery of the bonds, and for the payment of  
24 the principal thereof and interest thereon.

25 (b) Notwithstanding subdivision (a), an action to determine the  
26 validity of a redevelopment plan, or amendment to a redevelopment  
27 plan that was adopted prior to January 1, 2011, may be brought  
28 within 90 days after the date of the adoption of the ordinance  
29 adopting or amending the plan.

30 (c) Any action that is commenced on or after January 1, 2011,  
31 which is brought pursuant to Chapter 9 (commencing with Section  
32 860) of Title 10 of Part 2 of the Code of Civil Procedure to  
33 determine the validity or legality of any issue, document, or action  
34 described in subdivision (a), may be brought within two years after  
35 any triggering event that occurred after January 1, 2011. *The time*  
36 *limit for bringing an action under this subdivision shall be tolled*  
37 *with respect to the validity or legality of any issue, document, or*  
38 *action described in subdivision (a) of any former redevelopment*  
39 *agency or its legislative body until the Department of Finance has*  
40 *issued a finding of completion to the successor agency of that*

DOF actions

1 former redevelopment agency pursuant to Section 34179.7. This  
2 subdivision shall not apply to any adoption, finding, or  
3 determination of any former redevelopment agency or its legislative  
4 body after the department has issued a finding of completion to  
5 the successor agency of that former redevelopment agency pursuant  
6 to Section 34179.7.

7 (d) For the purposes of protecting the interests of the state, the  
8 Attorney General and the Department of Finance are interested  
9 persons pursuant to Section 863 of the Code of Civil Procedure in  
10 any action brought with respect to the validity of an ordinance  
11 adopting or amending a redevelopment plan pursuant to this  
12 section.

13 (e) For purposes of contesting the inclusion in a project area of  
14 lands that are enforceably restricted, as that term is defined in  
15 Sections 422 and 422.5 of the Revenue and Taxation Code, or  
16 lands that are in agricultural use, as defined in subdivision (b) of  
17 Section 51201 of the Government Code, the Department of  
18 Conservation, the county agricultural commissioner, the county  
19 farm bureau, the California Farm Bureau Federation, and  
20 agricultural entities and general farm organizations that provide a  
21 written request for notice, are interested persons pursuant to Section  
22 863 of the Code of Civil Procedure, in any action brought with  
23 respect to the validity of an ordinance adopting or amending a  
24 redevelopment plan pursuant to this section.

25 SEC. 4. Section 34163 of the Health and Safety Code is  
26 amended to read:

27 34163. Notwithstanding Part 1 (commencing with Section  
28 33000), Part 1.5 (commencing with Section 34000), Part 1.6  
29 (commencing with Section 34050), and Part 1.7 (commencing  
30 with Section 34100), or any other law, commencing on the effective  
31 date of this part, an agency shall not have the authority to, and  
32 shall not, do any of the following:

33 (a) Make loans or advances or grant or enter into agreements  
34 to provide funds or provide financial assistance of any sort to any  
35 entity or person for any purpose, including, but not limited to, all  
36 of the following:

37 (1) Loans of moneys or any other thing of value or commitments  
38 to provide financing to nonprofit organizations to provide those  
39 organizations with financing for the acquisition, construction,  
40 rehabilitation, refinancing, or development of multifamily rental

What redevelopment agencies can't do

1 housing or the acquisition of commercial property for lease, each  
2 pursuant to Chapter 7.5 (commencing with Section 33741) of Part  
3 1.

4 (2) Loans of moneys or any other thing of value for residential  
5 construction, improvement, or rehabilitation pursuant to Chapter  
6 8 (commencing with Section 33750) of Part 1. These include, but  
7 are not limited to, construction loans to purchasers of residential  
8 housing, mortgage loans to purchasers of residential housing, and  
9 loans to mortgage lenders, or any other entity, to aid in financing  
10 pursuant to Chapter 8 (commencing with Section 33750).

11 (3) The purchase, by an agency, of mortgage or construction  
12 loans from mortgage lenders or from any other entities.

13 (b) Enter into contracts with, incur obligations, or make  
14 commitments to, any entity, whether governmental, tribal, or  
15 private, or any individual or groups of individuals for any purpose,  
16 including, but not limited to, loan agreements, passthrough  
17 agreements, regulatory agreements, services contracts, leases,  
18 disposition and development agreements, joint exercise of powers  
19 agreements, contracts for the purchase of capital equipment,  
20 agreements for redevelopment activities, including, but not limited  
21 to, agreements for planning, design, redesign, development,  
22 demolition, alteration, construction, reconstruction, rehabilitation,  
23 site remediation, site development or improvement, removal of  
24 graffiti, land clearance, and seismic retrofits.

25 (c) Amend or modify existing agreements, obligations, or  
26 commitments with any entity, for any purpose, including, but not  
27 limited to, any of the following:

28 (1) Renewing or extending term of leases or other agreements,  
29 except that the agency may extend lease space for its own use to  
30 a date not to exceed six months after the effective date of the act  
31 adding this part and for a rate no more than 5 percent above the  
32 rate the agency currently pays on a monthly basis.

33 (2) Modifying terms and conditions of existing agreements,  
34 obligations, or commitments.

35 (3) Forgiving all or any part of the balance owed to the agency  
36 on existing loans or extend the term or change the terms and  
37 conditions of existing loans.

38 (4) ~~Increasing its~~ Making any future deposits to the Low and  
39 Moderate Income Housing Fund created pursuant to Section

1 33334.3 beyond the minimum level that applied to it as of January  
2 1, 2011.

3 (5) Transferring funds out of the Low and Moderate Income  
4 Housing Fund, except to meet the minimum housing-related  
5 obligations that existed as of January 1, 2011, to make required  
6 payments under Sections 33690 and 33690.5, and to borrow funds  
7 pursuant to Section 34168.5.

8 (d) Dispose of assets by sale, long-term lease, gift, grant,  
9 exchange, transfer, assignment, or otherwise, for any purpose,  
10 including, but not limited to, any of the following:

11 (1) Assets, including, but not limited to, real property, deeds of  
12 trust, and mortgages held by the agency, moneys, accounts  
13 receivable, contract rights, proceeds of insurance claims, grant  
14 proceeds, settlement payments, rights to receive rents, and any  
15 other rights to payment of whatever kind.

16 (2) Real property, including, but not limited to, land, land under  
17 water and waterfront property, buildings, structures, fixtures, and  
18 improvements on the land, any property appurtenant to, or used  
19 in connection with, the land, every estate, interest, privilege,  
20 easement, franchise, and right in land, including rights-of-way,  
21 terms for years, and liens, charges, or encumbrances by way of  
22 judgment, mortgage, or otherwise, and the indebtedness secured  
23 by the liens.

24 (e) Acquire real property by any means for any purpose,  
25 including, but not limited to, the purchase, lease, or exercising of  
26 an option to purchase or lease, exchange, subdivide, transfer,  
27 assume, obtain option upon, acquire by gift, grant, bequest, devise,  
28 or otherwise acquire any real property, any interest in real property,  
29 and any improvements on it, including the repurchase of developed  
30 property previously owned by the agency and the acquisition of  
31 real property by eminent domain; provided, however, that nothing  
32 in this subdivision is intended to prohibit the acceptance or transfer  
33 of title for real property acquired prior to the effective date of this  
34 part.

35 (f) Transfer, assign, vest, or delegate any of its assets, funds,  
36 rights, powers, ownership interests, or obligations for any purpose  
37 to any entity, including, but not limited to, the community, the  
38 legislative body, another member of a joint powers authority, a  
39 trustee, a receiver, a partner entity, another agency, a nonprofit  
40 corporation, a contractual counterparty, a public body, a

1 limited-equity housing cooperative, the state, a political subdivision  
2 of the state, the federal government, any private entity, or an  
3 individual or group of individuals.

4 (g) Accept financial or other assistance from the state or federal  
5 government or any public or private source if the acceptance  
6 necessitates or is conditioned upon the agency incurring  
7 indebtedness as that term is described in this part.

8 *SEC. 5. Section 34167.10 is added to the Health and Safety*  
9 *Code, to read:*

10 *34167.10. (a) Notwithstanding any other law, for purposes of*  
11 *this part and Part 1.85 (commencing with Section 34170), the*  
12 *definition of a city, county, or city and county includes, but is not*  
13 *limited to, the following entities:*

14 (1) *Any reporting entity of the city, county, or city and county*  
15 *for purposes of its comprehensive annual financial report or*  
16 *similar report.*

17 (2) *Any component unit of the city, county, or city and county.*

18 (3) *Any entity which is controlled by the city, county, or city*  
19 *and county, or for which the city, county, or city and county is*  
20 *financially responsible or accountable.*

21 (b) *The following factors shall be considered in determining*  
22 *that an entity is controlled by the city, county, or city and county,*  
23 *and are therefore included in the definition of a city, county, or*  
24 *city and county for purposes of this part and Part 1.85*  
25 *(commencing with Section 34170):*

26 (1) *The city, county, or city and county exercises substantial*  
27 *municipal control over the entity's operations, revenues, or*  
28 *expenditures.*

29 (2) *The city, county, or city and county has ownership or control*  
30 *over the entity's property or facilities.*

31 (3) *The city, county, or city and county and the entity share*  
32 *common or overlapping governing boards, or coterminous*  
33 *boundaries.*

34 (4) *The city, county, or city and county was involved in the*  
35 *creation or formation of the entity.*

36 (5) *The entity performs functions customarily or historically*  
37 *performed by municipalities and financed thorough levies of*  
38 *property taxes.*

What redevelopment agencies can't do

Definition of a city, county, or city and county

1 (6) The city, county, or city and county provides administrative  
2 and related business support for the entity, or assumes the expenses  
3 incurred in the normal daily operations of the entity.

4 (c) For purposes of this section, it shall not be relevant that the  
5 entity is formed as a separate legal entity, nonprofit corporation,  
6 or otherwise, or is not subject to the constitution debt limitation  
7 otherwise applicable to a city, county, or city and county. The  
8 provisions in this section are declarative of existing law as the  
9 entities described herein are and were intended to be included  
10 within the requirements of this part and Part 1.85 (commencing  
11 with Section 34170) and any attempt to determine otherwise would  
12 thwart the intent of these two parts.

13 SEC. 6. Section 34171 of the Health and Safety Code is  
14 amended to read:

15 34171. The following terms shall have the following meanings:

16 (a) "Administrative budget" means the budget for administrative  
17 costs of the successor agencies as provided in Section 34177.

18 (b) "Administrative cost allowance" means an amount that,  
19 subject to the approval of the oversight board, is payable from  
20 property tax revenues of up to 5 percent of the property tax  
21 allocated to the successor agency for the 2011–12 fiscal year on  
22 the Recognized Obligation Payment Schedule covering the period  
23 January 1, 2012, through June 30, 2012, and up to 3 percent of  
24 the property tax allocated to the Redevelopment Obligation  
25 Retirement Fund money that is allocated to the successor agency  
26 for each fiscal year thereafter; provided, however, that the amount  
27 shall not be less than two hundred fifty thousand dollars  
28 (\$250,000), unless the oversight board reduces this amount, for  
29 any fiscal year or such lesser amount as agreed to by the successor  
30 agency. However, the allowance amount shall exclude, and shall  
31 not apply to, any administrative costs that can be paid from bond  
32 proceeds or from sources other than property tax. Administrative  
33 cost allowances shall exclude any litigation expenses related to  
34 assets or obligations, settlements and judgments, and the costs of  
35 maintaining assets prior to disposition. Employee costs associated  
36 with work on specific project implementation activities, including,  
37 but not limited to, construction inspection, project management,  
38 or actual construction, shall be considered project-specific costs  
39 and shall not constitute administrative costs.

Administrative cost allowance  
clarifications

1 (c) “Designated local authority” shall mean a public entity  
2 formed pursuant to subdivision (d) of Section 34173.

3 (d) (1) “Enforceable obligation” means any of the following:

Definitions of enforceable obligations

4 (A) Bonds, as defined by Section 33602 and bonds issued  
5 pursuant to ~~Section 58383 Chapter 10.5~~ (commencing with Section  
6 5850) of Division 6 of Title 1 of the Government Code, including  
7 the required debt service, reserve set-asides, and any other  
8 payments required under the indenture or similar documents  
9 governing the issuance of the outstanding bonds of the former  
10 redevelopment agency. *A reserve may be held when required by  
11 the bond indenture or when the next property tax allocation will  
12 be insufficient to pay all obligations due under the provisions of  
13 the bond for the next payment due in the following half of the  
14 calendar year.*

Conditions when reserves are allowed

15 (B) Loans of moneys borrowed by the redevelopment agency  
16 for a lawful purpose, to the extent they are legally required to be  
17 repaid pursuant to a required repayment schedule or other  
18 mandatory loan terms.

19 (C) Payments required by the federal government, preexisting  
20 obligations to the state or obligations imposed by state law, other  
21 than passthrough payments that are made by the county  
22 auditor-controller pursuant to Section 34183, or legally enforceable  
23 payments required in connection with the agencies’ employees,  
24 including, but not limited to, pension payments, pension obligation  
25 debt service, unemployment payments, or other obligations  
26 conferred through a collective bargaining agreement. *Costs  
27 incurred to fulfill collective bargaining agreements for layoffs or  
28 terminations of city employees who performed work directly on  
29 behalf of the former redevelopment agency shall be considered  
30 enforceable obligations payable from property tax funds. The  
31 obligations to employees specified in this subparagraph shall  
32 remain enforceable obligations payable from property tax funds  
33 for any employee to whom those obligations apply if that employee  
34 is transferred to the entity assuming the housing functions of the  
35 former redevelopment agency pursuant to Section 34176. The  
36 successor agency or designated local authority shall enter into an  
37 agreement with the housing entity to reimburse it for any costs of  
38 the employee obligations.*

Clarification on employee costs

39 (D) Judgments or settlements entered by a competent court of  
40 law or binding arbitration decisions against the former

1 redevelopment agency, other than passthrough payments that are  
2 made by the county auditor-controller pursuant to Section 34183.  
3 Along with the successor agency, the oversight board shall have  
4 the authority and standing to appeal any judgment or to set aside  
5 any settlement or arbitration decision.

6 (E) Any legally binding and enforceable agreement or contract  
7 that is not otherwise void as violating the debt limit or public  
8 policy. However, nothing in this act shall prohibit either the  
9 successor agency, with the approval or at the direction of the  
10 oversight board, or the oversight board itself from terminating any  
11 existing agreements or contracts and providing any necessary and  
12 required compensation or remediation for such termination. *Titles*  
13 *of or headings used on or in a document shall not be relevant in*  
14 *determining the existence of an enforceable obligation.*

15 (F) Contracts or agreements necessary for the administration or  
16 operation of the successor agency, in accordance with this part,  
17 including, but not limited to, *agreements concerning litigation*  
18 *expenses related to assets or obligations, settlements and*  
19 *judgements, and the costs of maintaining assets prior to disposition,*  
20 *and agreements to purchase or rent office space, equipment and*  
21 *supplies, and pay-related expenses* pursuant to Section 33127 and  
22 for carrying insurance pursuant to Section 33134.

Clarification on administration and operation costs

23 (G) Amounts borrowed from, or payments owing to, the Low  
24 and Moderate Income Housing Fund of a redevelopment agency,  
25 which had been deferred as of the effective date of the act adding  
26 this part; provided, however, that the repayment schedule is  
27 approved by the oversight board. *Repayments shall be transferred*  
28 *to the Low and Moderate Income Housing Asset Fund established*  
29 *pursuant to subdivision (d) of Section 34176 as a housing asset*  
30 *and shall be used in a manner consistent with the affordable*  
31 *housing requirements of the Community Redevelopment Law (Part*  
32 *1 (commencing with Section 33000)).*

Low & Moderate Income Housing Asset Fund

33 (2) For purposes of this part, “enforceable obligation” does not  
34 include any agreements, contracts, or arrangements between the  
35 city, county, or city and county that created the redevelopment  
36 agency and the former redevelopment agency. However, written  
37 agreements entered into (A) at the time of issuance, but in no event  
38 later than December 31, 2010, of indebtedness obligations, and  
39 (B) solely for the purpose of securing or repaying those  
40 indebtedness obligations may be deemed enforceable obligations

Enforceable obligations do not include . . .

1 for purposes of this part. Notwithstanding this paragraph, loan  
2 agreements entered into between the redevelopment agency and  
3 the city, county, or city and county that created it, within two years  
4 of the date of creation of the redevelopment agency, may be  
5 deemed to be enforceable obligations.

6 (3) **Contracts or agreements between the former redevelopment**  
7 **agency and other public agencies**, to perform services or provide  
8 funding for governmental or private services or capital projects  
9 outside of redevelopment project areas that do not provide benefit  
10 to the redevelopment project and thus were not properly authorized  
11 under Part 1 (commencing with Section 33000) shall be deemed  
12 void on the effective date of this part; provided, however, that such  
13 contracts or agreements for the provision of housing properly  
14 authorized under Part 1 (commencing with Section 33000) shall  
15 not be deemed void.

16 (e) **“Indebtedness obligations”** means bonds, notes, certificates  
17 of participation, or other evidence of indebtedness, issued or  
18 delivered by the redevelopment agency, or by a joint exercise of  
19 powers authority created by the redevelopment agency, to  
20 third-party investors or bondholders to finance or refinance  
21 redevelopment projects undertaken by the redevelopment agency  
22 in compliance with the Community Redevelopment Law (Part 1  
23 (commencing with Section 33000)).

24 (f) **“Oversight board”** shall mean each entity established pursuant  
25 to Section 34179.

26 (g) **“Recognized obligation”** means an obligation listed in the  
27 Recognized Obligation Payment Schedule.

28 (h) **“Recognized Obligation Payment Schedule”** means the  
29 document setting forth the minimum payment amounts and due  
30 dates of payments required by enforceable obligations for each  
31 six-month fiscal period as provided in subdivision (m) of Section  
32 34177.

33 (i) **“School entity”** means any entity defined as such in  
34 subdivision (f) of Section 95 of the Revenue and Taxation Code.

35 (j) **“Successor agency”** means ~~the county, city, or city and county~~  
36 ~~that authorized the creation of each redevelopment agency or~~  
37 ~~another entity~~ *successor entity to the former redevelopment agency*  
38 ~~as provided described~~ in Section 34173.

39 (k) **“Taxing entities”** means cities, counties, a city and county,  
40 special districts, and school entities, as defined in subdivision (f)

Enforceable obligations do not include . . .

Definitions

1 of Section 95 of the Revenue and Taxation Code, that receive  
2 passthrough payments and distributions of property taxes pursuant  
3 to the provisions of this part.

4 (l) **“Property taxes”** include all property tax revenues, including  
5 those from unitary and supplemental and roll corrections  
6 applicable to tax increment.

7 (m) **“Department”** means the Department of Finance unless  
8 the context clearly refers to another state agency.

9 (n) **“Sponsoring entity”** means the city, county, or city and  
10 county, or other entity that authorized the creation of each  
11 redevelopment agency.

12 (o) **“Final judicial determination”** means a final judicial  
13 determination made by any state court that is not appealed, or by  
14 a court of appellate jurisdiction that is not further appealed, in an  
15 action by any party.

16 SEC. 7. Section 34173 of the Health and Safety Code is  
17 amended to read:

18 34173. (a) Successor agencies, as defined in this part, are  
19 hereby designated as successor entities to the former redevelopment  
20 agencies.

21 (b) Except for those provisions of the Community  
22 Redevelopment Law that are repealed, restricted, or revised  
23 pursuant to the act adding this part, all authority, rights, powers,  
24 duties, and obligations previously vested with the former  
25 redevelopment agencies, under the Community Redevelopment  
26 Law, are hereby vested in the successor agencies.

27 (c) (1) ~~Where~~ If the redevelopment agency was in the form of  
28 a joint powers authority, and ~~where~~ if the joint powers agreement  
29 governing the formation of the joint powers authority addresses  
30 the allocation of assets and liabilities upon dissolution of the joint  
31 powers authority, then each of the entities that created the former  
32 redevelopment agency may be a successor agency within the  
33 meaning of this part and each shall have a share of assets and  
34 liabilities based on the provisions of the joint powers agreement.

35 (2) ~~Where~~ If the redevelopment agency was in the form of a  
36 joint powers authority, and ~~where~~ if the joint powers agreement  
37 governing the formation of the joint powers authority does not  
38 address the allocation of assets and liabilities upon dissolution of  
39 the joint powers authority, then each of the entities that created  
40 the former redevelopment agency may be a successor agency

1 within the meaning of this part, a proportionate share of the assets  
2 and liabilities shall be based on the assessed value in the project  
3 areas within each entity’s jurisdiction, as determined by the county  
4 assessor, in its jurisdiction as compared to the assessed value of  
5 land within the boundaries of the project areas of the former  
6 redevelopment agency.

7 (d) (1) A city, county, city and county, or the entities forming  
8 the joint powers authority that authorized the creation of each  
9 redevelopment agency may elect not to serve as a successor agency  
10 under this part. A city, county, city and county, or any member of  
11 a joint powers authority that elects not to serve as a successor  
12 agency under this part must file a copy of a duly authorized  
13 resolution of its governing board to that effect with the county  
14 auditor-controller no later than January 13, 2012.

15 (2) The determination of the first local agency that elects to  
16 become the successor agency shall be made by the county  
17 auditor-controller based on the earliest receipt by the county  
18 auditor-controller of a copy of a duly adopted resolution of the  
19 local agency’s governing board authorizing such an election. As  
20 used in this section, “local agency” means any city, county, city  
21 and county, or special district in the county of the former  
22 redevelopment agency.

23 (3) (A) If no local agency elects to serve as a successor agency  
24 for a dissolved redevelopment agency, a public body, referred to  
25 herein as a “designated local authority” shall be immediately  
26 formed, pursuant to this part, in the county and shall be vested  
27 with all the powers and duties of a successor agency as described  
28 in this part. The Governor shall appoint three residents of the  
29 county to serve as the governing board of the authority. The  
30 designated local authority shall serve as successor agency until a  
31 local agency elects to become the successor agency in accordance  
32 with this section.

33 (B) *Designated local authority members are protected by the*  
34 *immunities applicable to public entities and public employees*  
35 *governed by Part 1 (commencing with Section 810) and Part 2*  
36 *(commencing with Section 814) of Division 3.6 of Title 1 of the*  
37 *Government Code.*

38 (4) *A city, county, or city and county, or the entities forming the*  
39 *joint powers authority that authorized the creation of a*  
40 *redevelopment agency and that elected not to serve as the successor*

Clarification on designated local authority members' immunity

Clarification re: sponsoring cities who elected not to serve as the successor agency

1 agency under this part, may subsequently reverse this decision  
 2 and agree to serve as the successor agency pursuant to this section.  
 3 Any reversal of this decision shall not become effective for 60 days  
 4 after notice has been given to the current successor agency and  
 5 the oversight board and shall not invalidate any action of the  
 6 successor agency or oversight board taken prior to the effective  
 7 date of the transfer of responsibility.

Clarification re: sponsoring cities who elected not to serve as the successor agency

8 (e) The liability of any successor agency, acting pursuant to the  
 9 powers granted under the act adding this part, shall be limited to  
 10 the extent of the total sum of property tax revenues it receives  
 11 pursuant to this part and the value of assets transferred to it as a  
 12 successor agency for a dissolved redevelopment agency.

13 (f) Any existing cleanup plans and liability limits authorized  
 14 under the Polanco Redevelopment Act (Article 12.5 (commencing  
 15 with Section 33459) of Chapter 4 of Part 1) shall be transferred  
 16 to the successor agency and may be transferred to the successor  
 17 housing entity at that entity's request.

Items related to the Polanco Redevelopment Act

18 (g) A successor agency is a separate public entity from the  
 19 public agency that provides for its governance and the two entities  
 20 shall not merge. The liabilities of the former redevelopment agency  
 21 shall not be transferred to the sponsoring entity and the assets  
 22 shall not become assets of the sponsoring entity. A successor  
 23 agency has its own name, can be sued, and can sue. All litigation  
 24 involving a redevelopment agency shall automatically be  
 25 transferred to the successor agency. The separate former  
 26 redevelopment agency employees shall not automatically become  
 27 sponsoring entity employees of the sponsoring entity and the  
 28 successor agency shall retain its own collective bargaining status.  
 29 As successor entities, successor agencies succeed to the  
 30 organizational status of the former redevelopment agency, but  
 31 without any legal authority to participate in redevelopment  
 32 activities, except to complete any work related to an approved  
 33 enforceable obligation. Each successor agency shall be deemed  
 34 to be a local entity for purposes of the Ralph M. Brown Act  
 35 (Chapter 9 (commencing with Section 54950) of Part 1 of Division  
 36 2 of Title 5 of the Government Code).

Clarification on successor agency role

37 (h) The city, county, or city and county that authorized the  
 38 creation of a redevelopment agency may loan or grant funds to a  
 39 successor agency for administrative costs, enforceable obligations,  
 40 or project-related expenses at the city's discretion, but the receipt

Loans and grants from sponsoring entity

1 *and use of these funds shall be reflected on the Recognized*  
 2 *Obligation Payment Schedule or the administrative budget and*  
 3 *therefore are subject to the oversight and approval of the oversight*  
 4 *board. An enforceable obligation shall be deemed to be created*  
 5 *for the repayment of those loans.*

Loans and grants from sponsoring entity

6 (i) *At the request of the city, county, or city and county,*  
 7 *notwithstanding Section 33205, all land use related plans and*  
 8 *functions of the former redevelopment agency are hereby*  
 9 *transferred to the city, county, or city and county that authorized*  
 10 *the creation of a redevelopment agency; provided, however, that*  
 11 *the city, county, or city and county shall not create a new project*  
 12 *area, add territory to, or expand or change the boundaries of a*  
 13 *project area, or take any action that would increase the amount*  
 14 *of obligated property tax (formerly tax increment) necessary to*  
 15 *fulfill any existing enforceable obligation beyond what was*  
 16 *authorized as of June 27, 2011.*

17 SEC. 8. *Section 34175 of the Health and Safety Code is*  
 18 *amended to read:*

19 34175. (a) *It is the intent of this part that pledges of revenues*  
 20 *associated with enforceable obligations of the former*  
 21 *redevelopment agencies are to be honored. It is intended that the*  
 22 *cessation of any redevelopment agency shall not affect either the*  
 23 *pledge, the legal existence of that pledge, or the stream of revenues*  
 24 *available to meet the requirements of the pledge.*

25 (b) *All assets, properties, contracts, leases, books and records,*  
 26 *buildings, and equipment of the former redevelopment agency are*  
 27 *transferred on February 1, 2012, to the control of the successor*  
 28 *agency, for administration pursuant to the provisions of this part.*  
 29 *This includes all cash or cash equivalents and amounts owed to*  
 30 *the redevelopment agency as of February 1, 2012. Any legal or*  
 31 *contractual restrictions on the use of these funds or assets shall*  
 32 *also be transferred to the successor agency.*

33 SEC. 9. *Section 34176 of the Health and Safety Code is*  
 34 *amended to read:*

35 34176. (a) (1) *The city, county, or city and county that*  
 36 *authorized the creation of a redevelopment agency may elect to*  
 37 *retain the housing assets and functions previously performed by*  
 38 *the redevelopment agency. If a city, county, or city and county*  
 39 *elects to retain the responsibility for performing authority to*  
 40 *perform housing functions previously performed by a*

Retaining housing assets & functions

1 redevelopment agency, all rights, powers, duties, ~~and obligations,~~  
 2 *and housing assets, as defined in subdivision (e)*, excluding any  
 3 amounts on deposit in the Low and Moderate Income Housing  
 4 Fund *and enforceable obligations retained by the successor agency,*  
 5 shall be transferred to the city, county, or city and county.

Retaining housing assets & functions

6 (2) *The entity assuming the housing functions of the former*  
 7 *redevelopment agency shall submit to the Department of Finance*  
 8 *by August 1, 2012, a list of all housing assets that contains an*  
 9 *explanation of how the assets meet the criteria specified in*  
 10 *subdivision (e). The Department of Finance shall prescribe the*  
 11 *format for the submission of the list. The list shall include assets*  
 12 *transferred between February 1, 2012, and the date upon which*  
 13 *the list is created. The department shall have up to 30 days from*  
 14 *the date of receipt of the list to object to any of the assets or*  
 15 *transfers of assets identified on the list. If the Department of*  
 16 *Finance objects to assets on the list, the entity assuming the*  
 17 *housing functions of the former redevelopment agency may request*  
 18 *a meet and confer process within five business days of receiving*  
 19 *the department objection. If the transferred asset is deemed not to*  
 20 *be a housing asset as defined in subdivision (e), it shall be returned*  
 21 *to the successor agency and the provision of Section 34178.8 may*  
 22 *apply. If a housing asset has been previously pledged to pay for*  
 23 *bonded indebtedness, the successor agency shall maintain control*  
 24 *of the asset in order to pay for the bond debt.*

Procedure for housing successor agency to submit list of housing assets to DOF

25 (b) If a city, county, or city and county does not elect to retain  
 26 the responsibility for performing housing functions previously  
 27 performed by a redevelopment agency, all rights, powers, assets,  
 28 ~~liabilities,~~ duties, and obligations associated with the housing  
 29 activities of the agency, excluding *enforceable obligations retained*  
 30 *by the successor agency and any amounts in the Low and Moderate*  
 31 *Income Housing Fund, shall be transferred as follows:*

Retaining housing assets to pay for bonded indebtedness

32 (1) ~~Where~~ *If* there is no local housing authority in the territorial  
 33 jurisdiction of the former redevelopment agency, to the Department  
 34 of Housing and Community Development.

35 (2) ~~Where~~ *If* there is one local housing authority in the territorial  
 36 jurisdiction of the former redevelopment agency, to that local  
 37 housing authority.

38 (3) ~~Where~~ *If* there is more than one local housing authority in  
 39 the territorial jurisdiction of the former redevelopment agency, to

1 the local housing authority selected by the city, county, or city and  
2 county that authorized the creation of the redevelopment agency.

3 (c) Commencing on the operative date of this part, the entity  
4 *assuming that assumes* the housing functions formerly performed  
5 *by the redevelopment agency and receives the transferred housing*  
6 *assets* may enforce affordability covenants and perform related  
7 activities pursuant to applicable provisions of the Community  
8 Redevelopment Law (Part 1 (commencing with Section 33000)  
9 33000)), including, but not limited to, Section 33418.

Ability to enforce affordability covenants  
"and perform related activities"

10 (d) Except as specifically provided in Section 34191.4, any funds  
11 transferred to the city, county, or city and county or designated  
12 entity pursuant to this section, together with any funds generated  
13 from housing assets, as defined in subdivision (e), shall be  
14 maintained in a separate Low and Moderate Income Housing Asset  
15 Fund which is hereby created in the accounts of the entity assuming  
16 the housing functions pursuant to this section. Funds in this  
17 account shall be used in accordance with applicable  
18 housing-related provisions of the Community Redevelopment Law  
19 (Part 1 (commencing with Section 33000)).

Low and Moderate Income Housing Asset  
Fund

20 (e) For purposes of this part, "housing asset" includes all of  
21 the following:

22 (1) Any real property, interest in, or restriction on the use of  
23 real property, whether improved or not, and any personal property  
24 provided in residences, including furniture and appliances, all  
25 housing-related files and loan documents, office supplies, software  
26 licenses, and mapping programs, that were acquired for low- and  
27 moderate-income housing purposes, either by purchase or through  
28 a loan, in whole or in part, with any source of funds.

Defining housing asset

29 (2) Any funds that are encumbered by an enforceable obligation  
30 to build or acquire low- and moderate-income housing, as defined  
31 by the Community Redevelopment Law (Part 1 (commencing with  
32 Section 33000)) unless required in the bond covenants to be used  
33 for repayment purposes of the bond.

34 (3) Any loan or grant receivable, funded from the Low and  
35 Moderate Income Housing Fund, from homebuyers, homeowners,  
36 nonprofit or for-profit developers, and other parties that require  
37 occupancy by persons of low or moderate income as defined by  
38 the Community Redevelopment Law (Part 1 (commencing with  
39 Section 33000)).

1 (4) Any funds derived from rents or operation of properties  
 2 acquired for low- and moderate-income housing purposes by other  
 3 parties that were financed with any source of funds, including  
 4 residual receipt payments from developers, conditional grant  
 5 repayments, cost savings and proceeds from refinancing, and  
 6 principal and interest payments from homebuyers subject to  
 7 enforceable income limits.

8 (5) A stream of rents or other payments from housing tenants  
 9 or operators of low- and moderate-income housing financed with  
 10 any source of funds that are used to maintain, operate, and enforce  
 11 the affordability of housing or for enforceable obligations  
 12 associated with low- and moderate-income housing.

13 (6) (A) Repayments of loans or deferrals owed to the Low and  
 14 Moderate Income Housing Fund pursuant to subparagraph (G)  
 15 of paragraph (1) of subdivision (d) of Section 34171, which shall  
 16 be used consistent with the affordable housing requirements in the  
 17 Community Redevelopment Law (Part 1 (commencing with Section  
 18 33000)).

19 (B) Loan or deferral repayments shall not be made prior to the  
 20 2013–14 fiscal year. Beginning in the 2013–14 fiscal year, the  
 21 maximum repayment amount authorized each fiscal year for  
 22 repayments made pursuant to this paragraph and subdivision (b)  
 23 of Section 34191.4 combined shall be equal to one-half of the  
 24 increase between the amount distributed to taxing entities pursuant  
 25 to paragraph (4) of subdivision (a) of Section 34183 in that fiscal  
 26 year and the amount distributed to taxing entities pursuant to that  
 27 paragraph in the 2012–13 base year. Loan or deferral repayments  
 28 made pursuant to this paragraph shall take priority over amounts  
 29 to be repaid pursuant to subdivision (b) of Section 34191.4.

30 (f) If a development includes both low- and moderate-income  
 31 housing that meets the definition of a housing asset under  
 32 subdivision (e) and other types of property use, including, but not  
 33 limited to, commercial use, governmental use, open space, and  
 34 parks, the oversight board shall consider the overall value to the  
 35 community as well as the benefit to taxing entities of keeping the  
 36 entire development intact or dividing the title and control over the  
 37 property between the housing successor and the successor agency  
 38 or other public or private agencies. The disposition of those assets  
 39 may be accomplished by a revenue-sharing arrangement as

Loan or deferral repayments

Disposing of developments that contain  
 some low- and moderate-income housing  
 and other types of property use

1 approved by the oversight board on behalf of the affected taxing  
2 entities.

3 (g) (1) (A) The entity assuming the housing functions pursuant  
4 to this section may designate the use of and commit indebtedness  
5 obligation proceeds that remain after the satisfaction of  
6 enforceable obligations that have been approved in a Recognized  
7 Obligation Payment Schedule and that are consistent with the  
8 indebtedness obligation covenants. The proceeds shall be derived  
9 from indebtedness obligations that were issued for the purposes  
10 of affordable housing prior to January 1, 2011, and were backed  
11 by the Low and Moderate Income Housing Fund. Enforceable  
12 obligations may be satisfied by the creation of reserves for the  
13 projects that are the subject of the enforceable obligation that are  
14 consistent with the contractual obligations for those projects, or  
15 by expending funds to complete the projects.

Designating the use of and committing  
indebtedness obligation proceeds after  
enforceable obligations are paid

16 (B) The entity assuming the housing functions pursuant to this  
17 section shall provide notice to the successor agency of any  
18 designations of use or commitments of funds specified in  
19 subparagraph (A) that it wishes to make at least 20 days before  
20 the deadline for submission of the Recognized Obligation Payment  
21 Schedule to the oversight board. Commitments and designations  
22 shall not be valid and binding on any party until they are included  
23 in an approved and valid Recognized Obligation Payment  
24 Schedule. The review of these designations and commitments by  
25 the successor agency, oversight board, and Department of Finance  
26 shall be limited to a determination that the designations and  
27 commitments are consistent with bond covenants and that there  
28 are sufficient funds available.

Housing successor providing notice to the  
successor agency for designations of use  
or commitments of funds

29 (2) Funds shall be used and committed in a manner consistent  
30 with the purposes of the Low and Moderate Income Housing Asset  
31 Fund. Notwithstanding any other law, the successor agency shall  
32 retain and expend the excess housing obligation proceeds at the  
33 discretion of the succeeding housing entity, provided that the  
34 successor agency ensures that the proceeds are expended in a  
35 manner consistent with the indebtedness obligation covenants and  
36 with any requirements relating to the tax status of those  
37 obligations. The amount expended shall not exceed the amount of  
38 indebtedness obligation proceeds available and such expenditure  
39 shall constitute the creation of excess housing proceeds  
40 expenditures to be paid from the excess proceeds. Excess housing

Oversight board, successor agency, and  
DOF review designations and  
commitments

Excess housing proceeds

1 *proceeds expenditures shall be listed separately on the Recognized*  
2 *Obligation Payment Schedule submitted by the successor agency.*

Excess housing proceeds listed separately on the ROPS

3 *SEC. 10. Section 34176.5 is added to the Health and Safety*  
4 *Code, to read:*

5 *34176.5. (a) Notwithstanding any other law, the Director of*  
6 *Finance is authorized to contract with auditors, lawyers, and other*  
7 *types of advisors and consultants to assist, advise, and represent*  
8 *the director and the Department of Finance in any matter or action*  
9 *arising out of or contemplated by this part or Part 1.8 (commencing*  
10 *with Section 34161). In furtherance of this authorization, Sections*  
11 *14827.1, 14827.2, and 14838 of the Government Code, and Article*  
12 *4 (commencing with Section 10335) of Chapter 2 of Part 2 of*  
13 *Division 2 of and Section 10295 of, the Public Contract Code shall*  
14 *not apply to any agreement entered into by the director pursuant*  
15 *to this section.*

16 *(b) In addition to the waivers of statute provided in subdivision*  
17 *(a), Section 6072 of the Business and Professions Code shall not*  
18 *apply to the legal services agreement entered into by the director*  
19 *pursuant to this section.*

20 *(c) This section shall remain in effect only until January 1, 2014,*  
21 *and as of that date is repealed, unless a later enacted statute, that*  
22 *is enacted before January 1, 2014, deletes or extends that date.*

23 *SEC. 11. Section 34177 of the Health and Safety Code is*  
24 *amended to read:*

25 *34177. Successor agencies are required to do all of the*  
26 *following:*

Successor agencies are required to do the following. . .

27 (a) *Continue to make payments due for enforceable obligations.*

28 (1) On and after February 1, 2012, and until a Recognized  
29 Obligation Payment Schedule becomes operative, only payments  
30 required pursuant to an enforceable obligations payment schedule  
31 shall be made. The initial enforceable obligation payment schedule  
32 shall be the last schedule adopted by the redevelopment agency  
33 under Section 34169. However, payments associated with  
34 obligations excluded from the definition of enforceable obligations  
35 by paragraph (2) of subdivision-(e) (d) of Section 34171 shall be  
36 excluded from the enforceable obligations payment schedule and  
37 be removed from the last schedule adopted by the redevelopment  
38 agency under Section 34169 prior to the successor agency adopting  
39 it as its enforceable obligations payment schedule pursuant to this  
40 subdivision. The enforceable obligation payment schedule may

1 be amended by the successor agency at any public meeting and  
 2 shall be subject to the approval of the oversight board as soon as  
 3 the board has sufficient members to form a quorum. *In recognition*  
 4 *of the fact that the timing of the California Supreme Court’s ruling*  
 5 *in the case California Redevelopment Association v. Matosantos*  
 6 *(2011) 53 Cal.4th 231 delayed the preparation by successor*  
 7 *agencies and the approval by oversight boards of the January 1,*  
 8 *2012, through June 30, 2012, Recognized Obligation Payment*  
 9 *Schedule, a successor agency may amend the Enforceable*  
 10 *Obligation Payment Schedule to authorize the continued payment*  
 11 *of enforceable obligations until the time that the January 1, 2012,*  
 12 *through June 30, 2012, Recognized Obligation Payment Schedule*  
 13 *has been approved by the oversight board and by the Department*  
 14 *of Finance.*

15 (2) The Department of Finance and the Controller shall each  
 16 have the authority to require any documents associated with the  
 17 enforceable obligations to be provided to them in a manner of their  
 18 choosing. Any taxing entity, the department, and the Controller  
 19 shall each have standing to file a judicial action to prevent a  
 20 violation under this part and to obtain injunctive or other  
 21 appropriate relief.

DOF can require documents associated with enforceable obligations be provided in a manner of their choosing

22 (3) Commencing on ~~May 1, 2012~~ the date the Recognized  
 23 Obligation Payment Schedule is valid pursuant to subdivision (1),  
 24 only those payments listed in the Recognized Obligation Payment  
 25 Schedule may be made by the successor agency from the funds  
 26 specified in the Recognized Obligation Payment Schedule. In  
 27 addition, ~~commencing May 1, 2012~~ after it becomes valid, the  
 28 Recognized Obligation Payment Schedule shall supersede the  
 29 Statement of Indebtedness, which shall no longer be prepared nor  
 30 have any effect under the Community Redevelopment Law (*Part*  
 31 *1 (commencing with Section 33000)*).

32 (4) Nothing in the act adding this part is to be construed as  
 33 preventing a successor agency, with the prior approval of the  
 34 oversight board, as described in Section 34179, from making  
 35 payments for enforceable obligations from sources other than those  
 36 listed in the Recognized Obligation Payment Schedule.

37 (5) From February 1, 2012, to July 1, 2012, a successor agency  
 38 shall have no authority and is hereby prohibited from accelerating  
 39 payment or making any lump-sum payments that are intended to

1 prepay loans unless such accelerated repayments were required  
2 prior to the effective date of this part.

3 (b) Maintain reserves in the amount required by indentures,  
4 trust indentures, or similar documents governing the issuance of  
5 outstanding redevelopment agency bonds.

6 (c) Perform obligations required pursuant to any enforceable  
7 obligation.

8 (d) Remit unencumbered balances of redevelopment agency  
9 funds to the county auditor-controller for distribution to the taxing  
10 entities, including, but not limited to, the unencumbered balance  
11 of the Low and Moderate Income Housing Fund of a former  
12 redevelopment agency. In making the distribution, the county  
13 auditor-controller shall utilize the same methodology for allocation  
14 and distribution of property tax revenues provided in Section  
15 34188.

16 (e) Dispose of assets and properties of the former redevelopment  
17 agency as directed by the oversight board; provided, however, that  
18 the oversight board may instead direct the successor agency to  
19 transfer ownership of certain assets pursuant to subdivision (a) of  
20 Section 34181. The disposal is to be done expeditiously and in a  
21 manner aimed at maximizing value. Proceeds from asset sales and  
22 related funds that are no longer needed for approved development  
23 projects or to otherwise wind down the affairs of the agency, each  
24 as determined by the oversight board, shall be transferred to the  
25 county auditor-controller for distribution as property tax proceeds  
26 under Section 34188. *The requirements of this subdivision shall*  
27 *not apply to a successor agency that has been issued a finding of*  
28 *completion by the Department of Finance pursuant to Section*  
29 *34179.7.*

30 (f) Enforce all former redevelopment agency rights for the  
31 benefit of the taxing entities, including, but not limited to,  
32 continuing to collect loans, rents, and other revenues that were due  
33 to the redevelopment agency.

34 (g) Effectuate transfer of housing functions and assets to the  
35 appropriate entity designated pursuant to Section 34176.

36 (h) Expeditiously wind down the affairs of the redevelopment  
37 agency pursuant to the provisions of this part and in accordance  
38 with the direction of the oversight board.

39 (i) Continue to oversee development of properties until the  
40 contracted work has been completed or the contractual obligations

1 of the former redevelopment agency can be transferred to other  
2 parties. Bond proceeds shall be used for the purposes for which  
3 bonds were sold unless the purposes can no longer be achieved,  
4 in which case, the proceeds may be used to defease the bonds.

5 (j) Prepare a proposed administrative budget and submit it to  
6 the oversight board for its approval. The proposed administrative  
7 budget shall include all of the following:

8 (1) Estimated amounts for successor agency administrative costs  
9 for the upcoming six-month fiscal period.

10 (2) Proposed sources of payment for the costs identified in  
11 paragraph (1).

12 (3) Proposals for arrangements for administrative and operations  
13 services provided by a city, county, city and county, or other entity.

14 (k) Provide administrative cost estimates, from its approved  
15 administrative budget that are to be paid from property tax revenues  
16 deposited in the Redevelopment Property Tax Trust Fund, to the  
17 county auditor-controller for each six-month fiscal period.

18 (l) (1) Before each six-month fiscal period, prepare a  
19 Recognized Obligation Payment Schedule in accordance with the  
20 requirements of this paragraph. For each recognized obligation,  
21 the Recognized Obligation Payment Schedule shall identify one  
22 or more of the following sources of payment:

23 (A) Low and Moderate Income Housing Fund.

24 (B) Bond proceeds.

25 (C) Reserve balances.

26 (D) Administrative cost allowance.

27 (E) The Redevelopment Property Tax Trust Fund, but only to  
28 the extent no other funding source is available or when payment  
29 from property tax revenues is required by an enforceable obligation  
30 or by the provisions of this part.

31 (F) Other revenue sources, including rents, concessions, asset  
32 sale proceeds, interest earnings, and any other revenues derived  
33 from the former redevelopment agency, as approved by the  
34 oversight board in accordance with this part.

35 (2) A Recognized Obligation Payment Schedule shall not be  
36 deemed valid unless all of the following conditions have been met:

37 (A) A ~~draft~~ Recognized Obligation Payment Schedule is  
38 prepared by the successor agency for the enforceable obligations  
39 of the former redevelopment agency ~~by March 1, 2012. From~~  
40 ~~October 1, 2011, to July 1, 2012, the.~~ *The initial draft of that*

Successor agencies are required to do the following. . .

Identifying sources of payment

ROPS requirements

1 schedule shall project the dates and amounts of scheduled payments  
 2 for each enforceable obligation for the remainder of the time period  
 3 during which the redevelopment agency would have been  
 4 authorized to obligate property tax increment had ~~such~~ *the* a  
 5 redevelopment agency not been dissolved, and shall be reviewed  
 6 and certified, as to its accuracy, by an external auditor designated  
 7 pursuant to Section 34182.

8 (B) The ~~certified~~ Recognized Obligation Payment Schedule is  
 9 submitted to and duly approved by the oversight board. *The*  
 10 *successor agency shall submit a copy of the Recognized Obligation*  
 11 *Payment Schedule to the county administrative officer, the county*  
 12 *auditor-controller, and the Department of Finance at the same*  
 13 *time that the successor agency submits the Recognized Obligation*  
 14 *Payment Schedule to the oversight board for approval.*

ROPS submittal requirements

15 (C) A copy of the approved Recognized Obligation Payment  
 16 Schedule is submitted to the county auditor-controller and both  
 17 the Controller’s office and the Department of Finance and be posted  
 18 on the successor agency’s Internet Web site.

19 (3) The Recognized Obligation Payment Schedule shall be  
 20 forward looking to the next six months. The first Recognized  
 21 Obligation Payment Schedule shall be submitted to the Controller’s  
 22 office and the Department of Finance by April 15, 2012, for the  
 23 period of January 1, 2012, to June 30, 2012, inclusive. *This*  
 24 *Recognized Obligation Payment Schedule shall include all*  
 25 *payments made by the former redevelopment agency between*  
 26 *January 1, 2012, through January 31, 2012, and shall include all*  
 27 *payments proposed to be made by the successor agency from*  
 28 *February 1, 2012, through June 30, 2012.* Former redevelopment  
 29 agency enforceable obligation payments due, and reasonable or  
 30 necessary administrative costs due or incurred, prior to January 1,  
 31 2012, shall be made from property tax revenues received in the  
 32 spring of 2011 property tax distribution, and from other revenues  
 33 and balances transferred to the successor agency.

Requirements for the first ROPS

34 (m) *The Recognized Obligation Payment Schedule for the period*  
 35 *of January 1, 2013, to June 30, 2013, shall be submitted by the*  
 36 *successor agency, after approval by the oversight board, no later*  
 37 *than September 1, 2012. Commencing with the Recognized*  
 38 *Obligation Payment Schedule covering the period July 1, 2013,*  
 39 *through December 31, 2013, successor agencies shall submit an*  
 40 *oversight board-approved Recognized Obligation Payment*

New ROPS submittal timeline

1 *Schedule to the Department of Finance and to the county*  
 2 *auditor-controller no fewer than 90 days before the date of*  
 3 *property tax distribution. The Department of Finance shall make*  
 4 *its determination of the enforceable obligations and the amounts*  
 5 *and funding sources of the enforceable obligations no later than*  
 6 *45 days after the Recognized Obligation Payment Schedule is*  
 7 *submitted. Within five business days of the department's*  
 8 *determination, a successor agency may request additional review*  
 9 *by the department and an opportunity to meet and confer on*  
 10 *disputed items. The meet and confer period may vary; an untimely*  
 11 *submittal of a Recognized Obligation Payment Schedule may result*  
 12 *in a meet and confer period of less than 30 days. The department*  
 13 *shall notify the successor agency and the county auditor-controllers*  
 14 *as to the outcome of its review at least 15 days before the date of*  
 15 *property tax distribution.*

New ROPS submittal timeline

16 (1) *The successor agency shall submit a copy of the Recognized*  
 17 *Obligation Payment Schedule to the Department of Finance*  
 18 *electronically, and the successor agency shall complete the*  
 19 *Recognized Obligation Payment Schedule in the manner provided*  
 20 *for by the department. A successor agency shall be in*  
 21 *noncompliance with this paragraph if it only submits to the*  
 22 *department an electronic message or a letter stating that the*  
 23 *oversight board has approved a Recognized Obligation Payment*  
 24 *Schedule.*

Submit ROPS in a "manner provided for by [DOF]"

25 (2) *If a successor agency does not submit a Recognized*  
 26 *Obligation Payment Schedule by the deadlines provided in this*  
 27 *subdivision, the city, county, or city and county that created the*  
 28 *redevelopment agency shall be subject to a civil penalty equal to*  
 29 *ten thousand dollars (\$10,000) per day for every day the schedule*  
 30 *is not submitted to the department. The civil penalty shall be paid*  
 31 *to the county auditor-controller for allocation to the taxing entities*  
 32 *under Section 34183. If a successor agency fails to submit a*  
 33 *Recognized Obligation Payment Schedule by the deadline, any*  
 34 *creditor of the successor agency or the Department of Finance or*  
 35 *any affected taxing entity shall have standing to and may request*  
 36 *a writ of mandate to require the successor agency to immediately*  
 37 *perform this duty. Those actions may be filed only in the County*  
 38 *of Sacramento and shall have priority over other civil matters.*  
 39 *Additionally, if an agency does not submit a Recognized Obligation*  
 40 *Payment Schedule within ten days of the deadline, the maximum*

Penalties for late submissions

1 administrative cost allowance for that period shall be reduced by  
2 25 percent.

3 (3) *If a successor agency fails to submit to the department an  
4 oversight board-approved Recognized Obligation Payment  
5 Schedule that complies with all requirements of this subdivision  
6 within five business days of the date upon which the Recognized  
7 Obligation Payment Schedule is to be used to determine the amount  
8 of property tax allocations, the department may determine if any  
9 amount should be withheld by the county auditor-controller for  
10 payments for enforceable obligations from distribution to taxing  
11 entities, pending approval of a Recognized Obligation Payment  
12 Schedule. The county auditor-controller shall distribute the portion  
13 of any of the sums withheld pursuant to this paragraph to the  
14 affected taxing entities in accordance with paragraph (4) of  
15 subdivision (a) of Section 34183 upon notice by the department  
16 that a portion of the withheld balances are in excess of the amount  
17 of enforceable obligations. The county auditor-controller shall  
18 distribute withheld funds to the successor agency only in  
19 accordance with a Recognized Obligation Payment Schedule  
20 approved by the department. County auditor-controllers shall lack  
21 the authority to withhold any other amounts from the allocations  
22 provided for under Section 34183 or 34188 unless required by a  
23 court order.*

Penalties for late submissions

24 (n) *Cause a postaudit of the financial transactions and records  
25 of the successor agency to be made at least annually by a certified  
26 public accountant.*

Annual postaudit requirement

27 *SEC. 12. Section 34177.3 is added to the Health and Safety  
28 Code, to read:*

29 *34177.3. (a) Successor agencies shall lack the authority to,  
30 and shall not, create new enforceable obligations under the  
31 authority of the Community Redevelopment Law (Part 1  
32 (commencing with Section 33000)) or begin new redevelopment  
33 work, except in compliance with an enforceable obligation that  
34 existed prior to June 28, 2011.*

35 (b) *Successor agencies may create enforceable obligations to  
36 conduct the work of winding down the redevelopment agency,  
37 including hiring staff, acquiring necessary professional  
38 administrative services and legal counsel, and procuring insurance.*

When successor agency can create new  
enforceable obligations

39 (c) *Successor agencies shall lack the authority to, and shall not,  
40 transfer any powers or revenues of the successor agency to any*

1 other party, public or private, except pursuant to an enforceable  
 2 obligation on a Recognized Obligation Payment Schedule approved  
 3 by the department. Any such transfers of authority or revenues  
 4 that are not made pursuant to an enforceable obligation on a  
 5 Recognized Obligation Payment Schedule approved by the  
 6 Department of Finance are hereby declared to be void, and the  
 7 successor agency shall take action to reverse any of those transfers.  
 8 The Controller may audit any transfer of authority or revenues  
 9 prohibited by this section and may order the prompt return of any  
 10 money or other things of value from the receiving party.

Successor agency transfers or revenues  
or authority

11 (d) Redevelopment agencies that resolved to participate in the  
 12 Voluntary Alternative Redevelopment Program under Chapter 6  
 13 of the First Extraordinary Session of the Statutes of 2011 were  
 14 and are subject to the provisions of Part 1.8 (commencing with  
 15 Section 34161). Any actions taken by redevelopment agencies to  
 16 create obligations after June 27, 2011, are ultra vires and do not  
 17 create enforceable obligations.

June 27, 2011 is the cut-off date for  
entering into new obligations

18 (e) The Legislature finds and declares that the provisions of  
 19 this section are declaratory of existing law.

20 SEC. 13. Section 34177.5 is added to the Health and Safety  
 21 Code, to read:

22 34177.5. (a) In addition to the powers granted to each  
 23 successor agency, and notwithstanding anything in the act adding  
 24 this part, including, but not limited to, Sections 34162 and 34189,  
 25 a successor agency shall have the authority, rights, and powers  
 26 of the redevelopment agency to which it succeeded solely for the  
 27 following purposes:

Provisions related to successor agency  
issuing bonds

28 (1) For the purpose of issuing bonds or incurring other  
 29 indebtedness to refund the bonds or other indebtedness of its former  
 30 redevelopment agency or of the successor agency to provide  
 31 savings to the successor agency, provided that (A) the total interest  
 32 cost to maturity on the refunding bonds or other indebtedness plus  
 33 the principal amount of the refunding bonds or other indebtedness  
 34 shall not exceed the total remaining interest cost to maturity on  
 35 the bonds or other indebtedness to be refunded plus the remaining  
 36 principal of the bonds or other indebtedness to be refunded, and  
 37 (B) the principal amount of the refunding bonds or other  
 38 indebtedness shall not exceed the amount required to defease the  
 39 refunded bonds or other indebtedness, to establish customary debt  
 40 service reserves, and to pay related costs of issuance. If the

1 *foregoing conditions are satisfied, the initial principal amount of*  
 2 *the refunding bonds or other indebtedness may be greater than*  
 3 *the outstanding principal amount of the bonds or other*  
 4 *indebtedness to be refunded. The successor agency may pledge to*  
 5 *the refunding bonds or other indebtedness the revenues pledged*  
 6 *to the bonds or other indebtedness being refunded, and that pledge,*  
 7 *when made in connection with the issuance of such refunding*  
 8 *bonds or other indebtedness, shall have the same lien priority as*  
 9 *the pledge of the bonds or other obligations to be refunded, and*  
 10 *shall be valid, binding, and enforceable in accordance with its*  
 11 *terms.*

12 (2) *For the purpose of issuing bonds or other indebtedness to*  
 13 *finance debt service spikes, including balloon maturities, provided*  
 14 *that (A) the existing indebtedness is not accelerated, except to the*  
 15 *extent necessary to achieve substantially level debt service, and*  
 16 *(B) the principal amount of the bonds or other indebtedness shall*  
 17 *not exceed the amount required to finance the debt service spikes,*  
 18 *including establishing customary debt service reserves and paying*  
 19 *related costs of issuance.*

20 (3) *For the purpose of amending an existing enforceable*  
 21 *obligation under which the successor agency is obligated to*  
 22 *reimburse a political subdivision of the state for the payment of*  
 23 *debt service on a bond or other obligation of the political*  
 24 *subdivision, or to pay all or a portion of the debt service on the*  
 25 *bond or other obligation of the political subdivision to provide*  
 26 *savings to the successor agency, provided that (A) the enforceable*  
 27 *obligation is amended in connection with a refunding of the bonds*  
 28 *or other obligations of the political subdivision so that the*  
 29 *enforceable obligation will apply to the refunding bonds or other*  
 30 *refunding indebtedness of the political subdivision, (B) the total*  
 31 *interest cost to maturity on the refunding bonds or other*  
 32 *indebtedness plus the principal amount of the refunding bonds or*  
 33 *other indebtedness shall not exceed the total remaining interest*  
 34 *cost to maturity on the bonds or other indebtedness to be refunded*  
 35 *plus the remaining principal of the bonds or other indebtedness*  
 36 *to be refunded, and (C) the principal amount of the refunding*  
 37 *bonds or other indebtedness shall not exceed the amount required*  
 38 *to defease the refunded bonds or other indebtedness, to establish*  
 39 *customary debt service reserves and to pay related costs of*  
 40 *issuance. The pledge set forth in that amended enforceable*

Provisions related to successor agency  
issuing bonds

Provisions related to amending existing  
enforceable obligations

1 obligation, when made in connection with the execution of the  
2 amendment of the enforceable obligation, shall have the same lien  
3 priority as the pledge in the enforceable obligation prior to its  
4 amendment and shall be valid, binding, and enforceable in  
5 accordance with its terms.

6 (4) For the purpose of issuing bonds or incurring other  
7 indebtedness to make payments under enforceable obligations  
8 when the enforceable obligations include the irrevocable pledge  
9 of property tax increment, formerly tax increment revenues prior  
10 to the effective date of this part, or other funds and the obligation  
11 to issue bonds secured by that pledge. The successor agency may  
12 pledge to the bonds or other indebtedness the property tax revenues  
13 and other funds described in the enforceable obligation, and that  
14 pledge, when made in connection with the issuance of the bonds  
15 or the incurring of other indebtedness, shall be valid, binding, and  
16 enforceable in accordance with its terms. This paragraph shall  
17 not be deemed to authorize a successor agency to increase the  
18 amount of property tax revenues pledged under an enforceable  
19 obligation or to pledge any property tax revenue not already  
20 pledged pursuant to an enforceable obligation. This paragraph  
21 does not constitute a change in, but is declaratory of, the existing  
22 law.

23 (b) The refunding bonds authorized under this section may be  
24 issued under the authority of Article 11 (commencing with Section  
25 53580) of Chapter 3 of Part 1 of Division 2 of Title 5 of the  
26 Government Code, and the refunding bonds may be sold at public  
27 or private sale, or to a joint powers authority pursuant to the  
28 Marks-Roos Local Bond Pooling Act (Article 4 (commencing with  
29 Section 6584) of Chapter 5 of Division 7 of Title 1 of the  
30 Government Code).

31 (c) (1) Prior to incurring any bonds or other indebtedness  
32 pursuant to this section, the successor agency may subordinate to  
33 the bonds or other indebtedness the amount required to be paid  
34 to an affected taxing entity pursuant to paragraph (1) of subdivision  
35 (a) of Section 34183, provided that the affected taxing entity has  
36 approved the subordinations pursuant to this subdivision.

37 (2) At the time the successor agency requests an affected taxing  
38 entity to subordinate the amount to be paid to it, the successor  
39 agency shall provide the affected taxing entity with substantial  
40 evidence that sufficient funds will be available to pay both the debt

1 *service on the bonds or other indebtedness and the payments*  
2 *required by paragraph (1) of subdivision (a) of Section 34183,*  
3 *when due.*

4 (3) *Within 45 days after receipt of the agency’s request, the*  
5 *affected taxing entity shall approve or disapprove the request for*  
6 *subordination. An affected taxing entity may disapprove a request*  
7 *for subordination only if it finds, based upon substantial evidence,*  
8 *that the successor agency will not be able to pay the debt service*  
9 *payments and the amount required to be paid to the affected taxing*  
10 *entity. If the affected taxing entity does not act within 45 days after*  
11 *receipt of the agency’s request, the request to subordinate shall*  
12 *be deemed approved and shall be final and conclusive.*

13 (d) *An action may be brought pursuant to Chapter 9*  
14 *(commencing with Section 860) of Title 10 of Part 2 of the Code*  
15 *of Civil Procedure to determine the validity of bonds or other*  
16 *obligations authorized by this section, the pledge of revenues to*  
17 *those bonds or other obligations authorized by this section, the*  
18 *legality and validity of all proceedings theretofore taken and, as*  
19 *provided in the resolution of the legislative body of the successor*  
20 *agency authorizing the bonds or other obligations authorized by*  
21 *this section, proposed to be taken for the authorization, execution,*  
22 *issuance, sale, and delivery of the bonds or other obligations*  
23 *authorized by this section, and for the payment of debt service on*  
24 *the bonds or the payment of amounts under other obligations*  
25 *authorized by this section. Subdivision (c) of Section 33501 shall*  
26 *not apply to any such action. The Department of Finance shall be*  
27 *notified of the filing of any action as an affected party.*

28 (e) *Notwithstanding any other law, including, but not limited*  
29 *to, Section 33501, an action to challenge the issuance of bonds,*  
30 *the incurrence of indebtedness, the amendment of an enforceable*  
31 *obligation, or the execution of a financing agreement by a*  
32 *successor agency shall be brought within 30 days after the date*  
33 *on which the oversight board approves the resolution of the*  
34 *successor agency approving the issuance of bonds, the incurrence*  
35 *of indebtedness, the amendment of an enforceable obligation, or*  
36 *the execution of a financing agreement authorized under this*  
37 *section.*

38 (f) *The actions authorized in this section shall be subject to the*  
39 *approval of the oversight board, as provided in Section 34180.*  
40 *Additionally, an oversight board may direct the successor agency*

Timeline to challenge the issuance of bonds, the incurrence of debt, or the amendment of an enforceable obligation

Actions require oversight board approval

1 *to commence any of the transactions described in subdivision (a)*  
 2 *so long as the successor agency is able to recover its related costs*  
 3 *in connection with the transaction. After a successor agency, with*  
 4 *approval of the oversight board, issues any bonds, incurs any*  
 5 *indebtedness, or executes an amended enforceable obligation*  
 6 *pursuant to subdivision (a), the oversight board shall not*  
 7 *unilaterally approve any amendments to or early termination of*  
 8 *the bonds, indebtedness, or enforceable obligation. If, under the*  
 9 *authority granted to it by subdivision (h) of Section 34179, the*  
 10 *Department of Finance either reviews and approves or fails to*  
 11 *request review within five business days of an oversight board*  
 12 *approval of an action authorized by this section, the scheduled*  
 13 *payments on the bonds or other indebtedness shall be listed in the*  
 14 *Recognized Obligation Payment Schedule and shall not be subject*  
 15 *to further review and approval by the department or the Controller.*  
 16 *The department may extend its review time to 60 days for actions*  
 17 *authorized in this section and may seek the assistance of the*  
 18 *Treasurer in evaluating proposed actions under this section.*

19 (g) *Any bonds, indebtedness, or amended enforceable obligation*  
 20 *authorized by this section shall be considered indebtedness*  
 21 *incurred by the dissolved redevelopment agency, with the same*  
 22 *legal effect as if the bonds, indebtedness, financing agreement, or*  
 23 *amended enforceable obligation had been issued, incurred, or*  
 24 *entered into prior to June 29, 2011, in full conformity with the*  
 25 *applicable provisions of the Community Redevelopment Law that*  
 26 *existed prior to that date, shall be included in the successor*  
 27 *agency's Recognized Obligation Payment Schedule, and shall be*  
 28 *secured by a pledge of, and lien on, and shall be repaid from*  
 29 *moneys deposited from time to time in the Redevelopment Property*  
 30 *Tax Trust Fund established pursuant to subdivision (c) of Section*  
 31 *34172, as provided in paragraph (2) of subdivision (a) of Section*  
 32 *34183. Property tax revenues pledged to any bonds, indebtedness,*  
 33 *or amended enforceable obligations authorized by this section are*  
 34 *taxes allocated to the successor agency pursuant to subdivision*  
 35 *(b) of Section 33670 and Section 16 of Article XVI of the California*  
 36 *Constitution.*

37 (h) *The successor agency shall make diligent efforts to ensure*  
 38 *that the lowest long-term cost financing is obtained. The financing*  
 39 *shall not provide for any bullets or spikes and shall not use variable*  
 40 *rates. The successor agency shall make use of an independent*

Oversight board may direct successor agency to take these actions if. . .

Timeline for DOF and Controller to object to amendments, early termination of bonds, indebtedness, or enforceable obligations

Successor agency must "make diligent efforts to ensure that the lowest long-term cost financing is obtained."

1 financial advisor in developing financing proposals and shall make  
2 the work products of the financial advisor available to the  
3 Department of Finance at its request.

4 (i) If an enforceable obligation provides for an irrevocable  
5 commitment of property tax revenue and where allocation of such  
6 revenues is expected to occur over time, the successor agency may  
7 petition the Department of Finance to provide written confirmation  
8 that its determination of such enforceable obligation as approved  
9 in a Recognized Obligation Payment Schedule is final and  
10 conclusive, and reflects the department's approval of subsequent  
11 payments made pursuant to the enforceable obligation. If the  
12 confirmation is granted, then the department's review of such  
13 payments in future Recognized Obligation Payment Schedules  
14 shall be limited to confirming that they are required by the prior  
15 enforceable obligation.

16 (j) The successor agency may request that the department  
17 provide a written determination to waive the two-year statute of  
18 limitations on an action to review the validity of the adoption or  
19 amendment of a redevelopment plan pursuant to subdivision (c)  
20 of Section 33500 or on any findings or determinations made by  
21 the agency pursuant to subdivision (d) of Section 33500. The  
22 department at its discretion may provide a waiver if it determines  
23 it is necessary for the agency to fulfill an enforceable obligation.

24 SEC. 14. Section 34178 of the Health and Safety Code is  
25 amended to read:

26 34178. (a) Commencing on the operative date of this part,  
27 agreements, contracts, or arrangements between the city or county,  
28 or city and county that created the redevelopment agency and the  
29 redevelopment agency are invalid and shall not be binding on the  
30 successor agency; provided, however, that a successor entity  
31 wishing to enter or reenter into agreements with the city, county,  
32 or city and county that formed the redevelopment agency that it  
33 is succeeding may do so upon obtaining the approval of its  
34 oversight board. A successor agency or an oversight board shall  
35 not exercise the powers granted by this subdivision to restore  
36 funding for an enforceable obligation that was deleted or reduced  
37 by the Department of Finance pursuant to subdivision (h) of Section  
38 34179 unless it reflects the decisions made during the meet and  
39 confer process with the Department of Finance or pursuant to a  
40 court order.

Provisions related to successor agencies  
petitioning DOF re: final determinations

Provisions related to successor agencies  
petitioning DOF re: two-year statute of  
limitations

Successor agencies and oversight boards  
cannot "restore funding for an enforceable  
obligation that was deleted or reduced by  
the Department of Finance"

1 (b) Notwithstanding subdivision (a), any of the following  
2 agreements are not invalid and may bind the successor agency:

3 (1) A duly authorized written agreement entered into at the time  
4 of issuance, but in no event later than December 31, 2010, of  
5 indebtedness obligations, and solely for the purpose of securing  
6 or repaying those indebtedness obligations.

7 (2) A written agreement between a redevelopment agency and  
8 the city, county, or city and county that created it that provided  
9 loans or other startup funds for the redevelopment agency that  
10 were entered into within two years of the formation of the  
11 redevelopment agency.

12 (3) A joint exercise of powers agreement in which the  
13 redevelopment agency is a member of the joint powers authority.  
14 However, upon assignment to the successor agency by operation  
15 of the act adding this part, the successor agency’s rights, duties,  
16 and performance obligations under that joint exercise of powers  
17 agreement shall be limited by the constraints imposed on successor  
18 agencies by the act adding this part.

19 *SEC. 15. Section 34178.8 is added to the Health and Safety  
20 Code, to read:*

21 *34178.8. Commencing on the effective date of the act adding  
22 this section, the Controller shall review the activities of successor  
23 agencies in the state to determine if an asset transfer has occurred  
24 after January 31, 2012, between the successor agency and the city,  
25 county, or city and county that created a redevelopment agency,  
26 or any other public agency, that was not made pursuant to an  
27 enforceable obligation on an approved and valid Recognized  
28 Obligation Payment Schedule. If such an asset transfer did occur,  
29 to the extent not prohibited by state and federal law, the Controller  
30 shall order the available assets to be returned to the successor  
31 agency. Upon receiving that order from the Controller, an affected  
32 local agency shall, as soon as practicable, reverse the transfer  
33 and return the applicable assets to the successor agency. This  
34 section shall not apply to housing assets as defined in subdivision  
35 (e) of Section 34176.*

36 *SEC. 16. Section 34179 of the Health and Safety Code is  
37 amended to read:*

38 *34179. (a) Each successor agency shall have an oversight  
39 board composed of seven members. The members shall elect one  
40 of their members as the chairperson and shall report the name of*

Controller's ability to review asset transfers and order reversal

Oversight board provisions

1 the chairperson and other members to the Department of Finance  
2 on or before May 1, 2012. Members shall be selected as follows:

3 (1) One member appointed by the county board of supervisors.

4 (2) One member appointed by the mayor for the city that formed  
5 the redevelopment agency.

6 (3) (A) One member appointed by the largest special district,  
7 by property tax share, with territory in the territorial jurisdiction  
8 of the former redevelopment agency, which is of the type of special  
9 district that is eligible to receive property tax revenues pursuant  
10 to Section 34188.

11 (B) *On or after the effective date of this subparagraph, the*  
12 *county auditor-controller may determine which is the largest*  
13 *special district for purposes of this section.*

14 (4) One member appointed by the county superintendent of  
15 education to represent schools if the superintendent is elected. If  
16 the county superintendent of education is appointed, then the  
17 appointment made pursuant to this paragraph shall be made by the  
18 county board of education.

19 (5) One member appointed by the Chancellor of the California  
20 Community Colleges to represent community college districts in  
21 the county.

22 (6) One member of the public appointed by the county board  
23 of supervisors.

24 (7) One member representing the employees of the former  
25 redevelopment agency appointed by the mayor or chair of the  
26 board of supervisors, as the case may be, from the recognized  
27 employee organization representing the largest number of former  
28 redevelopment agency employees employed by the successor  
29 agency at that time. *In the case where city or county employees*  
30 *performed administrative duties of the former redevelopment*  
31 *agency, the appointment shall be made from the recognized*  
32 *employee organization representing those employees. If a*  
33 *recognized employee organization does not exist for either the*  
34 *employees of the former redevelopment agency or the city or county*  
35 *employees performing administrative duties of the former*  
36 *redevelopment agency, the appointment shall be made from among*  
37 *the employees of the successor agency. In voting to approve a*  
38 *contract as an enforceable obligation, a member appointed*  
39 *pursuant to this paragraph shall not be deemed to be interested*  
40 *in the contract by virtue of being an employee of the successor*

Clarification on oversight board appointee  
representing the employees of the former  
redevelopment agency

1 *agency or community for purposes of Section 1090 of the*  
2 *Government Code.*

3 (8) If the county or a joint powers agency formed the  
4 redevelopment agency, then the largest city by acreage in the  
5 territorial jurisdiction of the former redevelopment agency may  
6 select one member. If there are no cities with territory in a project  
7 area of the redevelopment agency, the county superintendent of  
8 education may appoint an additional member to represent the  
9 public.

10 (9) If there are no special districts of the type that are eligible  
11 to receive property tax pursuant to Section 34188, within the  
12 territorial jurisdiction of the former redevelopment agency, then  
13 the county may appoint one member to represent the public.

14 (10) ~~Where~~ *If* a redevelopment agency was formed by an entity  
15 that is both a charter city and a county, the oversight board shall  
16 be composed of seven members selected as follows: three members  
17 appointed by the mayor of the city, ~~where such~~ *if that* appointment  
18 is subject to confirmation by the county board of supervisors, one  
19 member appointed by the largest special district, by property tax  
20 share, with territory in the territorial jurisdiction of the former  
21 redevelopment agency, which is the type of special district that is  
22 eligible to receive property tax revenues pursuant to Section 34188,  
23 one member appointed by the county superintendent of education  
24 to represent schools, one member appointed by the Chancellor of  
25 the California Community Colleges to represent community college  
26 districts, and one member representing employees of the former  
27 redevelopment agency appointed by the mayor of the city ~~where~~  
28 ~~such an~~ *if that* appointment is subject to confirmation by the county  
29 board of supervisors, to represent the largest number of former  
30 redevelopment agency employees employed by the successor  
31 agency at that time.

32 (b) The Governor may appoint individuals to fill any oversight  
33 board member position described in subdivision (a) that has not  
34 been filled by May 15, 2012, or any member position that remains  
35 vacant for more than 60 days.

36 (c) The oversight board may direct the staff of the successor  
37 agency to perform work in furtherance of the oversight board's  
38 duties and responsibilities under this part. The successor agency  
39 shall pay for all of the costs of meetings of the oversight board  
40 and may include such costs in its administrative budget. Oversight

1 board members shall serve without compensation or reimbursement  
2 for expenses.

3 (d) ~~Oversight board members shall have personal immunity~~  
4 ~~from suit for their actions taken within the scope of their~~  
5 ~~responsibilities as oversight board members. are protected by the~~  
6 ~~immunities applicable to public entities and public employees~~  
7 ~~governed by Part 1 (commencing with Section 810) and Part 2~~  
8 ~~(commencing with Section 814) of Division 3.6 of Title 1 of the~~  
9 ~~Government Code.~~

Clarification re: immunity

10 (e) A majority of the total membership of the oversight board  
11 shall constitute a quorum for the transaction of business. A majority  
12 vote of the total membership of the oversight board is required for  
13 the oversight board to take action. The oversight board shall be  
14 deemed to be a local entity for purposes of the Ralph M. Brown  
15 Act, the California Public Records Act, and the Political Reform  
16 Act of 1974. *All actions taken by the oversight board shall be*  
17 *adopted by resolution.*

All actions must be adopted by resolution

18 (f) All notices required by law for proposed oversight board  
19 actions shall also be posted on the successor agency's Internet  
20 Web site or the oversight board's Internet Web site.

21 (g) Each member of an oversight board shall serve at the  
22 pleasure of the entity that appointed such member.

23 (h) The Department of Finance may review an oversight board  
24 action taken pursuant to ~~the act adding this part. As such, all~~  
25 ~~oversight board actions shall not be effective for three business~~  
26 ~~days, pending a request for review by the department. *Written*~~  
27 ~~*notice and information about all actions taken by an oversight*~~  
28 ~~*board shall be provided to the department by electronic means*~~  
29 ~~*and in a manner of the department's choosing. An action shall*~~  
30 ~~*become effective five business days after notice in the manner*~~  
31 ~~*specified by the department is provided unless the department*~~  
32 ~~*requests a review.*~~ Each oversight board shall designate an official

Requirement to provide written notice electronically

33 to whom the department may make ~~such~~ those requests and who  
34 shall provide the department with the telephone number and e-mail  
35 contact information for the purpose of communicating with the  
36 department pursuant to this subdivision. ~~In~~ *Except as otherwise*  
37 *provided in this part, in the event that the department requests a*  
38 *review of a given oversight board action, it shall have 40 days*  
39 *from the date of its request to approve the oversight board action*  
40 *or return it to the oversight board for reconsideration and such the*

Timeline for DOF review of oversight board actions

1 oversight board action shall not be effective until approved by the  
 2 department. In the event that the department returns the oversight  
 3 board action to the oversight board for reconsideration, the  
 4 oversight board shall resubmit the modified action for department  
 5 approval and the modified oversight board action shall not become  
 6 effective until approved by the department. *If the department  
 7 reviews a Recognized Obligation Payment Schedule, the  
 8 department may eliminate or modify any item on that schedule  
 9 prior to its approval. The county auditor-controller shall reflect  
 10 the actions of the department in determining the amount of property  
 11 tax revenues to allocate to the successor agency. The department  
 12 shall provide notice to the successor agency and the county  
 13 auditor-controller as to the reasons for its actions. To the extent  
 14 that an oversight board continues to dispute a determination with  
 15 the department, one or more future recognized obligation schedules  
 16 may reflect any resolution of that dispute. The department may  
 17 also agree to an amendment to a Recognized Obligation Payment  
 18 Schedule to reflect a resolution of a disputed item; however, this  
 19 shall not affect a past allocation of property tax or create a liability  
 20 for any affected taxing entity.*

DOF's authority to review ROPS and eliminate or modify items

If the oversight board disputes a determination of DOF. . .

Oversight board fiduciary responsibilities

21 (i) Oversight boards shall have fiduciary responsibilities to  
 22 holders of enforceable obligations and the taxing entities that  
 23 benefit from distributions of property tax and other revenues  
 24 pursuant to Section 34188. Further, the provisions of Division 4  
 25 (commencing with Section 1000) of the Government Code shall  
 26 apply to oversight boards. Notwithstanding Section 1099 of the  
 27 Government Code, or any other law, any individual may  
 28 simultaneously be appointed to up to five oversight boards and  
 29 may hold an office in a city, county, city and county, special  
 30 district, school district, or community college district.

31 (j) Commencing on and after July 1, 2016, in each county where  
 32 more than one oversight board was created by operation of the act  
 33 adding this part, there shall be only one oversight board appointed  
 34 as follows:

35 (1) One member may be appointed by the county board of  
 36 supervisors.

37 (2) One member may be appointed by the city selection  
 38 committee established pursuant to Section 50270 of the  
 39 Government Code. In a city and county, the mayor may appoint  
 40 one member.

1 (3) One member may be appointed by the independent special  
2 district selection committee established pursuant to Section 56332  
3 of the Government Code, for the types of special districts that are  
4 eligible to receive property tax revenues pursuant to Section 34188.

5 (4) One member may be appointed by the county superintendent  
6 of education to represent schools if the superintendent is elected.  
7 If the county superintendent of education is appointed, then the  
8 appointment made pursuant to this paragraph shall be made by the  
9 county board of education.

10 (5) One member may be appointed by the Chancellor of the  
11 California Community Colleges to represent community college  
12 districts in the county.

13 (6) One member of the public may be appointed by the county  
14 board of supervisors.

15 (7) One member may be appointed by the recognized employee  
16 organization representing the largest number of successor agency  
17 employees in the county.

18 (k) The Governor may appoint individuals to fill any oversight  
19 board member position described in subdivision (j) that has not  
20 been filled by July 15, 2016, or any member position that remains  
21 vacant for more than 60 days.

22 (l) Commencing on and after July 1, 2016, in each county where  
23 only one oversight board was created by operation of the act adding  
24 this part, then there will be no change to the composition of that  
25 oversight board as a result of the operation of subdivision (b).

26 (m) Any oversight board for a given successor agency shall  
27 cease to exist when all of the indebtedness of the dissolved  
28 redevelopment agency has been repaid.

29 (n) *An oversight board may direct a successor agency to provide  
30 additional legal or financial advice than what was given by agency  
31 staff.*

Directing a successor agency to provide  
add'l legal or financial advice

32 (o) *An oversight board is authorized to contract with the county  
33 or other public or private agencies for administrative support.*

Authorization to contract for administrative  
support

34 (p) *On matters within the purview of the oversight board,  
35 decisions made by the oversight board supersede those made by  
36 the successor agency or the staff of the successor agency.*

Oversight board decisions supersede  
those of successor agency

37 SEC. 17. Section 34179.5 is added to the Health and Safety  
38 Code, to read:

39 34179.5. (a) *In furtherance of subdivision (d) of Section 34177,  
40 each successor agency shall employ a licensed accountant,*

Due diligence review (DDR) provisions

1 approved by the county auditor-controller and with experience  
 2 and expertise in local government accounting, to conduct a due  
 3 diligence review to determine the unobligated balances available  
 4 for transfer to taxing entities. As an alternative, an audit provided  
 5 by the county auditor-controller that provides the information  
 6 required by this section may be used to comply with this section  
 7 with the concurrence of the oversight board.

Who can conduct the due diligence review (DDR)

8 (b) For purposes of this section the following terms shall have  
 9 the following meanings:

10 (1) "Cash" and "cash equivalents" includes, but is not limited  
 11 to, cash in hand, bank deposits, Local Agency Investment Fund  
 12 deposits, deposits in the city or county treasury or any other pool,  
 13 marketable securities, commercial paper, United States Treasury  
 14 bills, banker's acceptances, payables on demand and amounts due  
 15 from other parties as defined in subdivision (c), and any other  
 16 money owned by the successor agency.

Definitions

17 (2) "Enforceable obligation" includes any of the items listed  
 18 in subdivision (d) of Section 34171, contracts detailing specific  
 19 work to be performed that were entered into by the former  
 20 redevelopment agency prior to June 28, 2011, with a third party  
 21 that is other than the city, county, or city and county that created  
 22 the former redevelopment agency, and indebtedness obligations  
 23 as defined in subdivision (e) of Section 34171.

24 (3) "Transferred" means the transmission of money to another  
 25 party that is not in payment for goods or services or an investment  
 26 or where the payment is de minimus. Transfer also means where  
 27 the payments are ultimately merely a restriction on the use of the  
 28 money.

29 (c) At a minimum, the review required by this section shall  
 30 include the following:

31 (1) The dollar value of assets transferred from the former  
 32 redevelopment agency to the successor agency on or about  
 33 February 1, 2012.

Due diligence reviews must include. . .

34 (2) The dollar value of assets and cash and cash equivalents  
 35 transferred after January 1, 2011, through June 30, 2012, by the  
 36 redevelopment agency or the successor agency to the city, county,  
 37 or city and county that formed the redevelopment agency and the  
 38 purpose of each transfer. The review shall provide documentation  
 39 of any enforceable obligation that required the transfer.

1 (3) *The dollar value of any cash or cash equivalents transferred*  
2 *after January 1, 2011, through June 30, 2012, by the redevelopment*  
3 *agency or the successor agency to any other public agency or*  
4 *private party and the purpose of each transfer. The review shall*  
5 *provide documentation of any enforceable obligation that required*  
6 *the transfer.*

7 (4) *The review shall provide expenditure and revenue accounting*  
8 *information and identify transfers and funding sources for the*  
9 *2010–11 and 2011–12 fiscal years that reconciles balances, assets,*  
10 *and liabilities of the successor agency on June 30, 2012 to those*  
11 *reported to the Controller for the 2009–10 fiscal year.*

12 (5) *A separate accounting for the balance for the Low and*  
13 *Moderate Income Housing Fund for all other funds and accounts*  
14 *combined shall be made as follows:*

15 (A) *A statement of the total value of each fund as of June 30,*  
16 *2012.*

17 (B) *An itemized statement listing any amounts that are legally*  
18 *restricted as to purpose and cannot be provided to taxing entities.*  
19 *This could include the proceeds of any bonds, grant funds, or funds*  
20 *provided by other governmental entities that place conditions on*  
21 *their use.*

22 (C) *An itemized statement of the values of any assets that are*  
23 *not cash or cash equivalents. This may include physical assets,*  
24 *land, records, and equipment. For the purpose of this accounting,*  
25 *physical assets may be valued at purchase cost or at any recently*  
26 *estimated market value. The statement shall list separately*  
27 *housing-related assets.*

28 (D) *An itemized listing of any current balances that are legally*  
29 *or contractually dedicated or restricted for the funding of an*  
30 *enforceable obligation that identifies the nature of the dedication*  
31 *or restriction and the specific enforceable obligation. In addition,*  
32 *the successor agency shall provide a listing of all approved*  
33 *enforceable obligations that includes a projection of annual*  
34 *spending requirements to satisfy each obligation and a projection*  
35 *of annual revenues available to fund those requirements. If a*  
36 *review finds that future revenues together with dedicated or*  
37 *restricted balances are insufficient to fund future obligations and*  
38 *thus retention of current balances is required, it shall identify the*  
39 *amount of current balances necessary for retention. The review*  
40 *shall also detail the projected property tax revenues and other*

1 general purpose revenues to be received by the successor agency,  
2 together with both the amount and timing of the bond debt service  
3 payments of the successor agency, for the period in which the  
4 oversight board anticipates the successor agency will have  
5 insufficient property tax revenue to pay the specified obligations.

6 (E) An itemized list and analysis of any amounts of current  
7 balances that are needed to satisfy obligations that will be placed  
8 on the Recognized Obligation Payment Schedules for the current  
9 fiscal year.

10 (6) The review shall total the net balances available after  
11 deducting the total amounts described in subparagraphs (B) to  
12 (E), inclusive, of paragraph (5). The review shall add any amounts  
13 that were transferred as identified in paragraphs (2) and (3) of  
14 subdivision (c) if an enforceable obligation to make that transfer  
15 did not exist. The resulting sum shall be available for allocation  
16 to affected taxing entities pursuant to Section 34179.6. It shall be  
17 a rebuttable presumption that cash and cash equivalent balances  
18 available to the successor agency are available and sufficient to  
19 disburse the amount determined in this paragraph to taxing entities.  
20 If the review finds that there are insufficient cash balances to  
21 transfer or that cash or cash equivalents are specifically obligated  
22 to the purposes described in subparagraphs (B), (D), and (E) of  
23 paragraph (5) in such amounts that there is insufficient cash to  
24 provide the full amount determined pursuant to this paragraph,  
25 that amount shall be demonstrated in an additional itemized  
26 schedule.

27 SEC. 18. Section 34179.6 is added to the Health and Safety  
28 Code, to read:

29 34179.6. The review required pursuant to Section 34179.5  
30 shall be submitted to the oversight board for review. The successor  
31 agency shall submit a copy of the Recognized Obligation Payment  
32 Schedule to the county administrative officer, the county  
33 auditor-controller, and the Department of Finance at the same  
34 time that the successor agency submits the review to the oversight  
35 board for review.

36 (a) By October 1, 2012, each successor agency shall provide  
37 to the oversight board, the county auditor-controller, the  
38 Controller, and the Department of Finance the results of the review  
39 conducted pursuant to Section 34179.5 for the Low and Moderate  
40 Income Housing Fund and specifically the amount of cash and

Due diligence reviews must include. . .

DDR outcomes

DDRs are submitted for oversight board review

Timeline for DDR submittal to oversight board for the Low and Moderate Income Housing Fund

1 *cash equivalents determined to be available for allocation to taxing*  
 2 *entities. By December 15, 2012, each successor agency shall*  
 3 *provide to the oversight board, the county auditor-controller, the*  
 4 *Controller, and the department the results of the review conducted*  
 5 *pursuant to Section 34179.5 for all of the other fund and account*  
 6 *balances and specifically the amount of cash and cash equivalents*  
 7 *determined to be available for allocation to taxing entities. The*  
 8 *department may request any supporting documentation and review*  
 9 *results to assist in its review under subdivision (d). The department*  
 10 *may specify the form and manner information about the review*  
 11 *shall be provided to it.*

Timeline for DDR submittal to oversight board for all other funds

12 (b) *Upon receipt of the review, the oversight board shall convene*  
 13 *a public comment session to take place at least five business days*  
 14 *before the oversight board holds the approval vote specified in*  
 15 *subdivision (c). The oversight board also shall consider any*  
 16 *opinions offered by the county auditor-controller on the review*  
 17 *results submitted by the successor agencies.*

DDR public comment timeline and consideration of auditor-controller opinions

18 (c) *By October 15, 2012, for the Low and Moderate Income*  
 19 *Housing Fund and by January 15, 2013, for all other funds and*  
 20 *accounts, the oversight board shall review, approve, and transmit*  
 21 *to the department and the county auditor-controller the*  
 22 *determination of the amount of cash and cash equivalents that are*  
 23 *available for disbursement to taxing entities as determined*  
 24 *according to the method provided in Section 34179.5. The oversight*  
 25 *board may adjust any amount provided in the review to reflect*  
 26 *additional information and analysis. The review and approval*  
 27 *shall occur in public sessions. The oversight board may request*  
 28 *from the successor agency any materials it deems necessary to*  
 29 *assist in its review and approval of the determination. The*  
 30 *oversight board shall be empowered to authorize a successor*  
 31 *agency to retain assets or funds identified in subparagraphs (B)*  
 32 *to (E), inclusive, of paragraph (5) of subdivision (c) of Section*  
 33 *34179.5. An oversight board that makes that authorization also*  
 34 *shall identify to the department the amount of funds authorized*  
 35 *for retention, the source of those funds, and the purposes for which*  
 36 *those funds are being retained. The determination and*  
 37 *authorization to retain funds and assets shall be subject to the*  
 38 *review and approval of the department pursuant to subdivision*  
 39 *(d).*

Timeline for oversight board-approved DDR submittal to DOF for Low and Moderate Income Housing Fund

Review and approval must occur in public sessions

1 (d) The department may adjust any amount associated with the  
 2 determination of the resulting amount described in paragraph (6)  
 3 of subdivision (c) of Section 34179.5 based on its analysis and  
 4 information provided by the successor agency and others. The  
 5 department shall consider any findings or opinions of the county  
 6 auditor-controllers and the Controller. The department shall  
 7 complete its review of the determinations provided pursuant to  
 8 subdivision (c) no later than November 9, 2012, for the Low and  
 9 Moderate Income Housing Fund and also shall notify the oversight  
 10 board and the successor agency of its decision to overturn any  
 11 decision of the oversight board to authorize a successor agency  
 12 to retain assets or funds made pursuant to subdivision (c). The  
 13 department shall complete its review of the determinations provided  
 14 pursuant to subdivision (c) no later than April 1, 2013, for the  
 15 other funds and accounts and also shall notify the oversight board  
 16 and the successor agency of its decision to overturn any oversight  
 17 board authorizations made pursuant to subdivision (c). The  
 18 department shall provide the oversight board and the successor  
 19 agency an explanation of its basis for overturning or modifying  
 20 any findings, determinations, or authorizations of the oversight  
 21 board made pursuant to subdivision (c).

22 (e) The successor agency and the entity or entities that created  
 23 the former redevelopment agency may request to meet and confer  
 24 with the department to resolve any disputes regarding the amounts  
 25 or sources of funds identified as determined by the department.  
 26 The request shall be made within five business days of the  
 27 transmission, and no later than November 16, 2012, for the  
 28 determination regarding the Low and Moderate Income Housing  
 29 Fund, to the successor agency or the designated local authority  
 30 of the department's determination, decisions, and explanations  
 31 and shall be accompanied by an explanation and documentation  
 32 of the basis of the dispute. The department shall meet and confer  
 33 with the requesting party and modify its determinations and  
 34 decisions accordingly. The department shall either confirm or  
 35 modify its determinations and decisions within 30 days of the  
 36 request to meet and confer.

37 (f) Each successor agency shall transmit to the county  
 38 auditor-controller the amount of funds required pursuant to the  
 39 determination of the department within five working days of receipt  
 40 of the notification under subdivision (c) or (e) if a meet and confer

DOF's authority to adjust amounts on  
DDR

DOF timeline for determinations on Low  
and Moderate Income Housing Fund  
DDRs

DOF timeline for determinations on all  
other fund and account DDrs

Meet & confer process and timeline

Transferring amounts required pursuant  
to DOF's determination

1 *request is made. Successor agencies shall make diligent efforts to*  
 2 *recover any money determined to have been transferred without*  
 3 *an enforceable obligation as described in paragraphs (2) and (3)*  
 4 *of subdivision (c) of Section 34179.5. The department shall notify*  
 5 *the county auditor-controllers of its actions and the county*  
 6 *auditor-controllers shall disburse the funds received from*  
 7 *successor agencies to taxing entities pursuant to Section 34188*  
 8 *within five working days of receipt. Amounts received after*  
 9 *November 28, 2012, and April 10, 2013, may be held and disbursed*  
 10 *with the regular payments to taxing entities pursuant to Section*  
 11 *34183.*

12 (g) *By December 1, 2012, the county auditor-controller shall*  
 13 *provide the department a report specifying the amount submitted*  
 14 *by each successor agency pursuant to subdivision (d) for low- and*  
 15 *moderate-income housing funds, and specifically noting those*  
 16 *successor agencies that failed to remit the full required amount.*  
 17 *By April 20, 2013, the county auditor-controller shall provide the*  
 18 *department a report detailing the amount submitted by each*  
 19 *successor agency pursuant to subdivision (d) for all other funds*  
 20 *and accounts, and specifically noting those successor agencies*  
 21 *that failed to remit the full required amount.*

22 (h) *If a successor agency fails to remit to the county*  
 23 *auditor-controller the sums identified in subdivisions (d) and (f),*  
 24 *by the deadlines specified in those subdivisions, the following*  
 25 *remedies are available:*

26 (1) (A) *If the successor agency cannot promptly recover the*  
 27 *funds that have been transferred to another public agency without*  
 28 *an enforceable obligation as described in paragraphs (2) and (3)*  
 29 *of subdivision (c) of Section 34179.5, the funds may be recovered*  
 30 *through an offset of sales and use tax or property tax allocations*  
 31 *to the local agency to which the funds were transferred. To recover*  
 32 *such funds, the Department of Finance may order the State Board*  
 33 *of Equalization to make an offset pursuant to subdivision (a) of*  
 34 *Section 34179.8. If the Department of Finance does not order a*  
 35 *sales tax offset, the county auditor-controller may reduce the*  
 36 *property tax allocations to any local agency in the county that fails*  
 37 *to repay funds pursuant to subdivision (c) of Section 34179.8.*

38 (B) *The county auditor-controller and the department shall each*  
 39 *have the authority to demand the return of funds improperly spent*  
 40 *or transferred to a private person or other private entity. If funds*

Transferring amounts required pursuant to DOF's determination

Deadlines for county auditor-controller report specifying amounts submitted by successor agencies for Low and Moderate Income Housing and all other funds

Recovering transferred funds

1 are not repaid within 60 days, they may be recovered through any  
2 lawful means of collection and are subject to a ten percent penalty  
3 plus interest at the rate charged for late personal income tax  
4 payments from the date the improper payment was made to the  
5 date the money is repaid.

6 (C) If the city, county, or city and county that created the former  
7 redevelopment agency is also performing the duties of the  
8 successor agency, the Department of Finance may order an offset  
9 to the distribution provided to the sales and use tax revenue to that  
10 agency pursuant to subdivision (a) of Section 34179.8. This offset  
11 shall be equal to the amount the successor fails to remit pursuant  
12 to subdivision (f). If the Department of Finance does not order a  
13 sales tax offset, the county auditor-controller may reduce the  
14 property tax allocations of the city, county, or city and county that  
15 created the former redevelopment agency pursuant to subdivision  
16 (c) of Section 34179.8.

17 (D) The department and the county auditor-controller shall  
18 coordinate their actions undertaken pursuant to this paragraph.

19 (2) Alternatively or in addition to the remedies provided in  
20 paragraph (1), the department may direct the county  
21 auditor-controller to deduct the unpaid amount from future  
22 allocations of property tax to the successor agency under Section  
23 34183 until the amount of payment required pursuant to  
24 subdivision (d) is accomplished.

25 (3) If the Department of Finance determines that payment of  
26 the full amount required under subdivision (d) is not currently  
27 feasible or would jeopardize the ability of the successor agency  
28 to pay enforceable obligations in a timely manner, it may agree  
29 to an installment payment plan.

30 (i) (1) If a legal action contesting a withholding effectuated by  
31 the State Board of Equalization pursuant to subparagraphs (B),  
32 (C), or (B) and (C) of paragraph (2) of subdivision (b) of Section  
33 34183.5 is successful and results in a final judicial determination,  
34 the court shall order the state to pay to the prevailing party a  
35 penalty equal to a percentage of the amount of funds found by the  
36 court to be improperly withheld, as provided in Section 34179.8.  
37 This percentage shall be equivalent to the number of months the  
38 funds have been found by the court to be improperly withheld, not  
39 to exceed 10 percent.

1 (2) If a legal action contesting an offset effectuated by the State  
 2 Board of Equalization or the county auditor-controller pursuant  
 3 to subdivision (h) is successful and results in a final judicial  
 4 determination, the court shall order the state or the county  
 5 auditor-controller to pay to the prevailing party a penalty equal  
 6 to 10 percent of the amount of funds found by the court to be  
 7 improperly offset, as provided in Section 34179.8.

8 (j) If a legal challenge to invalidate any provision in subdivision  
 9 (h) or subparagraph (B) or (C), or subparagraphs (B) and (C) of  
 10 paragraph (2) of subdivision (b) of Section 34183.5 is successful  
 11 and results in a final judicial determination, the invalidated  
 12 provision shall become inoperative and subdivision (i) shall  
 13 become inoperative with respect to the invalidated provision.

14 SEC. 19. Section 34179.7 is added to the Health and Safety  
 15 Code, to read:

16 34179.7. Upon full payment of the amounts determined in  
 17 subdivision (d) or (e) of Section 34179.6 as reported by the county  
 18 auditor-controller pursuant to subdivision (g) of Section 34179.6  
 19 and of any amounts due as determined by Section 34183.5, or upon  
 20 a final judicial determination of the amounts due and confirmation  
 21 that those amounts have been paid by the county auditor-controller,  
 22 the department shall issue, within five business days, a finding of  
 23 completion of the requirements of Section 34179.6 to the successor  
 24 agency.

Issuing a finding of completion

25 SEC. 20. Section 34179.8 is added to the Health and Safety  
 26 Code, to read:

27 34179.8. (a) If an offset or withholding of sales and use tax is  
 28 ordered by the Department of Finance pursuant to this part, the  
 29 State Board of Equalization shall reduce the distribution of sales  
 30 and use taxes collected under Chapter 1 (commencing with Section  
 31 7200) of Part 1.5 of Division 2 of the Revenue and Taxation Code  
 32 to the entity that is the subject of the offset or withholding and  
 33 shall direct the Controller to issue a warrant in the amount of any  
 34 offset pursuant to subdivision (h) of Section 34179.6 to the county  
 35 auditor-controller. The county auditor-controller shall distribute  
 36 this amount to the taxing entities for the former redevelopment  
 37 area according to Section 34188.

38 (b) (1) If a court has issued a final judicial determination or  
 39 the department determines that some or all of the amount collected  
 40 through the offset of sales and use tax has been paid by another

1 means and no additional amount is owed, the court or the  
 2 department shall notify the State Board of Equalization of that  
 3 determination. Upon notification, the State Board of Equalization  
 4 shall reverse the relevant amount of sales and use tax offset, add  
 5 any penalty payable under subdivision (i) of Section 34179.6, and  
 6 adjust the next distribution of sales and use tax to the affected  
 7 local entity by reducing the allocation of tax to the General Fund  
 8 and increasing the distribution to the local entity by that sum.

9 (2) The board shall inform the Controller of the reversal of the  
 10 offset of sales and use tax undertaken pursuant to paragraph (1).  
 11 The Controller shall send a demand for payment to the county  
 12 auditor-controller for the amount of the offset reversal, excluding  
 13 any penalty amount determined by the court pursuant to  
 14 subdivision (i) of Section 34179.6 to be applicable to the offset.  
 15 The auditor-controller shall reduce allocations to taxing entities  
 16 in the next distributions under Section 34188 until the amount of  
 17 the reversed offset is recovered and shall pay such recovered  
 18 amounts to the State Controller for deposit in the General Fund.

19 (c) (1) If an offset of property tax is ordered by the county  
 20 auditor-controller pursuant to this part, the auditor-controller  
 21 shall reduce the distribution of property taxes to the entity that is  
 22 the subject of the offset and shall distribute the amount to the taxing  
 23 entities for the former redevelopment area according to Section  
 24 34188.

25 (2) If a court has issued a final judicial determination or the  
 26 department determines that some or all of the amount collected  
 27 through the offset made pursuant to paragraph (1) has been paid  
 28 by another means and no additional amount is owed, the court or  
 29 the department shall notify the county auditor-controller of that  
 30 determination. Upon notification, the county auditor-controller  
 31 shall reverse the relevant amount of property tax revenues offset  
 32 in the next distribution of property tax to the affected local entity  
 33 by reducing the allocation of tax to the taxing entities of the former  
 34 redevelopment area under Section 34188 and increasing the  
 35 distribution of property taxes to the local entity that was subject  
 36 to the offset.

37 SEC. 21. Section 34180 of the Health and Safety Code is  
 38 amended to read:

39 34180. All of the following successor agency actions shall first  
 40 be approved by the oversight board:

Successor agency actions that require oversight board approval

Oversight boards cannot reestablish loan agreements

- 1 (a) The establishment of new repayment terms for outstanding  
2 loans where the terms have not been specified prior to the date of  
3 this part. *An oversight board shall not have the authority to*  
4 *reestablish loan agreements between the successor agency and*  
5 *the city, county, or city and county that formed the redevelopment*  
6 *agency except as provided in Chapter 9 (commencing with Section*  
7 *34191.1).*
- 8 ~~(b) Refunding of outstanding bonds or other debt of the former~~  
9 ~~redevelopment agency by successor agencies in order to provide~~  
10 ~~for savings or to finance debt service spikes; provided, however,~~  
11 ~~that no additional debt is created and debt service is not accelerated.~~
- 12 (b) *The issuance of bonds or other indebtedness or the pledge*  
13 *or agreement for the pledge of property tax revenues (formerly*  
14 *tax increment prior to the effective date of this part) pursuant to*  
15 *subdivision (a) of Section 34177.5.*
- 16 (c) *Setting aside of amounts in reserves as required by*  
17 *indentures, trust indentures, or similar documents governing the*  
18 *issuance of outstanding redevelopment agency bonds.*
- 19 (d) *Merging of project areas.*
- 20 (e) *Continuing the acceptance of federal or state grants,* or other  
21 forms of financial assistance from either public or private sources,  
22 ~~where if that~~ assistance is conditioned upon the provision of  
23 matching funds, by the successor entity as successor to the former  
24 redevelopment agency, in an amount greater than 5 percent.
- 25 (f) (1) If a city, county, or city and county wishes to retain any  
26 properties or other assets for future redevelopment activities,  
27 funded from its own funds and under its own auspices, it must  
28 reach a compensation agreement with the other taxing entities to  
29 provide payments to them in proportion to their shares of the base  
30 property tax, as determined pursuant to Section 34188, for the  
31 value of the property retained.
- 32 (2) If no other agreement is reached on valuation of the retained  
33 assets, the value will be the fair market value as of the 2011  
34 property tax lien date as determined by ~~the county assessor~~ *an*  
35 *independent appraiser approved by the oversight board.*
- 36 (g) Establishment of the Recognized Obligation Payment  
37 Schedule.
- 38 (h) A request by the successor agency to enter into an agreement  
39 with the city, county, or city and county that formed the  
40 redevelopment agency that it is succeeding. *An oversight board*

1 shall not have the authority to reestablish loan agreements between  
2 the successor agency and the city, county, or city and county that  
3 formed the redevelopment agency except as provided in Chapter  
4 9 (commencing with Section 34191.1). Any actions to reestablish  
5 any other agreements that are in furtherance of enforceable  
6 obligations, with the city, county, or city and county that formed  
7 the redevelopment agency are invalid until they are included in  
8 an approved and valid Recognized Obligation Payment Schedule.

9 (i) A request by a successor agency or taxing entity to pledge,  
10 or to enter into an agreement for the pledge of, property tax  
11 revenues pursuant to subdivision (b) of Section 34178.

12 (j) Any document submitted by a successor agency to an  
13 oversight board for approval by any provision of this part shall  
14 also be submitted to the county administrative officer, the county  
15 auditor-controller, and the Department of Finance at the same time  
16 that the successor agency submits the document to the oversight  
17 board.

18 SEC. 22. Section 34181 of the Health and Safety Code is  
19 amended to read:

20 34181. The oversight board shall direct the successor agency  
21 to do all of the following:

22 (a) Dispose of all assets and properties of the former  
23 redevelopment agency that were funded by tax increment revenues  
24 of the dissolved redevelopment agency; provided, however, that  
25 the oversight board may instead direct the successor agency to  
26 transfer ownership of those assets that were constructed and used  
27 for a governmental purpose, such as roads, school buildings, parks,  
28 police and fire stations, libraries, and local agency administrative  
29 buildings, to the appropriate public jurisdiction pursuant to any  
30 existing agreements relating to the construction or use of such an  
31 asset. Any compensation to be provided to the successor agency  
32 for the transfer of the asset shall be governed by the agreements  
33 relating to the construction or use of that asset. Disposal shall be  
34 done expeditiously and in a manner aimed at maximizing value.  
35 Asset disposition may be accomplished by a distribution of income  
36 to taxing entities proportionate to their property tax share from  
37 one or more properties that may be transferred to a public or  
38 private agency for management pursuant to the direction of the  
39 oversight board.

Successor agency actions that require oversight board approval

Oversight boards shall direct successor agencies to do the following . . .

Transferring ownership of assets that were used for a governmental purpose

Asset disposition accomplished through distribution of income to taxing entities

1 (b) Cease performance in connection with and terminate all  
2 existing agreements that do not qualify as enforceable obligations.

3 (c) **Transfer housing** responsibilities and all rights, powers,  
4 duties, and obligations along with any amounts on deposit in the  
5 Low and Moderate Income Housing Fund to the appropriate entity  
6 **assets** pursuant to Section 34176.

7 (d) Terminate any agreement, between the dissolved  
8 redevelopment agency and any public entity located in the same  
9 county, obligating the redevelopment agency to provide funding  
10 for any debt service obligations of the public entity or for the  
11 construction, or operation of facilities owned or operated by such  
12 public entity, in any instance where the oversight board has found  
13 that early termination would be in the best interests of the taxing  
14 entities.

15 (e) Determine whether any contracts, agreements, or other  
16 arrangements between the dissolved redevelopment agency and  
17 any private parties should be terminated or renegotiated to reduce  
18 liabilities and increase net revenues to the taxing entities, and  
19 present proposed termination or amendment agreements to the  
20 oversight board for its approval. The board may approve any  
21 amendments to or early termination of ~~such~~ those agreements  
22 where if it finds that amendments or early termination would be  
23 in the best interests of the taxing entities.

24 (f) *All actions taken pursuant to subdivisions (a) and (c) shall  
25 be approved by resolution of the oversight board at a public  
26 meeting after at least 10 days' notice to the public of the specific  
27 proposed actions. The actions shall be subject to review by the  
28 Department of Finance pursuant to Section 34179 except that the  
29 department may extend its review period by up to 60 days. If the  
30 department does not object to an action subject to this section,  
31 and if no action challenging an action is commenced within 60  
32 days of the approval of the action by the oversight board, the action  
33 of the oversight board shall be considered final and can be relied  
34 upon as conclusive by any person. If an action is brought to  
35 challenge an action involving title to or an interest in real property,  
36 a notice of pendency of action shall be recorded by the claimant  
37 as provided in Title 4.5 (commencing with Section 405) of Part 2  
38 of the Code of Civil Procedure within a 60-day period.*

39 SEC. 23. Section 34182 of the Health and Safety Code is  
40 amended to read:

Transfer of housing assets

Transfer of housing and governmental use assets must be approved by oversight board at a public meeting after at least 10 days' notice to the public

Timeline for DOF review of housing and governmental use asset transfers

1 34182. (a) (1) The county auditor-controller shall conduct or  
2 cause to be conducted an agreed-upon procedures audit of each  
3 redevelopment agency in the county that is subject to this part, to  
4 be completed by ~~July~~ *October 1, 2012*.

Agreed-upon audit procedures

5 (2) The purpose of the audits shall be to establish each  
6 redevelopment agency's assets and liabilities, to document and  
7 determine each redevelopment agency's passthrough payment  
8 obligations to other taxing ~~agencies~~ *entities*, and to document and  
9 determine both the amount and the terms of any indebtedness  
10 incurred by the redevelopment agency ~~and certify pursuant to the~~  
11 initial Recognized Obligation Payment Schedule.

12 (3) The county auditor-controller may charge the Redevelopment  
13 Property Tax Trust Fund for any costs incurred by the county  
14 auditor-controller pursuant to this part.

15 (b) By ~~July 15~~ *October 5, 2012*, the county auditor-controller  
16 shall provide the Controller's office ~~and the Department of Finance~~  
17 a copy of all audits performed pursuant to this section. The county  
18 auditor-controller shall maintain a copy of all documentation and  
19 working papers for use by the Controller.

Timeline for reporting to DOF and the  
State Controller's Office

20 (c) (1) The county auditor-controller shall determine the amount  
21 of property taxes that would have been allocated to each  
22 redevelopment agency in the county had the redevelopment agency  
23 not been dissolved pursuant to the operation of the act adding this  
24 part. These amounts are deemed property tax revenues within the  
25 meaning of subdivision (a) of Section 1 of Article XIII A of the  
26 California Constitution and are available for allocation and  
27 distribution in accordance with the provisions of the act adding  
28 this part. The county auditor-controller shall calculate the property  
29 tax revenues using current assessed values on the last equalized  
30 roll on August 20, pursuant to Section 2052 of the Revenue and  
31 Taxation Code, and pursuant to statutory formulas or contractual  
32 agreements with other taxing ~~agencies~~ *entities*, as of the effective  
33 date of this section, and shall deposit that amount in the  
34 Redevelopment Property Tax Trust Fund.

35 (2) Each county auditor-controller shall administer the  
36 Redevelopment Property Tax Trust Fund for the benefit of the  
37 holders of former redevelopment agency enforceable obligations  
38 and the taxing entities that receive passthrough payments and  
39 distributions of property taxes pursuant to this part.

Estimating property tax allocations and amounts of pass-through payments

1 (3) In connection with the allocation and distribution by the  
2 county auditor-controller of property tax revenues deposited in the  
3 Redevelopment Property Tax Trust Fund, in compliance with this  
4 part, the county auditor-controller shall prepare estimates of  
5 amounts *of property tax* to be allocated and distributed, *and the*  
6 *amounts of passthrough payments to be made in the upcoming*  
7 *six-month period*, and provide those estimates to both the entities  
8 receiving the distributions and the Department of Finance, no later  
9 than ~~November~~ *October 1* and ~~May~~ *April 1* of each year.

10 (4) Each county auditor-controller shall disburse proceeds of  
11 asset sales or reserve balances, which have been received from the  
12 successor entities pursuant to Sections 34177 and 34187, to the  
13 taxing entities. In making such a distribution, the county  
14 auditor-controller shall utilize the same methodology for allocation  
15 and distribution of property tax revenues provided in Section  
16 34188.

17 (d) By October 1, 2012, the county auditor-controller shall report  
18 the following information to the Controller's office and the Director  
19 of Finance:

20 (1) The sums of property tax revenues remitted to the  
21 Redevelopment Property Tax Trust Fund related to each former  
22 redevelopment agency.

23 (2) The sums of property tax revenues remitted to each agency  
24 under paragraph (1) of subdivision (a) of Section 34183.

25 (3) The sums of property tax revenues remitted to each successor  
26 agency pursuant to paragraph (2) of subdivision (a) of Section  
27 34183.

28 (4) The sums of property tax revenues paid to each successor  
29 agency pursuant to paragraph (3) of subdivision (a) of Section  
30 34183.

31 (5) The sums paid to each city, county, and special district, and  
32 the total amount allocated for schools pursuant to paragraph (4)  
33 of subdivision (a) of Section 34183.

34 (6) Any amounts deducted from other distributions pursuant to  
35 subdivision (b) of Section 34183.

36 (e) A county auditor-controller may charge the Redevelopment  
37 Property Tax Trust Fund for the costs of administering the  
38 provisions of this part.

39 (f) The Controller may audit and review any county  
40 auditor-controller action taken pursuant to the act adding this part.

1 As such, all county auditor-controller actions shall not be effective  
 2 for three business days, pending a request for review by the  
 3 Controller. In the event that the Controller requests a review of a  
 4 given county auditor-controller action, he or she shall have 10 days  
 5 from the date of his or her request to approve the county  
 6 auditor-controller’s action or return it to the county  
 7 auditor-controller for reconsideration and—~~such the county~~  
 8 ~~auditor-controller~~ auditor-controller’s action shall not be effective  
 9 until approved by the Controller. In the event that the Controller  
 10 returns the county auditor-controller’s action to the county  
 11 auditor-controller for reconsideration, the county auditor-controller  
 12 must resubmit the modified action for Controller approval and  
 13 ~~such the~~ modified county-auditor-controller auditor-controller’s  
 14 action shall not become effective until approved by the Controller.

15 *SEC. 24. Section 34182.5 is added to the Health and Safety*  
 16 *Code, to read:*

17 34182.5. A county auditor-controller may review the  
 18 Recognized Obligation Payment Schedules and object to the  
 19 inclusion of any items that are not demonstrated to be enforceable  
 20 obligations and may object to the funding source proposed for any  
 21 items. This review may take place prior to the submission of the  
 22 Recognized Obligation Payment Schedule to the oversight board  
 23 or subsequent to oversight board action. The county  
 24 auditor-controller shall promptly transmit notice of any of those  
 25 objections to the successor agency, the oversight board, and the  
 26 Department of Finance. Notice shall be given at least 60 days  
 27 prior to an allocation date specified in Section 34183, except that  
 28 for the January 1, 2013 to June 30, 2013 Recognized Obligation  
 29 Payment Schedule, notice shall be given no later than October 1,  
 30 2012. If an oversight board disputes the finding of the county  
 31 auditor-controller, it may refer the matter to the Department of  
 32 Finance for a determination of what will be approved for inclusion  
 33 in the Recognized Obligation Payment Schedule.

34 *SEC. 25. Section 34183 of the Health and Safety Code is*  
 35 *amended to read:*

36 34183. (a) Notwithstanding any other law, from February 1,  
 37 2012, to July 1, 2012, and for each fiscal year thereafter, the county  
 38 auditor-controller shall, after deducting administrative costs  
 39 allowed under Section 34182 and Section 95.3 of the Revenue and

County auditor-controller's authority to review ROPS

1 Taxation Code, allocate moneys in each Redevelopment Property  
2 Tax Trust Fund as follows:

3 (1) Subject to any prior deductions required by subdivision (b),  
4 first, the county auditor-controller shall remit from the  
5 Redevelopment Property Tax Trust Fund to each local agency and  
6 school entity an amount of property tax revenues in an amount  
7 equal to that which would have been received under Section 33401,  
8 33492.140, 33607, 33607.5, 33607.7, or 33676, as those sections  
9 read on January 1, 2011, or pursuant to any passthrough agreement  
10 between a redevelopment agency and a taxing-jurisdiction entity  
11 that was entered into prior to January 1, 1994, that would be in  
12 force during that fiscal year, had the redevelopment agency existed  
13 at that time. The amount of the payments made pursuant to this  
14 paragraph shall be calculated solely on the basis of passthrough  
15 payment obligations, existing prior to the effective date of this part  
16 and continuing as obligations of successor entities, shall occur no  
17 later than May 16, 2012, and no later than June 1, 2012, and each  
18 January 16 2 and June 1 thereafter. Notwithstanding subdivision  
19 (e) of Section 33670, that portion of the taxes in excess of the  
20 amount identified in subdivision (a) of Section 33670, which are  
21 attributable to a tax rate levied by a taxing-agency entity for the  
22 purpose of producing revenues in an amount sufficient to make  
23 annual repayments of the principal of, and the interest on, any  
24 bonded indebtedness for the acquisition or improvement of real  
25 property shall be allocated to, and when collected shall be paid  
26 into, the fund of that taxing-agency entity. *The amount of*  
27 *passthrough payments computed pursuant to this section, including*  
28 *any passthrough agreements, shall be computed as though the*  
29 *requirement to set aside funds for the Low and Moderate Income*  
30 *Housing Fund was still in effect.*

Computing pass-through payments & requirements to set aside funds for Low and Moderate Income Housing Fund

31 (2) ~~Second, on May 16, 2012, and~~ June 1, 2012, and each  
32 January 16 2 and June 1 thereafter, to each successor agency for  
33 payments listed in its Recognized Obligation Payment Schedule  
34 for the six-month fiscal period beginning January 1, 2012, ~~or and~~  
35 July 1, 2012, and each January 16 2 and June 1 thereafter, in the  
36 following order of priority:

New distribution timeline for amounts listed on ROPS

37 (A) Debt service payments scheduled to be made for tax  
38 allocation bonds.

Priorities for paying obligations listed on ROPS

39 (B) Payments scheduled to be made on revenue bonds, but only  
40 to the extent the revenues pledged for them are insufficient to make

1 the payments and only ~~where~~ *if* the agency’s tax increment  
2 revenues were also pledged for the repayment of the bonds.

3 (C) **Payments scheduled for other debts and obligations** listed  
4 in the Recognized Obligation Payment Schedule that are required  
5 to be paid from former tax increment revenue.

6 (3) Third, on ~~May 16, 2012,~~ and June 1, 2012, and each January  
7 ~~16~~ 2 and June 1 thereafter, **to each successor agency for the**  
8 **administrative cost allowance,** as defined in Section 34171, for  
9 administrative costs set forth in an approved administrative budget  
10 for those payments required to be paid from former tax increment  
11 revenues.

12 (4) Fourth, on ~~May 16, 2012,~~ and June 1, 2012, and each January  
13 ~~16~~ 2 and June 1 thereafter, **any moneys remaining in the**  
14 **Redevelopment Property Tax Trust Fund** after the payments and  
15 transfers authorized by paragraphs (1) to (3), inclusive, shall be  
16 distributed to local agencies and school entities in accordance with  
17 Section 34188.

18 (b) If the successor agency reports, no later than April 1, 2012,  
19 and May 1, 2012, and each December 1 and May 1 thereafter, to  
20 the county auditor-controller that the total amount available to the  
21 successor agency from the Redevelopment Property Tax Trust  
22 Fund allocation to that successor agency’s Redevelopment  
23 Obligation Retirement Fund, from other funds transferred from  
24 each redevelopment agency, and from funds that have or will  
25 become available through asset sales and all redevelopment  
26 operations, are insufficient to fund the payments required by  
27 paragraphs (1) to (3), inclusive, of subdivision (a) in the next  
28 six-month fiscal period, the county auditor-controller shall notify  
29 the Controller and the Department of Finance no later than 10 days  
30 from the date of that notification. **The county auditor-controller**  
31 **shall verify whether the successor agency will have sufficient funds**  
32 **from which to service debts according to the Recognized**  
33 **Obligation Payment Schedule and shall report the findings to the**  
34 **Controller.** If the Controller concurs that there are insufficient  
35 funds to pay required debt service, the amount of the deficiency  
36 shall be deducted first from the amount remaining to be distributed  
37 to taxing entities pursuant to paragraph (4), and if that amount is  
38 exhausted, from amounts available for distribution for  
39 administrative costs in paragraph (3). If an agency, pursuant to the  
40 provisions of Section 33492.15, 33492.72, 33607.5, 33671.5,

Priorities for paying obligations listed on  
ROPS

If there are insufficient funds to pay  
obligations listed on the ROPS. . .

1 33681.15, or 33688; *or as expressly provided in a passthrough*  
 2 *agreement entered into pursuant to Section 33401, made*  
 3 *passthrough payment obligations subordinate to debt service*  
 4 *payments required for enforceable obligations, funds for servicing*  
 5 *bond debt may be deducted from the amounts for passthrough*  
 6 *payments under paragraph (1), as provided in those sections, but*  
 7 *only to the extent that the amounts remaining to be distributed to*  
 8 *taxing entities pursuant to paragraph (4) and the amounts available*  
 9 *for distribution for administrative costs in paragraph (3) have all*  
 10 *been exhausted.*

11 (c) The county treasurer may loan any funds from the county  
 12 treasury to the Redevelopment Property Tax Trust Fund of the  
 13 successor agency for the purpose of paying an item approved on  
 14 the Recognized Obligation Payment Schedule at the request of the  
 15 Department of Finance that are necessary to ensure prompt  
 16 payments of redevelopment agency debts. *An enforceable*  
 17 *obligation is created for repayment of those loans.*

18 (d) The Controller may recover the costs of audit and oversight  
 19 required under this part from the Redevelopment Property Tax  
 20 Trust Fund by presenting an invoice therefor to the county  
 21 auditor-controller who shall set aside sufficient funds for and  
 22 disburse the claimed amounts prior to making the next distributions  
 23 to the taxing-jurisdictions *entities* pursuant to Section 34188.  
 24 Subject to the approval of the Director of Finance, the budget of  
 25 the Controller may be augmented to reflect the reimbursement,  
 26 pursuant to Section 28.00 of the Budget Act.

27 (e) *Within 10 days of each distribution of property tax, the*  
 28 *county auditor-controller shall provide a report to the department*  
 29 *regarding the distribution for each successor agency that includes*  
 30 *information on the total available for allocation, the passthrough*  
 31 *amounts and how they were calculated, the amounts distributed*  
 32 *to successor agencies, and the amounts distributed to taxing entities*  
 33 *in a manner and form specified by the department. This reporting*  
 34 *requirement shall also apply to distributions required under*  
 35 *subdivision (b) of Section 34183.5.*

36 SEC. 26. Section 34183.5 is added to the Health and Safety  
 37 Code, to read:

38 34183.5. (a) *The Legislature hereby finds and declares that*  
 39 *due to the delayed implementation of this part due to the California*  
 40 *Supreme Court's ruling in the case California Redevelopment*

Reporting on distribution of property tax

1 *Association v. Matosantos et al.* (2011) 53 Cal.4th 231, some  
2 *disruption to the intended application of this part and other law*  
3 *with respect to passthrough payments may have occurred.*

4 (1) *If a redevelopment agency or successor agency did not pay*  
5 *any portion of an amount owed for the 2011–12 fiscal year to an*  
6 *affected taxing entity pursuant to Section 33401, 33492.140, 33607,*  
7 *33607.5, 33607.7, or 33676, or pursuant to any passthrough*  
8 *agreement entered into before January 1, 1994, between a*  
9 *redevelopment agency and an affected taxing entity, and to the*  
10 *extent the county auditor-controller did not remit the amounts*  
11 *owed for passthrough payments during the 2011–12 fiscal year,*  
12 *the county auditor-controller shall make the required payments*  
13 *to the taxing entities owed passthrough payments and shall reduce*  
14 *the amounts to which the successor agency would otherwise be*  
15 *entitled pursuant to paragraph (2) of subdivision (a) of Section*  
16 *34183 at the next allocation of property tax under this part, subject*  
17 *to the provisions of subdivision (b) of Section 34183. If the amount*  
18 *of available property tax allocation to the successor agency is not*  
19 *sufficient to make the required payment, the county*  
20 *auditor-controller shall continue to reduce allocations to the*  
21 *successor agency under paragraph (2) of subdivision (a) of Section*  
22 *34183 until the time that the owed amount is fully paid. Alternately,*  
23 *the county auditor-controller may accept payment from the*  
24 *successor agency’s reserve funds for payments of passthrough*  
25 *payments owed as defined in this subdivision.*

26 (2) *If a redevelopment agency did not pay any portion of the*  
27 *amount owed for the 2011–12 fiscal year to an affected taxing*  
28 *entity pursuant to Section 33401, 33492.140, 33607, 33607.5,*  
29 *33607.7, or 33676, or pursuant to any passthrough agreement*  
30 *entered into before January 1, 1994, between a redevelopment*  
31 *agency and an affected taxing entity, but the county*  
32 *auditor-controller did pay the difference that was owing, the*  
33 *auditor controller shall deduct from the next allocation of property*  
34 *tax to the successor agency under paragraph (2) of subdivision*  
35 *(a) of Section 34183, the amount of the payment made on behalf*  
36 *of the successor agency by the county auditor-controller, not to*  
37 *exceed one-half the amount of passthrough payments owed for the*  
38 *2011–12 fiscal year. If the amount of available property tax*  
39 *allocation to the successor agency is not sufficient to make the*  
40 *required deduction, the county auditor-controller shall continue*

1 to reduce allocations to the successor agency under paragraph  
2 (2) of subdivision (a) of Section 34183 until the time that the  
3 amount is fully deducted. Alternatively, the auditor-controller may  
4 accept payment from the successor agency's reserve funds for  
5 deductions of passthrough payments owed as defined in this  
6 subdivision. Amounts reduced from successor agency payments  
7 under this paragraph are available for the purposes of paragraphs  
8 (2) to (4), inclusive, of subdivision (a) of Section 34183 for the  
9 six-month period for which the property tax revenues are being  
10 allocated.

11 (b) In recognition of the fact that county auditor-controllers  
12 were unable to make the payments required by paragraph (4) of  
13 subdivision (a) of Section 34183 for the period January 1, 2012,  
14 through June 30, 2012, on January 16, 2012, due to the California  
15 Supreme Court's ruling in the case of California Redevelopment  
16 Association v. Matosantos (2011) 53 Cal.4th 231, in addition to  
17 taking the actions specified in Section 34183 with respect to the  
18 June 1 property tax allocations, county auditor-controllers should  
19 have made allocations as provided in paragraph (1).

20 (1) From the allocations made on June 1, 2012, for the  
21 Recognized Obligation Payment Schedule covering the period July  
22 1, 2012, through December 31, 2012, deduct from the amount that  
23 otherwise would be deposited in the Redevelopment Property Tax  
24 Trust Fund on behalf of the successor agency an amount equivalent  
25 to the amount that each affected taxing entity was entitled to  
26 pursuant to paragraph (4) of subdivision (a) of Section 34183 for  
27 the period January 1, 2012, through June 30, 2012. The amount  
28 to be retained by taxing entities pursuant to paragraph (4) of  
29 subdivision (a) of Section 34183 for the January 1, 2012, through  
30 June 30, 2012, period is determined based on the Recognized  
31 Obligation Payment Schedule approved by the Department of  
32 Finance pursuant to subdivision (h) of Section 34179 and any  
33 amount determined to be owed pursuant to subdivision (b). Any  
34 amounts so computed shall not be offset by any shortages in  
35 funding for recognized obligations for the period covering July 1,  
36 2012, through December 31, 2012.

37 (2) (A) If an affected taxing entity has not received the full  
38 amount to which it was entitled pursuant to paragraph (4) of  
39 subdivision (a) of Section 34183 of the property tax distributed  
40 for the period January 1, 2012, through June 30, 2012, and

1 paragraph (1), no later than July 9, 2012, the county  
2 auditor-controller shall determine the amount, if any, that is owed  
3 by each successor agency to taxing entities and send a demand  
4 for payment from the funds of the successor agency for the amount  
5 owed to taxing entities if it has distributed the June 1, 2012,  
6 allocation to the successor agencies. No later than July 12, 2012,  
7 successor agencies shall make payment of the amounts demanded  
8 to the county auditor-controller for deposit into the Redevelopment  
9 Property Tax Trust Fund and subsequent distribution to taxing  
10 entities. No later than July 16, 2012, the county auditor-controller  
11 shall make allocations of all money received by that date from  
12 successor agencies in amounts owed to taxing entities under this  
13 paragraph to taxing entities in accordance with Section 34183.  
14 The county auditor-controller shall make allocations of any money  
15 received after that date under this paragraph within five business  
16 days of receipt. These duties are not discretionary and shall be  
17 carried out with due diligence.

18 (B) If a county auditor-controller fails to determine the amounts  
19 owed to taxing entities and present a demand for payment by July  
20 9, 2012, to the successor agencies, the Department of Finance or  
21 any affected taxing entity may request a writ of mandate to require  
22 the county auditor-controller to immediately perform this duty.  
23 Such actions may be filed only in the County of Sacramento and  
24 shall have priority over other civil matters. Any county in which  
25 the county auditor-controller fails to perform the duties under this  
26 paragraph shall be subject to a civil penalty of 10 percent of the  
27 amount owed to taxing entities plus 1.5 percent of the amount owed  
28 to taxing entities for each month that the duties are not performed.  
29 The civil penalties shall be payable to the taxing entities under  
30 Section 34183. Additionally, any county in which the county  
31 auditor-controller fails to make the required determinations and  
32 demands for payment under this paragraph by July 9, 2012, or  
33 fails to distribute the full amount of funds received from successor  
34 agencies as required by this paragraph shall not receive the  
35 distribution of sales and use tax scheduled for July 18, 2012, or  
36 any subsequent payment, up to the amount owed to taxing entities,  
37 until the county auditor-controller performs the duties required  
38 by this paragraph.

39 (C) If a successor agency fails to make the payment demanded  
40 under subparagraph (A) by July 12, 2012, the Department of

Timeline for auditor-controller to demand payment and for successor agencies to pay the amount demanded

Penalties

1 Finance or any affected taxing entity may file for a writ of mandate  
 2 to require the successor agency to immediately make this payment.  
 3 Such actions may be filed only in the County of Sacramento and  
 4 shall have priority over other civil matters. Any successor agency  
 5 that fails to make payment by July 12, 2012, under this paragraph  
 6 shall be subject to a civil penalty of 10 percent of the amount owed  
 7 to taxing entities plus one and one-half percent of the amount owed  
 8 to taxing entities for each month that the payments are not made.  
 9 Additionally, the city or county or city and county that created the  
 10 redevelopment agency shall also be subject to a civil penalty of  
 11 10 percent of the amount owed to taxing entities plus 1.5 percent  
 12 of the amount owed to taxing entities for each month the payment  
 13 is late. The civil penalties shall be payable to the taxing entities  
 14 under Section 34183. If the Department of Finance finds that the  
 15 imposition of penalties will jeopardize the payment of enforceable  
 16 obligations it may request the court to waive some or all of the  
 17 penalties. A successor agency that does not pay the amount  
 18 required under this subparagraph by July 12, 2012, shall not pay  
 19 any obligations other than bond debt service until full payment is  
 20 made to the county auditor-controller. Additionally, any city,  
 21 county or city and county that created the redevelopment agency  
 22 that fails to make the required payment under this paragraph by  
 23 July 12, 2012, shall not receive the distribution of sales and use  
 24 tax scheduled for July 18, 2012, or any subsequent payment, up  
 25 to the amount owed to taxing entities, until the payment required  
 26 by this paragraph is made.

27 (D) The Legislature hereby finds and declares that time is of  
 28 the essence. Funds that should have been received and were  
 29 expected and spent in anticipation of receipt by community  
 30 colleges, schools, counties, cities, and special districts have not  
 31 been received resulting in significant fiscal impact to the state and  
 32 taxing entities. Continued delay and uncertainty whether funds  
 33 will be received warrants the availability of extraordinary relief  
 34 as authorized herein.

35 (3) If an affected taxing entity has not received the full amount  
 36 to which it was entitled pursuant to paragraph (4) of subdivision  
 37 (a) of Section 34183 for the period January 1, 2012, through June  
 38 30, 2012, and paragraph (1), the county auditor-controller shall  
 39 reapply the provisions of paragraph (1) to each subsequent  
 40 property tax allocation until such time as the affected taxing entity

1 has received the full amount to which it was entitled pursuant to  
2 paragraph (4) of subdivision (a) of Section 34183 for the period  
3 January 1, 2012, through June 30, 2012.

4 SEC. 27. Section 34185 of the Health and Safety Code is  
5 amended to read:

6 34185. Commencing on ~~May 16, 2012~~ June 1, 2012, and on  
7 each January ~~16~~ 2 and June 1 thereafter, the county  
8 auditor-controller shall transfer, from the Redevelopment Property  
9 Tax Trust Fund of each successor agency into the Redevelopment  
10 Obligation Retirement Fund of that agency, an amount of property  
11 tax revenues equal to that specified in the Recognized Obligation  
12 Payment Schedule for that successor agency as payable from the  
13 Redevelopment Property Tax Trust Fund subject to the limitations  
14 of ~~Sections 34173 and~~ subdivision (l) of Section 34177 and Section  
15 34183.

16 SEC. 28. Section 34186 of the Health and Safety Code is  
17 amended to read:

18 34186. (a) Differences between actual payments and past  
19 estimated obligations on recognized obligation payment schedules  
20 ~~must~~ shall be reported in subsequent recognized obligation payment  
21 schedules and shall adjust the amount to be transferred to the  
22 Redevelopment Obligation Retirement Fund pursuant to this part.  
23 These estimates and accounts shall be subject to audit by county  
24 auditor-controllers and the Controller.

25 (b) Differences between actual passthrough obligations and  
26 property tax amounts and the amounts used by the county  
27 auditor-controller in determining the amounts to be allocated  
28 under Sections 34183 and 34188 for a prior six-month period shall  
29 be applied as adjustments to the property tax and passthrough  
30 amounts in subsequent periods as they become known. County  
31 auditor-controllers shall not delay payments under this part to  
32 successor agencies or taxing entities based on pending  
33 transactions, disputes, or for any other reason, other than a court  
34 order, and shall use the Recognized Obligation Payment Schedule  
35 approved by the Department of Finance and the most current data  
36 for passthroughs and property tax available prior to the statutory  
37 distribution dates to make the allocations required on the dates  
38 required.

39 SEC. 29. Section 34187 of the Health and Safety Code is  
40 amended to read:

New distribution timeline for amounts listed on ROPS

County auditor-controllers shall not delay payments to successor agencies or taxing entities for reasons other than a court order

1 34187. (a) (1) Commencing May 1, 2012, whenever a  
 2 recognized obligation that had been identified in the Recognized  
 3 Payment Obligation Schedule is paid off or retired, either through  
 4 early payment or payment at maturity, the county auditor-controller  
 5 shall distribute to the taxing entities, in accordance with the  
 6 provisions of the Revenue and Taxation Code, all property tax  
 7 revenues that were associated with the payment of the recognized  
 8 obligation.

9 (2) *Notwithstanding paragraph (1), the Department of Finance*  
 10 *may authorize a successor agency to retain property tax that*  
 11 *otherwise would be distributed to affected taxing entities pursuant*  
 12 *to this subdivision, to the extent the department determines the*  
 13 *successor agency requires those funds for the payment of*  
 14 *enforceable obligations. Upon making a determination, the*  
 15 *department shall provide the county auditor-controller with*  
 16 *information detailing the amounts that it has authorized the*  
 17 *successor agency to retain. Upon determining the successor agency*  
 18 *no longer requires additional funds pursuant to this subdivision,*  
 19 *the department shall notify the successor agency and the county*  
 20 *auditor-controller. The county auditor-controller shall then*  
 21 *distribute the funds in question to the affected taxing entities in*  
 22 *accordance with the provisions of the Revenue and Taxation Code.*

23 (b) *When all of the debt of a redevelopment agency has been*  
 24 *retired or paid off, the successor agency shall dispose of all*  
 25 *remaining assets and terminate its existence within one year of*  
 26 *the final debt payment. When the successor agency is terminated,*  
 27 *all passthrough payment obligations shall cease and no property*  
 28 *tax shall be allocated to the Redevelopment Property Tax Trust*  
 29 *Fund for that agency.*

30 SEC. 30. *Section 34188 of the Health and Safety Code is*  
 31 *amended to read:*

32 34188. For all distributions of property tax revenues and other  
 33 moneys pursuant to this part, the distribution to each taxing entity  
 34 shall be in an amount proportionate to its share of property tax  
 35 revenues in the tax rate area in that fiscal year, as follows:

36 (a) (1) For distributions from the Redevelopment Property Tax  
 37 Trust Fund, the share of each taxing entity shall be applied to the  
 38 amount of property tax available in the Redevelopment Property  
 39 Tax Trust Fund after deducting the amount of any distributions  
 40 under paragraphs (2) and (3) of subdivision (a) of Section 34183.

Successor agency terminates its  
 existence within one year of final debt  
 payment

1 (2) For each taxing entity that receives passthrough payments,  
 2 that agency shall receive the amount of any passthrough payments  
 3 identified under paragraph (1) of subdivision (a) of Section 34183,  
 4 in an amount not to exceed the amount that it would receive  
 5 pursuant to this section in the absence of the passthrough  
 6 agreement. However, to the extent that the passthrough payments  
 7 received by the taxing entity are less than the amount that the  
 8 taxing entity would receive pursuant to this section in the absence  
 9 of a passthrough agreement, the taxing entity shall receive an  
 10 additional payment that is equivalent to the difference between  
 11 those amounts.

12 (b) Property tax shares of local agencies shall be determined  
 13 based on property tax allocation laws in effect on the date of  
 14 distribution, without the revenue exchange amounts allocated  
 15 pursuant to Section 97.68 of the Revenue and Taxation Code, and  
 16 without the property taxes allocated pursuant to Section 97.70 of  
 17 the Revenue and Taxation Code.

18 (c) The total school share, including passthroughs, shall be the  
 19 share of the property taxes that would have been received by school  
 20 entities, as defined in subdivision (f) of Section 95 of the Revenue  
 21 and Taxation Code, in the jurisdictional territory of the former  
 22 redevelopment agency, including, but not limited to, the amounts  
 23 specified in Sections 97.68 and 97.70 of the Revenue and Taxation  
 24 Code.

25 (d) *This section shall not be construed to increase any*  
 26 *allocations of excess, additional, or remaining funds that would*  
 27 *otherwise have been allocated to cities, counties, cities and*  
 28 *counties, or special districts pursuant to clause (i) of subparagraph*  
 29 *(B) of paragraph (4) of subdivision (d) of Section 97.2, clause (i)*  
 30 *of subparagraph (B) of paragraph (4) of subdivision (d) of Section*  
 31 *97.3, or Article 4 (commencing with Section 98) of Chapter 6 of*  
 32 *Part 0.5 of Division 1, of the Revenue and Taxation Code, had this*  
 33 *section not been enacted.*

34 SEC. 31. Section 34189 of the Health and Safety Code is  
 35 amended to read:

36 34189. (a) Commencing on the effective date of this part, all  
 37 provisions of the Community Redevelopment Law that depend on  
 38 the allocation of tax increment to redevelopment agencies,  
 39 including, but not limited to, Sections 33445, 33640, 33641, 33645,  
 40 and subdivision (b) of Section 33670, shall be inoperative, except

1 as those sections apply to a redevelopment agency operating  
2 pursuant to Part 1.9 (commencing with Section 34192).

3 ~~(b) The California Law Revision Commission shall draft a  
4 Community Redevelopment Law cleanup bill for consideration  
5 by the Legislature no later than January 1, 2013.~~

6 ~~(e)~~

7 (b) To the extent that a provision of Part 1 (commencing with  
8 Section 33000), Part 1.5 (commencing with Section 34000), Part  
9 1.6 (commencing with Section 34050), and Part 1.7 (commencing  
10 with Section 34100) conflicts with this part, the provisions of this  
11 part shall control. Further, if a provision of Part 1 (commencing  
12 with Section 33000), Part 1.5 (commencing with Section 34000),  
13 Part 1.6 (commencing with Section 34050), or Part 1.7  
14 (commencing with Section 34100) provides an authority that the  
15 act adding this part is restricting or eliminating, the restriction and  
16 elimination provisions of the act adding this part shall control.

17 ~~(f)~~

18 (c) It is intended that the provisions of this part shall be read in  
19 a manner as to avoid duplication of payments.

20 SEC. 32. Section 34189.1 is added to the Health and Safety  
21 Code, to read:

22 34189.1. No party, public or private, may pursue, nor does a  
23 court have jurisdiction over, a validation action with respect to  
24 any action of a redevelopment agency or a successor agency to a  
25 redevelopment agency that took place on or after January 1, 2011,  
26 unless the Department of Finance and the Controller, representing  
27 interests of the State of California and each of the taxing entities  
28 who could be affected financially by the action, has been properly  
29 noticed. All actions shall be filed in the County of Sacramento.

30 SEC. 33. Section 34189.2 is added to the Health and Safety  
31 Code, to read:

32 34189.2. A successor agency or any party to an enforceable  
33 obligation as defined under this part shall properly notice the state  
34 with respect to a validation action involving any enforceable  
35 obligation or matter of title to an asset that belonged to a  
36 redevelopment agency. For such an action to be properly filed,  
37 both the Controller and the Director of Finance shall be noticed  
38 and actions shall be filed in the County of Sacramento.

39 SEC. 34. Section 34189.3 is added to the Health and Safety  
40 Code, to read:

Pursuing a validation action for  
redevelopment or successor agency  
actions that took place after Jan. 1, 2011

Providing notice on validation actions  
involving enforceable obligations or  
assets

1 34189.3. An action contesting any act taken or determinations  
2 or decisions made pursuant to this part or Part 1.8 (commencing  
3 with Section 34161) may be brought in superior court and shall  
4 be filed in the County of Sacramento.

5 SEC. 35. Chapter 9 (commencing with Section 34191.1) is  
6 added to Part 1.85 of Division 24 of the Health and Safety Code,  
7 to read:

8  
9 **CHAPTER 9. POSTCOMPLIANCE PROVISIONS**

Post-Compliance Provisions

10  
11 34191.1. The provisions of this chapter shall apply to a  
12 successor agency upon that agency's receipt of a finding of  
13 completion by the Department of Finance pursuant to Section  
14 34179.7.

15 34191.3. Notwithstanding Section 34191.1, the requirements  
16 specified in subdivision (e) of Section 34177 and subdivision (a)  
17 of Section 34181 shall be suspended, except as those provisions  
18 apply to the transfers for governmental use, until the Department  
19 of Finance has approved a long-range property management plan  
20 pursuant to subdivision (b) of Section 34191.5, at which point the  
21 plan shall govern, and supersede all other provisions relating to,  
22 the disposition and use of the real property assets of the former  
23 redevelopment agency. If the department has not approved a plan  
24 by January 1, 2015, subdivision (e) of Section 34177 and  
25 subdivision (a) of Section 34181 shall be operative with respect  
26 to that successor agency.

A DOF-approved long-range property management plan will govern the disposition and use of real property assets

27 34191.4. The following provisions shall apply to any successor  
28 agency that has been issued a finding of completion by the  
29 Department of Finance:

30 (a) All real property and interests in real property identified in  
31 subparagraph (C) of paragraph (5) of subdivision (c) of Section  
32 34179.5 shall be transferred to the Community Redevelopment  
33 Property Trust Fund of the successor agency upon approval by  
34 the Department of Finance of the long-range property management  
35 plan submitted by the successor agency pursuant to subdivision  
36 (b) of Section 34191.7 unless that property is subject to the  
37 requirements of any existing enforceable obligation.

Transferring real property and interests to the Community Redevelopment Property Trust Fund

38 (b) (1) Notwithstanding subdivision (d) of Section 34171, upon  
39 application by the successor agency and approval by the oversight  
40 board, loan agreements entered into between the redevelopment

Loan agreements between the RDA and its sponsoring entity

1 agency and the city, county, or city and county that created by the  
2 redevelopment agency shall be deemed to be enforceable  
3 obligations provided that the oversight board makes a finding that  
4 the loan was for legitimate redevelopment purposes.

Loan agreements between the RDA and its sponsoring entity

5 (2) If the oversight board finds that the loan is an enforceable  
6 obligation, the accumulated interest on the remaining principal  
7 amount of the loan shall be recalculated from origination at the  
8 interest rate earned by funds deposited into the Local Agency  
9 Investment Fund. The loan shall be repaid to the city, county, or  
10 city and county in accordance with a defined schedule over a  
11 reasonable term of years at an interest rate not to exceed the  
12 interest rate earned by funds deposited into the Local Agency  
13 Investment Fund. The annual loan repayments provided for in the  
14 recognized obligations payment schedules shall be subject to all  
15 of the following limitations:

Loan repayment terms

16 (A) Loan repayments shall not be made prior to the 2013–14  
17 fiscal year. Beginning in the 2013–14 fiscal year, the maximum  
18 repayment amount authorized each fiscal year for repayments  
19 made pursuant to this subdivision and paragraph (7) of subdivision  
20 (e) of Section 34176 combined shall be equal to one-half of the  
21 increase between the amount distributed to the taxing entities  
22 pursuant to paragraph (4) of subdivision (a) of Section 34183 in  
23 that fiscal year and the amount distributed to taxing entities  
24 pursuant to that paragraph in the 2012–13 base year. Loan or  
25 deferral repayments made pursuant to this subdivision shall be  
26 second in priority to amounts to be repaid pursuant to paragraph  
27 (7) of subdivision (e) of Section 34176.

Repayment timeline

28 (B) Repayments received by the city, county or city and county  
29 that formed the redevelopment agency shall first be used to retire  
30 any outstanding amounts borrowed and owed to the Low and  
31 Moderate Income Housing Fund of the former redevelopment  
32 agency for purposes of the Supplemental Educational Revenue  
33 Augmentation Fund and shall be distributed to the Low and  
34 Moderate Income Housing Asset Fund established by subdivision  
35 (d) of Section 34176.

Maximum repayment amount

36 (C) Twenty percent of any loan repayment shall be deducted  
37 from the loan repayment amount and shall be transferred to the  
38 Low and Moderate Income Housing Asset Fund, after all  
39 outstanding loans from the Low and Moderate Income Housing

Low and Moderate Income Housing Fund and Supplemental Educational Revenue Augmentation Fund

Transfer 20% of loan repayment amounts to Low and Moderate Income Housing Asset Fund

1 Fund for purposes of the Supplemental Educational Revenue  
2 Augmentation Fund have been paid.

3 (c) (1) Bond proceeds derived from bonds issued on or before  
4 December 31, 2010, shall be used for the purposes for which the  
5 bonds were sold.

Bond proceeds

6 (2) (A) Notwithstanding Section 34177.3 or any other  
7 conflicting provision of law, bond proceeds in excess of the  
8 amounts needed to satisfy approved enforceable obligations shall  
9 thereafter be expended in a manner consistent with the original  
10 bond covenants. Enforceable obligations may be satisfied by the  
11 creation of reserves for projects that are the subject of the  
12 enforceable obligation and that are consistent with the contractual  
13 obligations for those projects, or by expending funds to complete  
14 the projects. An expenditure made pursuant to this paragraph shall  
15 constitute the creation of excess bond proceeds obligations to be  
16 paid from the excess proceeds. Excess bond proceeds obligations  
17 shall be listed separately on the Recognized Obligation Payment  
18 Schedule submitted by the successor agency.

Excess bond proceeds

List excess bond proceeds separately on  
ROPS

19 (B) If remaining bond proceeds cannot be spent in a manner  
20 consistent with the bond covenants pursuant to subparagraph (A),  
21 the proceeds shall be used to defease the bonds or to purchase  
22 those same outstanding bonds on the open market for cancellation.

23 34191.5. (a) There is hereby established a Community  
24 Redevelopment Property Trust Fund, administered by the successor  
25 agency, to serve as the repository of the former redevelopment  
26 agency's real properties identified in subparagraph (C) of  
27 paragraph (5) of subdivision (c) of Section 34179.5.

Establishment of Community  
Redevelopment Property Trust Fund

28 (b) The successor agency shall prepare a long-range property  
29 management plan that addresses the disposition and use of the  
30 real properties of the former redevelopment agency. The report  
31 shall be submitted to the oversight board and the Department of  
32 Finance for approval no later than six months following the  
33 issuance to the successor agency of the finding of completion.

Timeline for submittal of long-range  
property management plan

34 (c) The long-range property management plan shall do all of  
35 the following:

36 (1) Include an inventory of all properties in the trust. The  
37 inventory shall consist of all of the following information:

The long-range property management  
plan must include . . .

38 (A) The date of the acquisition of the property and the value of  
39 the property at that time, and an estimate of the current value of  
40 the property.

- 1 (B) *The purpose for which the property was acquired.*
- 2 (C) *Parcel data, including address, lot size, and current zoning*
- 3 *in the former agency redevelopment plan or specific, community,*
- 4 *or general plan.*
- 5 (D) *An estimate of the current value of the parcel including, if*
- 6 *available, any appraisal information.*
- 7 (E) *An estimate of any lease, rental, or any other revenues*
- 8 *generated by the property, and a description of the contractual*
- 9 *requirements for the disposition of those funds.*
- 10 (F) *The history of environmental contamination, including*
- 11 *designation as a brownfield site, any related environmental studies,*
- 12 *and history of any remediation efforts.*
- 13 (G) *A description of the property’s potential for transit-oriented*
- 14 *development and the advancement of the planning objectives of*
- 15 *the successor agency.*
- 16 (H) *A brief history of previous development proposals and*
- 17 *activity, including the rental or lease of property.*
- 18 (2) *Address the use or disposition of all of the properties in the*
- 19 *trust. Permissible uses include the retention of the property for*
- 20 *governmental use pursuant to subdivision (a) of Section 34181,*
- 21 *the retention of the property for future development, the sale of*
- 22 *the property, or the use of the property to fulfill an enforceable*
- 23 *obligation. The plan shall separately identify and list properties*
- 24 *in the trust dedicated to governmental use purposes and properties*
- 25 *retained for purposes of fulfilling an enforceable obligation. With*
- 26 *respect to the use or disposition of all other properties, all of the*
- 27 *following shall apply:*
- 28 (A) *If the plan directs the use or liquidation of the property for*
- 29 *a project identified in an approved redevelopment plan, the*
- 30 *property shall transfer to the city, county, or city and county.*
- 31 (B) *If the plan directs the liquidation of the property or the use*
- 32 *of revenues generated from the property, such as lease or parking*
- 33 *revenues, for any purpose other than to fulfill an enforceable*
- 34 *obligation or other than that specified in subparagraph (A), the*
- 35 *proceeds from the sale shall be distributed as property tax to the*
- 36 *taxing entities.*
- 37 (C) *Property shall not be transferred to a successor agency,*
- 38 *city, county, or city and county, unless the long-range property*
- 39 *management plan has been approved by the oversight board and*
- 40 *the Department of Finance.*

The long-range property management plan must include . . .

Permissible uses

Separately list governmental uses and properties that will be retained to fulfill enforceable obligations

Distributing revenue not used to fulfill enforceable obligations

Property transfers can only occur if the long-range property management plan is approved by oversight board and DOF

1     *SEC. 36. The Legislature finds and declares as follows:*

2     *(a) Certain provisions of Assembly Bill 26 of the 2011–12 First*  
3 *Extraordinary Session of 2011 (Ch. 5, 2011–12 First Ex. Sess.)*  
4 *are internally inconsistent, or uncertain in their meaning, with*  
5 *regard to the calculation of the amount to be paid by a county*  
6 *auditor-controller from the Redevelopment Property Tax Trust*  
7 *Fund to meet passthrough payment obligations to local agencies*  
8 *and school entities.*

9     *(b) Consistent with the statement in Section 34183 of the Health*  
10 *and Safety Code, as added by the measure identified in subdivision*  
11 *(a), that the provisions of that section are to apply*  
12 *“[n]otwithstanding any other law,” it was the intent of the*  
13 *Legislature in enacting that measure that the amount of the*  
14 *passthrough payments that are addressed by that section be*  
15 *determined in the manner specified by paragraph (1) of subdivision*  
16 *(a) of Section 34183 of the Health and Safety Code, and that the*  
17 *amount so calculated not be reduced or adjusted pursuant to the*  
18 *operation of any other provision of that measure.*

19     *SEC. 37. If any provision of this act or the application thereof*  
20 *to any person or circumstance is held invalid, the invalidity shall*  
21 *not affect other provisions or applications of this act which can*  
22 *be given effect without the invalid provision or application and to*  
23 *this end, the provisions of this act are severable.*

24     *SEC. 38. There is hereby appropriated up to twenty-two million*  
25 *dollars (\$22,000,000) from the General Fund, for allocation to*  
26 *departments by the Director of Finance in furtherance of the*  
27 *objectives of this act. Up to two million dollars (\$2,000,000) of*  
28 *this amount may be allocated to the Director of the Trial Court*  
29 *Trust Fund for allocation by the Administrative Office of the Courts*  
30 *to the Superior Court of California, County of Sacramento for*  
31 *work associated with Part 1.85 (commencing with Section 34170)*  
32 *of Division 24 of the Health and Safety Code. An allocation of*  
33 *funds approved by the Director of Finance under this item shall*  
34 *become effective no sooner than 30 days after the director files*  
35 *written notification thereof with the Chairperson of the Joint*  
36 *Legislative Budget Committee, and the chairpersons of the fiscal*  
37 *committees in each house of the Legislature, or no sooner than*  
38 *any lesser time the chairperson of the joint committee, or his or*  
39 *her designee, may in each instance determine.*

1     *SEC. 39. No reimbursement is required by this act pursuant*  
2 *to Section 6 of Article XIII B of the California Constitution because*  
3 *this act provides for offsetting savings to local agencies or school*  
4 *districts that result in no net costs to the local agencies or school*  
5 *districts, within the meaning of Section 17556 of the Government*  
6 *Code.*

7     *SEC. 40. This act is a bill providing for appropriations related*  
8 *to the Budget Bill within the meaning of subdivision (e) of Section*  
9 *12 of Article IV of the California Constitution, has been identified*  
10 *as related to the budget in the Budget Bill, and shall take effect*  
11 *immediately.*

12     ~~SECTION 1. It is the intent of the Legislature to enact statutory~~  
13 ~~changes relating to the Budget Act of 2012.~~