

AMENDED IN SENATE JUNE 14, 2018

AMENDED IN SENATE MAY 31, 2018

AMENDED IN ASSEMBLY MAY 18, 2017

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 448

Introduced by Assembly Members Daly and Quirk-Silva
(Coauthors: Senators Bates, *Hertzberg*, Moorlach, and Nguyen)

February 13, 2017

An act to add Section 6539.5 to the Government Code, relating to joint powers.

LEGISLATIVE COUNSEL’S DIGEST

AB 448, as amended, Daly. Joint powers authorities: Orange County Housing Trust.

Existing law authorizes 2 or more public agencies, by agreement, to form a joint powers authority to exercise any power common to the contracting parties, as specified. Existing law authorizes the agreement to set forth the manner by which the joint powers authority will be governed.

This bill would authorize the creation of the Orange County Housing Trust, a joint powers authority, for the purposes of funding housing specifically assisting the homeless population and persons and families of extremely low, very low, and low income within the County of Orange, as specified.

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

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

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

(a) The County of Orange is in the midst of a fluid and worsening homelessness crisis. Since 2013, the county has experienced a 53-percent increase in the unsheltered homeless population, many of whom have sought shelter over the last five years on the Santa Ana riverbed and at the Orange County Civic Center in Santa Ana.

(b) There has been a lack of regional focus that continues to stymie the implementation of a long-term solution to homelessness in the County of Orange.

(c) The County of Orange and the cities within the county have worked together to develop an approach under the Joint Exercise of Powers Act (Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code) to establish and authorize the use of an Orange County Housing Trust that would not only be responsible for responding to the homelessness crisis with the development of capital projects and the acquisition of necessary funds for those projects, but also for helping the county respond to the low-income and affordable housing crisis that the region is experiencing in tandem with the homelessness crisis.

(d) Permanent supportive housing and other services provided to those within that form of housing is a nationally recognized model for ending chronic homelessness, and can assist the County of Orange in its response to the homelessness crisis.

(e) Neither the Orange County Housing Trust nor the act authorizing the creation of the Orange County Housing Trust do ~~either~~ *any* of the following:

(1) Regulate land use in cities or in the unincorporated area of the County of Orange.

(2) Authorize the Orange County Housing Trust to serve as an owner or operator of housing units.

(3) *Authorize the Orange County Housing Trust to, in any manner, exercise any authority to levy, or advocate or incentivize the levying of, any fee, charge, dedication, reservation, tax assessment, or other exaction related to development projects.*

1 (4) *Authorize the Orange County Housing Trust to require or*
2 *incentivize inclusionary zoning requirements. It is the intent of the*
3 *Legislature that the power to adopt inclusionary zoning ordinances*
4 *remain with the entities that possess land use and planning*
5 *authority.*

6 SEC. 2. Section 6539.5 is added to the Government Code, to
7 read:

8 6539.5. (a) (1) Notwithstanding any other law, the County of
9 Orange and any of the cities within the County of Orange may
10 enter into a joint powers agreement pursuant to this chapter to
11 create and operate a joint powers agency to fund housing to assist
12 the homeless population and persons and families of extremely
13 low, very low, and low income, as defined in Section 50093 of the
14 Health and Safety Code, within the County of Orange.

15 (2) The joint powers agency created pursuant to this section
16 shall be known as the Orange County Housing Trust, and shall be
17 created and operate in accordance with this section.

18 ~~(3) The Orange County Housing Trust shall include the County~~
19 ~~of Orange and may include any, or all, of the incorporated cities~~
20 ~~within the County of Orange.~~

21 (b) The Orange County Housing Trust shall be governed by a
22 board of directors consisting of representation from the County of
23 Orange, the cities within the county, and other community
24 stakeholders.

25 (c) Notwithstanding any other law, the Orange County Housing
26 Trust may do any of the following:

27 (1) Fund the planning and construction of housing of all types
28 and tenures for the homeless population and persons and families
29 of extremely low, very low, and low income, as defined in Section
30 50093 of the Health and Safety Code, including, but not limited
31 to, permanent supportive housing.

32 (2) Receive public and private financing and ~~funds, and use~~
33 ~~those funds to pledge repayment of debt instruments. funds.~~

34 (3) Authorize and issue bonds, certificates of participation, or
35 any other debt ~~instrument. instrument repayable from funds and~~
36 ~~financing received pursuant to paragraph (2) and pledged by the~~
37 ~~Orange County Housing Trust.~~

38 ~~(4) (A) Form and govern an infrastructure financing district~~
39 ~~pursuant to Chapter 2.8 (commencing with Section 53395) of Part~~
40 ~~1 of Division 2 of Title 5, or an enhanced infrastructure financing~~

1 district pursuant to Chapter 2.99 (commencing with Section
2 53398.50) of Part 1 of Division 2 of Title 5. For purposes of an
3 infrastructure financing district or enhanced infrastructure financing
4 district formed by the Orange County Housing Trust, the Orange
5 County Housing Trust shall constitute a city as that term is defined
6 in Section 53395.1 or a county as that term is defined in Section
7 53398.51, and the board of directors shall be a legislative body as
8 that term is defined in Sections 53395.1 and 53398.51.

9 (B) An infrastructure financing plan adopted by the Orange
10 County Housing Trust pursuant to Article 2 (commencing with
11 Section 53395.10) of Chapter 2.8 or Article 2 (commencing with
12 Section 53398.59) of Chapter 2.99 of Part 1 of Division 2 of Title
13 5 may provide for the authority to collect incremental property tax
14 revenues, pursuant to Section 53396 or 53398.75, as applicable,
15 from the County of Orange and any city participating in the Orange
16 County Housing Trust, with the consent and agreement of the city
17 from which the incremental property tax revenues are to be
18 collected. An infrastructure financing plan adopted pursuant to
19 this paragraph shall not include a provision for the receipt of
20 incremental property tax revenues from any other affected taxing
21 entity as that term is defined in Section 53395.1 or 53398.51.

22 (d) The Orange County Housing Trust shall incorporate into its
23 joint powers agreement annual financial reporting and auditing
24 requirements that shall maximize transparency and public
25 information as to the receipt and use of funds by the agency. *The*
26 *annual financial report shall show how the funds have furthered*
27 *the purposes of the Orange County Housing Trust.*

28 SEC. 3. The Legislature finds and declares that a special statute
29 is necessary and that a general statute cannot be made applicable
30 within the meaning of Section 16 of Article IV of the California
31 Constitution because of the unique challenges faced by the County
32 of Orange and the cities located within the county in addressing
33 the housing needs of extremely low, very low, and low-income
34 households and the homeless within the county.