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AB-1255 Surplus public land: inventory. (2019-2020)

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Date Published: 10/10/2019 09:00 PM

Assembly Bill No. 1255

CHAPTER 661

An act to amend Section 54230 of the Government Code, relating to local government.

[Approved by Governor October 09, 2019. Filed with Secretary of State October 09, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1255, Robert Rivas. Surplus public land: inventory.

Existing law authorizes a board of supervisors of a county to establish a central inventory of all surplus governmental property located in the county.

This bill would, instead, require each county and each city to make a central inventory of specified surplus land and excess land identified pursuant to law on or before December 31 of each year. The bill would require the city or county to make a description of each parcel and its present uses a matter of public record and to report this information to the Department of Housing and Community Development (HCD) no later than April 1 of each year, beginning April 1, 2021, as provided, but would authorize HCD to delay implementation of this requirement for one year. The bill would require a county or city, upon request, to provide a list of its surplus governmental properties to a citizen, limited dividend corporation, housing corporation, or nonprofit corporation without charge.

This bill would require HCD to provide the information reported to it by a city or county, as described above, to the Department of General Services for inclusion in a digitized inventory of all state-owned parcels that are in excess of state needs. The bill would authorize HCD to adopt, amend, or repeal standards, forms, and definitions to implement the provisions of this bill and exempt those standards, forms, and definitions from the rulemaking provisions of the Administrative Procedure Act.

By adding to the duties of local officials, this bill would impose a state-mandated local program.

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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

SECTION 1. The Legislature finds and declares all of the following:

(a) California is experiencing an acute affordable housing crisis that stifles economic growth, contributes to the homelessness epidemic, consumes an ever-growing share of the paychecks of working families, and holds millions of households back from realizing the California dream.

(b) Nearly 50 percent of California's households cannot afford the cost of housing in their local market.

(c) For decades, California has failed to build enough homes for its growing population at all income levels, ranking 49th in the country in housing production per capita in 2016.

(d) Restrictive zoning and land use policies at the local level are a major cause of the shortfall between California's housing needs and the available supply of housing.

(e) When communities do not build their fair share of housing, the surrounding region must absorb new residents who, as a consequence of a lack of access to affordable housing, suffer from higher rents and longer commutes.

(f) The high cost of land also significantly limits the development of affordable housing in areas with the greatest demand for new housing.

(g) State agencies own thousands of parcels of land throughout the state, some of which exceed those agencies' foreseeable needs.

(h) Governor Gavin Newsom issued Executive Order N-06-19 on January 15, 2019, to, among other things, require the Department of General Services to create a digitized inventory of all state-owned parcels that are in excess of state agencies' foreseeable needs by conducting a comprehensive survey of all state-owned land to be completed no later than April 30, 2019.

(i) Local agencies also own thousands of parcels of land throughout the state, some of which exceed those agencies' foreseeable needs.

SEC. 2. Section 54230 of the Government Code is amended to read:

54230. (a) (1) On or before December 31 of each year, each county and each city shall make a central inventory of all surplus land, as defined in subdivision (b) of Section 54221, and all lands in excess of its foreseeable needs, if any, identified pursuant to Section 50569, located in all urbanized areas and urban clusters, as designated by the United States Census Bureau, within the jurisdiction of the county or city that the county or city or any of its departments, agencies, or authorities owns or controls.

(2) (A) Subject to subparagraph (C), each county and each city shall make a description of each parcel described in paragraph (1) and the present use of the parcel a matter of public record and shall report this information to the Department of Housing and Community Development no later than April 1 of each year, beginning April 1, 2021, in a form prescribed by the department, as part of its annual progress report submitted pursuant to paragraph (2) of subdivision (a) of Section 65400.

(B) The information reported pursuant to this paragraph shall include, but not be limited to, the following information with respect to each site:

(i) Street address, or similar location information.

(ii) Assessor's parcel number.

(iii) Existing use.

(iv) Whether the site is surplus land or exempt surplus land.

(v) Size in acres.

(C) The Department of Housing and Community Development may, in its discretion, delay implementation of this paragraph until April 1, 2022.

(3) Each county and each city, upon request, shall provide a list of its surplus land and excess land to a citizen, limited dividend corporation, housing corporation, or nonprofit corporation without charge.

(b) The Department of Housing and Community Development shall provide the information reported to it by a city or county pursuant to paragraph (2) of subdivision (a) to the Department of General Services for inclusion in a digitized inventory of all state-owned parcels that are in excess of state needs.

(c) The Department of Housing and Community Development may review, adopt, amend, and repeal standards, forms, and definitions in order to implement this section. Any standards, forms, or definitions adopted, amended, or repealed pursuant to this

subdivision are hereby exempt from the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2).

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.