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HEALTH AND SAFETY CODE - HSC

DIVISION 45. HAZARDOUS SUBSTANCE RESPONSE [78000 - 81050] (*Division 45 added by Stats. 2022, Ch. 257, Sec. 2.*)

PART 2. HAZARDOUS SUBSTANCE ACCOUNT [78000 - 81050] (*Part 2 added by Stats. 2022, Ch. 257, Sec. 2.*)

CHAPTER 10. Cleanup Loans and Environmental Assistance to Neighborhoods [80200 - 80625] (*Chapter 10 added by Stats. 2022, Ch. 257, Sec. 2.*)

ARTICLE 10. Security for Loan [80540 - 80550] (*Article 10 added by Stats. 2022, Ch. 257, Sec. 2.*)

80540. (a) A loan approved pursuant to Article 7 (commencing with Section 80480) shall be secured by the property subject to the release or threatened release of the hazardous material on which the response action will be taken or by another form of security that the department determines will adequately protect the state's interest.

(b) The department shall obtain an appropriate security interest in the property or other alternative form of security approved by the department.

(c) (1) The department may foreclose on property, or the alternative form of security approved by the department, that is subject to a security interest pursuant to this article.

(2) Any funds received through a foreclosure or through the enforcement of any other security interest pursuant to this chapter shall be deposited in the account.

(*Added by Stats. 2022, Ch. 257, Sec. 2. (AB 2293) Effective January 1, 2023. Operative January 1, 2024, pursuant to Sec. 4 of Stats. 2022, Ch. 257.*)

80545. (a) The state, the secretary, the department, and the account are not liable under any state or local statute, regulation, or ordinance because the department holds the security interest identified in Section 80540 or because the department acquired property through foreclosure or its equivalent in satisfaction of a loan issued pursuant to this chapter.

(b) Chapter 6.96 (commencing with Section 25548) of Division 20 does not apply to the state, the secretary, the department, the agency, or the account with regard to a loan secured pursuant to Section 80540.

(*Added by Stats. 2022, Ch. 257, Sec. 2. (AB 2293) Effective January 1, 2023. Operative January 1, 2024, pursuant to Sec. 4 of Stats. 2022, Ch. 257.*)

80550. (a) Notwithstanding any other provision of law, no approval or review shall be required from the Department of General Services to obtain any security interest or exercise any rights, including, but not limited to, foreclosure, under any security interest or other agreement made pursuant to this chapter.

(b) The acquisition of a property pursuant to this chapter through foreclosure or its equivalent is not subject to Article 2 (commencing with Section 14660) of Chapter 2 of Part 5.5 of Division 3 of Title 2 of the Government Code.

(c) The department shall promptly dispose of any property acquired through the exercise of any security interest pursuant to this chapter at the property's current market value and the disposal of this property is exempt from Section 11011.1 of the Government Code and Article 8 (commencing with Section 54220) of Chapter 5 of Part 1 of Division 2 of Title 5 of the Government Code.

(*Added by Stats. 2022, Ch. 257, Sec. 2. (AB 2293) Effective January 1, 2023. Operative January 1, 2024, pursuant to Sec. 4 of Stats. 2022, Ch. 257.*)