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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 7. Review of CLEAN Loan Applications [80480 - 80490] (*Article 7 added by Stats. 2022, Ch. 257, Sec. 2.*)

80480. (a) The department, after consultation with the secretary, the Secretary of Business, Transportation and Housing, and the Director of the Office of Planning and Research, may approve loan applications submitted pursuant to Article 6 (commencing with Section 80450).

(b) The department may approve a loan only for those response actions necessary to address a release or threatened release of a hazardous material at an eligible property.

(*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.*)

80485. If the department determines, based on estimates of the number of loan requests that will be submitted in any fiscal year and the amount of loan funds that will be available during that fiscal year, that sufficient funding to meet the demand for loans will not be available, the department shall establish a system for ranking loan applications based on priority scores. Priority scores shall be calculated for each loan application by scoring the project that is the subject of the loan application using scales that measure the factors listed in Section 80490. The department shall approve loans for a project based on its priority scores.

(*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.*)

80490. The system for ranking loan applications pursuant to Section 80485 shall establish priority scores for projects that are the subjects of the loan applications using scales that measure all of the following factors:

(a) The degree of community support expressed for the project, including, but not limited to, letters of support from local governmental entities, state or local elected officials, community leaders, and the general public.

(b) Financial support for the project provided at the local level, including grants or other subsidies, and funding provided by the issuance of bonds pursuant to the Mello-Roos Community Facilities Act of 1982 (Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5 of the Government Code) or financing under the Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24).

(c) The potential for the project to provide additional protection of the public health and safety.

(d) The potential for the project to enhance strategic community development, including, but not limited to, all of the following:

(1) The creation of new jobs.

(2) Generation of additional tax revenue.

(3) The likelihood that the project will stimulate additional redevelopment in adjacent areas.

(4) The degree to which implementation of the project will improve local property values.

(5) The degree to which implementation of the project will result in the development of new parks.

(6) The extent to which the project may have a beneficial effect on the construction of new schools.

(7) The extent to which the project will result in the construction of affordable inner-city housing.

(8) The potential for the project to have a beneficial impact on existing local and regional infrastructure or projected infrastructure needs, or otherwise promote infill development.

(e) The economic viability of the project, including, but not limited to, an analysis of the current value of the property as compared to its projected value after all necessary response actions have been completed.

(f) The ability of the loan applicant to successfully perform the response action at the site and repay the loan if funding is provided.

(g) The geographic location of the project, taking into consideration the number and amounts of loans approved for projects located in that area, as compared to those approved for other needy areas throughout the state.

(h) The degree of likelihood that the response action would not be completed if a loan pursuant to Article 6 (commencing with Section 80450) is not made, including whether any necessary response action is already being paid for by a responsible party pursuant to an administrative order, an agreement issued or entered into with a federal, state, or local agency, a judicial order, or a consent decree.

(i) The ability to obtain conventional financing absent a loan under this program.

(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.)