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AB-2525 State highways: property leases. (2023-2024)

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Date Published: 09/30/2024 09:00 PM

Assembly Bill No. 2525

CHAPTER 721

An act to amend Section 104.26 of the Streets and Highways Code, relating to state highways.

[Approved by Governor September 27, 2024. Filed with Secretary of State September 27, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2525, Zbur. State highways: property leases.

Existing law vests the Department of Transportation with full possession and control of the state highway system, including associated property. Existing law authorizes the department to offer leases to the City of Los Angeles on a right of first refusal basis for any airspace under a freeway or certain real property acquired for highway purposes located in the city for purposes of an emergency shelter or feeding program for a lease amount, for up to 10 parcels, of \$1 per month, and a payment of an administrative fee not to exceed \$500 per year, as specified.

This bill would expand the purposes for which these leases may be issued to include an emergency shelter or feeding program, a secure vehicle lot program, or any combination of those purposes. The bill would define "secure vehicle lot program" to mean the use of the leased property to store a vehicle belonging to a person receiving services from the lessee or other governmental agency for the purpose of relieving homelessness. The bill would specify conditions for a vehicle stored in a secure vehicle lot program. The bill would also increase the number of parcels that may be leased for \$1 per month to 25 parcels.

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

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

SECTION 1. Section 104.26 of the Streets and Highways Code is amended to read:

104.26. (a) (1) Any airspace under a freeway, or real property acquired for highway purposes, in the City of Los Angeles, that is not excess property, may be offered for lease on a right of first refusal by the department to the city, or to a political subdivision of the city, for purposes of an emergency shelter or feeding program, for purposes of a secure vehicle lot program, or for any combination of these purposes.

(2) For up to 25 parcels, the lease amount for emergency shelter or feeding programs or secure vehicle lot programs shall be for one dollar (\$1) per month. The lease amount may be paid in advance of the term covered in order to reduce the administrative costs associated with the payment of the monthly rental fee. 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.

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

(b) (1) Any airspace under a freeway, or real property acquired for highway purposes, in the City of San Jose, that is not excess property, may be offered for lease on a right of first refusal by the department to the city, or to a political subdivision of the city, for purposes of an emergency shelter or feeding program.

(2) For up to 10 parcels, the lease amount for emergency shelter or feeding programs shall be for one dollar (\$1) per month. The lease amount may be paid in advance of the term covered in order to reduce the administrative costs associated with the payment of the monthly rental fee. 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.

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

(c) A vehicle stored in a secure vehicle lot program pursuant to subdivision (a) shall comply with all of the following:

(1) It shall be uninhabited.

(2) Prior to storage in a secure vehicle lot program, it shall be assessed for safe storage, as defined by the department and in consultation with the City of Los Angeles.

(3) It shall not contain hazardous material, as defined in Section 25501 of the Health and Safety Code, unless otherwise specified in the terms of the lease entered into between the City of Los Angeles and the department.

(d) For purposes of this section, "secure vehicle lot program" means the use of the leased property to store a vehicle, including, but not limited to, a recreational vehicle, belonging to a person receiving services from the lessee or other governmental agency for the purpose of relieving homelessness.