MINUTES OF THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



<u>3-66</u>

On motion of Supervisor Stone, seconded by Supervisor Ashley and duly carried by unanimous vote, IT WAS ORDERED that the recommendation from Supervisor Benoit regarding Support for AB 1080 (Alejo) Community Revitalization and Investment Authority is taken off calendar.

	t the foregoing is a full true, a	and correct copy of an order made a of Supervisors Minutes.
(seal)	Dated: July 30, 2013	e seal of the Board of Supervisors of the Board of Supervisors, in rside, State of California. Deputy

AGENDA NO. **3-66**

xc: Supvr. Benoit

SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



FROM: Supervisor John J. Benoit, District 4

SUBMITTAL DATE: July 22, 2013

SUBJECT: Support for AB 1080 (Alejo) - Community Revitalization and Investment Authority.

RECOMMENDED MOTION: That the Board of Supervisors:

- 1. Support AB 1080 (Alejo) Community Revitalization and Investment Authority (Attached);
- 2. Authorize the Chairman of the Board to send a letter of support to the bill's author and our legislative advocates, and;
- 3. Direct the Executive Office to engage our legislative advocates to monitor and actively advocate this issue on behalf of the County.

BACKGROUND:

AB 1080 would allow certain disadvantaged communities in California to create a new entity called a Community Revitalization Investment Authority. Such an authority would be able to invest property tax increment of consenting local agencies (with the exception of schools) and other available funding to improve conditions leading to increased employment opportunities, to reduce high crime rates, to repair deteriorating and inadequate infrastructure, to clean up brownfields and to promote affordable housing.

(Continued on Page 2)

John J. Benoit, Supervisor Fourth Supervisorial District

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SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA FORM 11: Support for AB 1080 (Alejo) Community Revitalization and Investment Authority

DATE: July 22, 2013

PAGE 2

Specifically, a Community Revitalization Investment Authority (CRIA) would be a public entity created by a city, a county, or by agreement between a city, county, and/or special district through a Joint Powers Authority. The CRIA would operate within an area characterized by an annual median household income that is less than 80% of the statewide annual median plus other conditions relating to unemployment, crime rates, deteriorated infrastructure and deteriorated commercial or residential structures.

Riverside County is composed of 4,087,173 acres of unincorporated area, and among this acreage are numerous areas that qualify as a disadvantaged community per the definition detailed within the bill and also experience high unemployment, deteriorated or inadequate infrastructure, and deteriorated residential structures. These areas would benefit from AB 1080's requirement that 25% of the tax increment collected is to be used for affordable housing and housing rehabilitation purposed.

The need for affordable housing continues to be an unmet need within the county. Under the former Redevelopment Agency, the county was able to create 7,500 (and counting) low- and moderate-income housing units. There is currently a waiting list for Section 8 of 16,084 and Public Housing of 33,093.

According to the analysis prepared by the Senate Governance Committee, the bill provides for numerous improvements over former redevelopment rules in that the bill is very limited in its scope and area. Several bills were introduced last year to address affordable housing issues and four were approved by the legislature. Governor Brown vetoed all four. The legislature has been committed to pursuing the issue of affordable housing and this appears to be a reasonable proposal to consider.

The bill adds to the affordable housing provisions of existing Community Redevelopment Law in three ways. First, it increases from 20 to 25 percent the amount of tax increment revenue that an authority must deposit into its low- and moderate- fund. (Tax increment accruing to an authority under the bill would be less as it would not include the schools' share). Second, the bill requires a community revitalization and investment plan to ensure that housing affordable to and occupied by extremely low-, very low-, and low-income households within an area does not decrease during the life of the area plan. Third, the bill requires the authority to provide replacement housing in two rather than four years. These provisions, added in the most recent set of amendments, represent an agreement between the author and the advocates of affordable housing.

The bill sets up a process whereby at least once every ten years property owners within a plan area can protest and ultimately shut down the work of an authority in their community. The protest process is restricted so that only property owners can participate.

The bill is widely supported by a broad coalition of building trades, cities, special districts and housing advocates.

SENATE TRANSPORTATION & HOUSING COMMITTEE SENATOR MARK DESAULNIER, CHAIRMAN

Analysis by: Carrie Cornwell Hearing date: July 9, 2013

BILL NO: AB 1080 AUTHOR: ALEJO VERSION: 7/2/13 FISCAL: YES

SUBJECT:

Community Investment and Revitalization Authorities

DESCRIPTION:

This bill allows a local government or local governments jointly to establish a Community Investment and Revitalization Authority to use tax increment revenues to invest in disadvantaged communities.

ANALYSIS:

Historically, the Community Redevelopment Law allowed a local government to establish a redevelopment area and capture all of the increase in property taxes generated within the area (referred to as "tax increment") over a period of decades. The law requires redevelopment agencies to deposit 20 percent of tax increment into a Low and Moderate Income Housing Fund (L&M fund) to be used to increase, improve, and preserve the community's supply of low- and moderate-income housing available at an affordable housing cost.

In 2011, the Legislature enacted two bills, AB 26X (Blumenfield) and AB 27X (Blumenfield), Chapters 5 and 6, respectively, of the First Extraordinary Session. AB 26X eliminated redevelopment agencies and established procedures for winding down the agencies, paying off enforceable obligations, and disposing of agency assets. AB 26X established successor agencies, typically the city that established the agency, to take control of all redevelopment agency assets, properties, and other items of value. Successor agencies are to dispose of an agency's assets as directed by an oversight board, made up of representatives of local taxing entities, with the proceeds transferred to the county auditor-controller for distribution to taxing agencies within each county.

AB 26X also included provisions allowing the host city or county of a dissolving redevelopment agency to retain the housing assets and functions previously performed by the agency, except for funds on deposit in the agency's L&M fund, and thus become a housing successor agency. If the host city or county chooses not to become the housing successor agency, a local housing authority or the state's Department of Housing and Community Development (HCD) takes on that responsibility.

AB 27X allowed redevelopment agencies to avoid elimination if they made payments to schools in the current budget year and in future years. In December 2011, the California Supreme Court in *California Redevelopment Association v. Matosantos* upheld AB 26X and overturned

AB 27X. As a result, all of the state's roughly 400 redevelopment agencies dissolved on February 1, 2012, and local jurisdictions are in the process of implementing AB 26X's provisions to distribute former redevelopment assets and pay its remaining obligations.

<u>This bill</u> authorizes local governments to create Community Investment and Revitalization Authorities to use tax increment revenue to improve the infrastructure, assist businesses, and support affordable housing in disadvantaged communities. Specifically, this bill:

- 1. Permits a city, county, or city and county to create a Community Investment and Revitalization Authority (authority). The authority board shall have five members, three of whom shall be members of the legislative body of the city or county and two of whom shall be public members who live or work within the community revitalization and investment area.
- 2. Permits, as an alternative, any combination of a city, county, city and county, and a special district, but not a school district, to enter a joint powers agreement to form an authority. The board of the authority in this case shall consist of a majority of members from the legislative bodies and a minimum of two public members who live or work within the community revitalization and investment area.
- 3. Prohibits a city or county that created a redevelopment agency dissolved pursuant to AB 26X of 2011 from forming an authority unless the Department of Finance has issued its successor agency a finding of completion indicating that the local government has complied with AB 26X's requirements to distribute the former agency's assets to the taxing entities.
- 4. Allows an authority to carry out a community revitalization plan within a community revitalization and investment area (plan area). The bill requires that at least 80% of the land calculated by census tracts within the area must be characterized by both of the following conditions:
 - An annual median household income that is less than 80% of the statewide annual median income.
 - Three of the following four conditions:
 - Non-seasonal unemployment that is at least 3% higher than statewide median unemployment rate.
 - > Crime rates that are 5% higher than the statewide median crime rate.
 - Deteriorated or inadequate infrastructure such as streets, sidewalks, water supply, sewer treatment or processing, and parks.
 - > Deteriorated commercial or residential structures.

Alternatively, an authority may carry out a community revitalization and investment plan within a community plan area established within a former military base that is principally characterized by deteriorated or inadequate infrastructure and structures. The board of an authority established within a former military base must include a member of the military base closure commission as a public member.

5. Allows any city, county, or special district, other than a school entity, that receives ad valorem property taxes from property located in a plan area to adopt a resolution allocating

some or all of its share of tax increment within the plan area for a number of years it specifies. The city, county, or special district may also dedicate its tax increment to specific purposes or programs. In addition, the city, county, or special district may cease providing tax increment to an authority, unless its increment is pledged to repay debt.

- 6. Deems an authority an "agency" pursuant to Community Redevelopment Law (CRL) for purposes of receiving tax increment revenue, but limits an agency's powers and duties to those prescribed in this bill. These powers include:
 - Provide funding to rehabilitate, repair, upgrade, or construct infrastructure;
 - Provide funding for low- and moderate-income housing;
 - Remedy or remove a release of hazardous substances, pursuant to provisions of the CRL known as the Polanco Act;
 - Provide for seismic retrofits of existing buildings pursuant to the CRL;
 - Acquire and transfer real property in accordance with specified provisions of the CRL;
 - Issue bonds:
 - Borrow money, receive grants, or accept financial or other assistance from the state or federal government;
 - Adopt a community revitalization and investment plan;
 - Make loans and grants for owners or tenants to improve, rehabilitate, or retrofit buildings or structures within the plan area; and
 - Provide direct assistance to businesses within the plan area in connection with new or existing facilities for industrial or manufacturing uses.
- 7. Requires an authority following a specified public notice and hearing process to adopt a community revitalization and investment plan. The plan may include a provision for the receipt of tax increment funds generated within the area, provided the plan includes these elements:
 - A statement of its principal goals and objectives:
 - A description of deteriorated or inadequate infrastructure within the plan area and a program to upgrade that infrastructure;
 - A program to remedy or remove a release of hazardous substances;
 - A program to provide funding or otherwise facilitate the economic revitalization of the plan area;
 - Time limits as provided in the CRL, which prescribe the maximum time an authority may establish debt, act pursuant to an area plan, and repay debt;
 - A fiscal analysis setting forth the receipt of revenue and projected expenses over a fiveyear planning horizon;
 - A program to use 25 percent of the tax increment revenue to increase, improve, and preserve the supply of low- and moderate-income housing available at an affordable housing cost in compliance with the CRL's housing provisions; and
 - A program that does both of the following:
 - ➤ Prohibits the number of housing units occupied by extremely low-, very low-, and low-income households, including the number of bedrooms in those units, from being reduced within the area during the effective period of the plan; and

Requires the replacement of dwelling units that house extremely low-, very low-, or low-income households when removed from an area within two years, rather than the four years under existing provisions of the CRL.

An authority shall follow the same process when making plan amendments. In addition, each year the authority must review its plan and make modifications as appropriate.

- 8. Allows an authority to transfer funding for affordable housing to a housing authority or the entity that received the housing assets of the former redevelopment agency within the territorial jurisdiction of the local jurisdiction of the authority, if it makes a finding that the transfer will reduce administrative costs or expedite the construction of affordable housing.
- 9. Requires that an authority adopt an annual report each year after holding a public hearing on the draft report and pursuant to specified notification requirements. The annual report must detail projects undertaken, revenues and expenses, housing activities, and assistance provided to private businesses. If an authority fails to provide its annual report, then it cannot spend any tax increment funds received.
- 10. Requires that every ten years an authority shall conduct at its annual report adoption hearing a protest hearing at which property owners within the plan area may present protests against the authority pursuant to a process specified in the bill. Under this process, if property owners representing over 50 percent of the assessed valuation of property in the plan area protest, then the authority must call an election within 90 days and, in the meantime, take no actions on any new projects. If a majority of property owners, weighted proportionally to the assessed value of their property, vote against the authority at the protest election, then the authority shall take no further action to implement its plan, except that it may finish those projects for which it had begun making expenditures of any kind.
- 11. Requires an authority to contract every five years for an independent financial and performance audit to determine compliance with the affordable housing requirements of the bill. The State Controller shall establish guidelines for ensuring that an authority is meeting the housing requirements of the bill (described in the final bullet under #7 above) over each five-year period covered by the audit. If an authority is failing to comply with these housing requirements, then it shall submit to the controller with its audit a plan to achieve compliance in not less than two years. The plan must include one of the following means of achieving compliance:
 - Expenditure of an additional 10 percent of the authority's tax increment revenues on providing low-income housing;
 - A 10 percent increase in the production of housing for very low-income households, as required under the CRL's housing production requirements; or
 - The targeting of expenditures from its L&M fund exclusively to rental housing affordable to, and occupied by, persons of very low and extremely low income.

COMMENTS:

1. <u>Purpose</u>. The author introduced this bill to allow certain "disadvantaged" areas of California to create a new entity called a Community Revitalization Investment Authority through which the local community would invest the property tax increments of consenting local

agencies, except schools, and other available funding, to improve conditions leading to increased employment opportunities, to reduce high crime rates, to repair deteriorating and inadequate infrastructure, to clean up brownfields, and to promote affordable housing.

He notes that redevelopment focused over \$6 billion per year toward repairing and redeveloping urban cores and building affordable housing, especially those areas most economically and physically disadvantaged. Since the dissolution of redevelopment agencies, communities across California are seeking an economic development tool to use.

While legislators introduced multiple measures in 2012 to provide local governments options for sustainable community economic development, and the Legislature approved four of them, none became law as Governor Brown vetoed those four. Still the author believes that as the dissolution of former redevelopment agencies continues, the pervasive question is "what economic development tool can local governments use?" It is unrealistic to expect that a single solution could work successfully in all California cities. The author states that this bill provides a viable option targeting the state's disadvantaged poorer areas and neighborhoods.

- 2. Housing provisions. The bill adds to the affordable housing provisions of existing Community Redevelopment Law in three ways. First, it increases from 20 to 25 percent the amount of tax increment revenue that an authority must deposit into its L&M fund. Because tax increment accruing to an authority under this bill would be less (e.g., it would not include the schools' share), this would be 25 percent of a smaller number. Second, the bill requires a community revitalization and investment plan to ensure that housing affordable to and occupied by extremely low-, very low-, and low-income households within an area does not decrease during the life of the area plan. Third, the bill requires the authority to provide replacement housing in two rather than four years. These provisions, added in the most recent set of amendments, represent an agreement between the author and the advocates of affordable housing.
- 3. Opposition. Opponents object to the bill's authorization of the use of tax increment and to its authorization to issue debt absent a vote of the people. They argue that sidestepping the voters in this way means that local voters won't have a say in what their communities look like, how bonds are issued, and how property tax revenue is spent. In addition, they note that tax increment funding leaves cities, counties, and special districts underfunded to provide essential government services.
- 4. Protest and vote of the property owners. This bill sets up a process whereby at least once every ten years property owners within a plan area can protest and ultimately vote to shut down the work of the authority in their community. The protest process is restricted so that only property owners can participate and a person's vote is weighted according to the assessed value of his property within the plan area. Given that the Community Revitalization and Investment Authorities the bill authorizes are to work specifically in disadvantaged communities and have as a major part of their mission to provide affordable housing, which more often than not will be rental housing, it seems inappropriate to restrict this protest process and associated votes to property owners, when many who do not own property will be affected by an authority's work. In addition, votes weighted by the assessed value of a person's property are used only with assessments based on property value. This bill has nothing to do with such assessments. The committee may wish to amend this bill to open

the protest process and associated votes to residents of the plan area as well as property owners and to provide each person with one vote.

5. Technical amendments.

- On page 5, line 34, delete "funding"
- On page 7, line 24, delete "applicable" and insert "other housing-related"
- On page 7, line 37, after "34176" insert ", but Section 34176.1 shall not apply to funds funding transferred"
- 6. <u>Committee of second referral</u>. The Rules Committee referred this bill to the Governance and Finance Committee and to the Transportation and Housing Committee. This bill passed that committee on June 19 by a 4 to 1 vote. The Governance and Finance Committee's analysis and hearing of the bill dealt primarily with the provisions of the bill related to the local government finance provisions, leaving the housing provisions for review in this committee.

RELATED LEGISLATION:

SB 1 (Steinberg) allows a local government to establish a Sustainable Communities Investment Authority and direct tax increment revenues to that authority in order to address blight by supporting development in transit priority project areas, small walkable communities, and clean energy manufacturing sites. SB 1 passed the Transportation and Housing Committee on April 23, 2013, by an 8 to 3 vote. Set for hearing in the Assembly Housing and Community Development Committee on July 3rd.

Assembly Votes:

Floor: 54-16 Appr: 12-5 L Gov: 8-0 H&CD: 5-2

POSITIONS: (Communicated to the committee before noon on Wednesday,

July 3, 2013.)

SUPPORT: California Building Industry Association

California Rural Legal Assistance Foundation

California Special Districts Association

California Rural Legal Assistance Foundation

City of Antioch City of Blue Lake City of Burbank City of Ceres City of El Centro

City of Fairfield
City of Lakewood
City of Madera

City of Mendota City of Salinas

City of Watsonville

Los Angeles County Division of the League of California Cities League of California Cities League of California Cities – Latino Caucus Western Center on Law and Poverty

OPPOSED: California Alliance to Protect Private Property Rights

California Taxpayers Association

Assembly Member Alejo Capitol Building, Room Sacramento, CA 95814

RE: AB 1080 (Alejo) - Community Revitalization and Investment Authorities (As Amended July 2, 2013) - SUPPORT

Dear Assembly Member Alejo:

On behalf of the Riverside County Board of Supervisors, I write to inform you of Riverside County's support for AB 1080, legislation that would enable the creation of Community Revitalization and Investment Authorities (CRIA). These CRIAs will offer options for communities to be used for community revitalization activities to address deteriorated conditions in disadvantaged communities across Riverside County.

This letter expresses Riverside County's **strong support** of AB 1080. AB 1080 and the creation of CRIAs will allow local communities to identify a local funding source to improve low income and deteriorated communities. The bill defines a disadvantaged community as one where at least 80% of an area qualifying for a CRIA must be inhabited by persons with annual median household incomes equivalent to 80% of the annual statewide median income, and also meet three of the four following conditions:

- 1. Unemployment in the area is at least 3% higher than statewide median unemployment;
- 2. Crime rates in the area are 5% higher than state median crime rates;
- 3. The area has deteriorated or inadequate infrastructure such as streets, sidewalks, water supply, sewer treatment or processing and parks; and/or
- 4. The area has deteriorated commercial or residential structures.

Riverside County is composed of 4,087,173 acres of unincorporated area, and among this acreage are numerous areas that qualify as a disadvantaged community per the definition detailed in AB 1080. For instance, the unincorporated communities of Home Gardens, and Meadowbrook located in western Riverside County are both classified as disadvantaged by SB 244, and also experience high unemployment, deteriorated or inadequate infrastructure, and deteriorated residential structures. These areas would benefit from AB 1080's requirement that 25% of the tax increment collected is to be used for affordable housing and housing rehabilitation purposed. In addition, Meadowbrook is an area that is subject to frequent flooding during the rainy season, and would benefit from flood control infrastructure as well as paved streets and sidewalks.

In the mid-County area, the unincorporated communities of Cabazon and Quail Valley are in need of sewer lines and sewer treatment facilities. As revenues to local governments decrease, the available funds to design and construct sewers must be cut, and communities' water quality issues deteriorate. The use of a CRIA in these areas would allow the County to use local funds to implement greatly needed infrastructure for these communities. In the Coachella Valley, the communities of Thermal and Mecca exhibit a great need for affordable housing, infrastructure, and facilities including public safety and parks. Through the redevelopment mechanism, the former Redevelopment Agency for the County of Riverside was able to create 7,500 (and counting) low- and moderate- income housing units. There is currently a waiting list for Section 8 of 16,084 and Public Housing of 33,093. While we were able to make great strides toward achieving some of the necessary improvements, these communities have a long way to go and would greatly benefit from a CRIA.

In Riverside County, elected officials, staff, and resident stakeholders have a history of working together on solutions to enhance our local communities. The passage of AB 1080 will allow Riverside County to continue to implement the collaborative process to improve our communities.

For the aforementioned reasons, Riverside County supports AB 1080.

Sincerely,

John J. Benoit Chairman, Board of Supervisors

Cc:

Riverside County Board of Supervisors Request to Speak

Submit request to Cler Speakers are entitled t Board Rules listed on t	o three (3) min he reverse side	utes, subject of this form.		
SPEAKER'S NAME:	Jul Jac	.065		
Address:	-up mail respons			
(only if follow	-up mail respons	e requested)		
city: Tenecula	Zip: <i>99</i>	592		
Phone #:	/			
Date: 7/30/13	Agenda #3	. 66		
PLEASE STATE YOUR POSITION BELOW:				
Position on "Regular" (non-appealed) Agenda Item:				
Support	Oppose	Neutral		
Note: If you are here for an agenda item that is filed for "Appeal", please state separately your position on the appeal below:				
Support	Oppose	Neutral		
Taivo my 3 minutes t	0.			

BOARD RULES

Requests to Address Board on "Agenda" Items:

You may request to be heard on a published agenda item. Requests to be heard must be submitted to the Clerk of the Board before the scheduled meeting time.

Requests to Address Board on items that are "NOT" on the Agenda:

Notwithstanding any other provisions of these rules, member of the public shall have the right to address the Board during the mid-morning "Oral Communications" segment of the published agenda. Said purpose for address must pertain to issues which are under the direct jurisdiction of the Board of Supervisors. YOUR TIME WILL BE LIMITED TO THREE (3) MINUTES.

Power Point Presentations/Printed Material:

Speakers who intend to conduct a formalized Power Point presentation or provide printed material must notify the Clerk of the Board's Office by 12 noon on the Monday preceding the Tuesday Board meeting, insuring that the Clerk's Office has sufficient copies of all printed materials and at least one (1) copy of the Power Point CD. Copies of printed material given to the Clerk (by Monday noon deadline) will be provided to each Supervisor. If you have the need to use the overhead "Elmo" projector at the Board meeting, please insure your material is clear and with proper contrast, notifying the Clerk well ahead of the meeting, of your intent to use the Elmo.

Individual Speaker Limits:

Individual speakers are limited to a maximum of three (3) minutes. Please step up to the podium when the Chairman calls your name and begin speaking immediately. Pull the microphone to your mouth so that the Board, audience, and audio recording system hear you clearly. Once you start speaking, the "green" podium light will light. The "yellow" light will come on when you have one (1) minute remaining. When you have 30 seconds remaining, the "yellow" light will begin flash, indicating you must quickly wrap up your comments. Your time is up when the "red" light flashes. The Chairman adheres to a strict three (3) minutes per speaker. Note: If you intend to give your time to a "Group/Organized Presentation", please state so clearly at the very bottom of the reverse side of this form.

Group/Organized Presentations:

Group/organized presentations with more than one (1) speaker will be limited to nine (9) minutes at the Chairman's discretion. The organizer of the presentation will automatically receive the first three (3) minutes, with the remaining six (6) minutes relinquished by other speakers, as requested by them on a completed "Request to Speak" form, and clearly indicated at the front bottom of the form.

Addressing the Board & Acknowledgement by Chairman:

The Chairman will determine what order the speakers will address the Board, and will call on all speakers in pairs. The first speaker should immediately step to the podium and begin addressing the Board. The second speaker should take up a position in one of the chamber aisles in order to quickly step up to the podium after the preceding speaker. This is to afford an efficient and timely Board meeting, giving all attendees the opportunity to make their case. Speakers are prohibited from making personal attacks, and/or using coarse, crude, profane or vulgar language while speaking to the Board members, staff, the general public and/or meeting participants. Such behavior, at the discretion of the Board Chairman may result in removal from the Board Chambers by Sheriff Deputies.

Riverside County Board of Supervisors Request to Speak

Submit request to Clerk of Board (right of podium), Speakers are entitled to three (3) minutes, subject Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: GARRY GRANT				
•				
Address: 27068 Jarvis ST (only if follow-up mail response requested)				
(only if follow-up mail response requested)				
00.50				
City: PERR 15 Zip: 92570				
Phone #: 951 - 457-9379				
7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7				
Date: JULY SOTH Agenda # 3,66				
PLEASE STATE YOUR POSITION BELOW:				
Position on 'Regular" (non-appealed) Agenda Item:				
SupportOpposeNeutral				
Note: If you are here for an agenda item that is filed for "Appeal", please state separately your position on the appeal below:				
SupportOpposeNeutral				
I give my 3 minutes to:				

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