

AMENDED IN SENATE FEBRUARY 22, 2023

AMENDED IN SENATE FEBRUARY 16, 2023

SENATE BILL

No. 34

Introduced by Senator Umberg
(~~Coauthor: Senator Min~~)
(~~Coauthor: Assembly Member Ting~~)
(*Coauthors: Senators Min and Newman*)
(*Coauthors: Assembly Members Quirk-Silva and Ting*)

December 5, 2022

An act to add and repeal Section ~~54230.7~~ 54230.8 of the Government Code, relating to surplus land.

LEGISLATIVE COUNSEL'S DIGEST

SB 34, as amended, Umberg. Surplus land disposal: violations: Orange County.

Existing law prescribes requirements for the disposal of land determined to be surplus land by a local agency. Those requirements include a requirement that a local agency, prior to disposing of a property or participating in negotiations to dispose of that property with a prospective transferee, send a written notice of availability of the property to specified entities, depending on the property's intended use, and send specified information in regard to the disposal of the parcel of surplus land to the Department of Housing and Community Development. Existing law, among other enforcement provisions, makes a local agency that disposes of land in violation of these disposal provisions, after receiving notification of violation from the department, liable for a penalty of 30% of the final sale price of the land sold in violation for a first violation and 50% for any subsequent violation. Under existing law, except as specified, a local agency has 60 days to

cure or correct an alleged violation before an enforcement action may be brought. Existing law provides for the deposit and use of penalty revenues for housing, as prescribed.

This bill, until January 1, 2030, would require the County of Orange, or any city located within Orange County, if notified by the department that its planned sale or lease of surplus land is in violation of existing law, to cure or correct the alleged violation within 60 days, as prescribed. The bill would prohibit an Orange County jurisdiction that has not cured or corrected any alleged violation from disposing of the parcel until the department determines that it has complied with existing law or deems the alleged violation not to be a violation.

This bill would make legislative findings and declarations as to the necessity of a special statute for Orange County.

By imposing new duties on local agencies, the 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.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 54230.7 is added to the Government~~
2 ~~Code, to read:~~
3 ~~54230.7.—~~
4 ~~SECTION 1. Section 54230.8 is added to the Government Code,~~
5 ~~to read:~~
6 ~~54230.8. (a) If the Department of Housing and Community~~
7 ~~Development, pursuant to Section 54230.5, notifies the County of~~
8 ~~Orange, or any city located within Orange County, that its planned~~
9 ~~sale or lease of surplus land is in violation of this article, the~~
10 ~~jurisdiction shall have 60 days from the date of receipt of the~~
11 ~~notification of violation to cure or correct an alleged violation,~~
12 ~~unless the Department of Housing and Community Development~~
13 ~~deems the alleged violation not to be a violation in less than 60~~

1 days. If the jurisdiction has not cured or corrected any alleged
2 violation within 60 days, it shall not dispose of the parcel until the
3 Department of Housing and Community Development determines
4 that it has complied with this article or deems the alleged violation
5 not to be a violation.

6 (b) This section shall remain in effect only until January 1, 2030,
7 and as of that date is repealed.

8 SEC. 2. The Legislature finds and declares that a special statute
9 is necessary and that a general statute cannot be made applicable
10 within the meaning of Section 16 of Article IV of the California
11 Constitution because of the unique circumstances in Orange
12 County.

13 SEC. 3. If the Commission on State Mandates determines that
14 this act contains costs mandated by the state, reimbursement to
15 local agencies and school districts for those costs shall be made
16 pursuant to Part 7 (commencing with Section 17500) of Division
17 4 of Title 2 of the Government Code.