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AB-3061 State highways: property leases. (2017-2018)

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Assembly Bill No. 3061

CHAPTER 442

An act to add Section 104.25 to the Streets and Highways Code, relating to state highways.

[Approved by Governor September 17, 2018. Filed with Secretary of State September 17, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 3061, Gloria. State highways: property leases.

Existing law provides that the Department of Transportation has full possession and control of the state highway system, including associated property. Existing law requires the department, when requested to do so by a city, county, or special district, to lease unoccupied unimproved property that is held for future highway purposes to the city, county, or special district within which the property is located, and requires the lease to be renewable. Existing law authorizes the city, county, or special district to use the leased property first for agricultural and community garden purposes, and 2nd for recreational purposes, and requires the lease amount to be \$1 per year for not less than one year. Existing law authorizes the department to lease specified property in the City of San Diego to a city, county, a political subdivision of a city or county, or another state agency for an emergency shelter, a feeding program, or the establishment of a day care center for children, at a lease amount of \$1 per month and payment of an administrative fee not to exceed \$500 per year, as specified.

This bill would authorize the department to lease specified property in the City of San Diego to a city or county, a political subdivision of a city or county, or another state agency, for purposes of an emergency shelter or feeding program.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 104.25 is added to the Streets and Highways Code, to read:

104.25. (a) The department may lease the real property located at 4747 Pacific Highway in the City of San Diego, department parcel number 760-216-19-00, which was acquired for highway purposes and is not excess property, to a city or county, a political subdivision of a city or county, or another state agency, for purposes of an emergency shelter or feeding program.

(b) (1) The lease amount shall be for one dollar (\$1) per month.

(2) The lease amount may be paid in advance of the term covered to reduce the administrative costs associated with the payment of the monthly rental fee.

(3) The lease shall require the payment of an administrative fee not to exceed five hundred dollars (\$500) per year, unless the department determines that a higher administrative fee is necessary, for the department's cost of administering the lease.

(c) The Legislature finds and declares that the lease of real property pursuant to this section serves a public purpose.

(d) Notwithstanding Chapter 7.8 (commencing with Section 8698) of Division 1 of Title 2 of the Government Code, all structures that are constructed or modified under this section shall be compliant with the minimum standards provided in the 2016 California Building Code Appendix N, the 2016 California Residential Code Appendix X, or any future standards adopted by the Department of Housing and Community Development related to emergency housing or emergency housing facilities.