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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 8. Cost Recovery [79650 - 79955] (Chapter 8 added by Stats. 2022, Ch. 257, Sec. 2.)

ARTICLE 13. Liens [79935 - 79955] (Article 13 added by Stats. 2022, Ch. 257, Sec. 2.)

79935. (a) (1) Any costs or damages incurred by the department or regional board pursuant to this part constitute a claim and lien upon the real property owned by the responsible party that is subject to, or affected by, the removal and remedial action.

(2) The lien provided by this article shall continue until the liability for these costs or damages, or a judgment against the responsible party, is satisfied. However, if it is determined by the court that the judgment against the responsible party will not be satisfied, the department may exercise its rights under the lien.

(b) This lien shall attach regardless of whether the responsible party is insolvent.

(c) A lien established by this article shall be subject to the notice and hearing procedures required by due process of the law and shall arise at the time costs are first incurred by the department or regional board with respect to a response action at the site.

(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.)

79940. The lien imposed by this article shall have the force and effect of, and the priority of, a judgment lien upon its recordation in the county in which the property subject to the lien is located.

(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.)

79945. (a) The lien shall contain the legal description of the real property, the assessor's parcel number, and the name of the owner of record, as shown on the latest equalized assessment roll.

(b) The lien shall also contain a legal description of the property that is the site of the hazardous substance release, the assessor's parcel number for that property, and the name of the owner of record, as shown on the latest equalized assessment roll, of that 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.)

79950. The department shall not be considered a responsible party for a hazardous substance release site because a claim and lien is imposed pursuant to this article.

(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.)

79955. All funds recovered pursuant to this article shall be deposited in the state 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.)