

**WESTERN
CENTER**
ON LAW & POVERTY



**PUBLIC INTEREST
LAW PROJECT**

January 25, 2012

Executive Director, Redevelopment Agency
Members, Redevelopment Agency
Lemoore Redevelopment Agency
119 Fox Street
Lemoore, California 93245

Mayor, City Council
Members, City Council
119 Fox Street
Lemoore, California 93245
(559)924-9003

Re: Post ABX1 26 & California Supreme Court decision in *CRA v. Matosantos*:

**Demand Re: LMHF and Affordable Housing Obligations
Public Records Act Request and Hearing Notification Request**

Dear Redevelopment Agency and (if any) Successor Agency:

Western Center on Law and Poverty, Inc. and the California Affordable Housing Law Project of the Public Interest Law Project are statewide legal support organizations representing the housing needs of low-income Californians. In the last four decades, we have sponsored and supported numerous amendments to the Community Redevelopment Law (CRL) and have enforced the CRL in courts throughout the state. We make these comments and requests on behalf of the low-income households in your jurisdiction.

As you know, the Supreme Court recently upheld ABx1 26 and, as a result and barring any last-minute legislation, redevelopment agencies will dissolve, effective February 1, 2012. The requirements to prepare and adopt an Enforceable Obligation Payment Schedule (EOPS) and any initial draft Recognized Obligation Payment Schedule (ROPS) remain intact and many jurisdictions are in the process of amending their EOPS or preparing proposed ROPS.

There is an undisputable immediate interest in preserving and protecting the current and future stock of affordable housing in your community. After the agency dissolves, the Successor Agency is designated as the successor entity to the redevelopment agency. ABx1 26, codified at Health & Safety Code §34173(a). Except for those provisions of the Community Redevelopment Law that are "repealed, restricted, or revised pursuant to [Part 1.85], all authority, rights powers, duties and obligations previously vested with the former redevelopment agencies under the [CRL]" are vested in the Successor Agency. §34173(b).

In vesting the rights of the Successor Agency, the Legislature expressed its intent that "pledges of revenues associated with enforceable obligations of the former redevelopment agencies be honored." §34175(a). The Legislature further expressed its intent that the cessation of any redevelopment agency shall not affect the pledge, the legal existence of that pledge, or the stream of revenues available to meet the requirements of the pledge. *Id.*

Accordingly, we urge you to include all of the following in your EOPS and ROPS:

1. **All existing Low and Moderate Income Housing Fund (LMIHF) amounts, including LMIHF debt through the life of each project area as listed on your most recent Statement of Indebtedness (SOI). According to the State Controller's report for FY 2009-10, your agency listed the LMIHF debt as \$30512123. We would expect that the amount calculated on your SOI due on or before October 1, 2011 would be a similar amount.**

A review of the State Controller's Report indicates that the Redevelopment Agency properly listed its LMIHF debt on its most recent SOI, as required by Health & Safety Code §§33675(c)(1)(A)(iv); *see also* §33675(f). *See also* State Controller's guidance for preparing the SOI: State of California, *Community Redevelopment Agencies Annual Report*, FY ended June 30, 2010, pp. xvii – xix (confirming that the LMIHF is defined by state law as an "indebtedness" for purposes of the SOI and all future demands for tax increment revenues should be itemized on the SOI, including projected amounts of the LMIHF.)

Because this amount is an *existing* debt of the project area, and not future payments of the 20% set-aside, it should be transferred to the EOPS/ROPS.

2. **All deferred tax increment, possible debts and other obligations owed to the LMIHF. Health & Safety Code §33675(f); and**
3. **Any other existing affordable housing obligations pursuant to the redevelopment agency's most recent Five-Year Implementation Plan, as well as the projected amount to meet future affordable housing obligations, consistent with Community Redevelopment Law, Health & Safety Code §§33000 *et seq.***

Public Records Act Request & Public Hearing Notification

We request the following public records pursuant to the California Public Records Act. (Government Code §6250 *et seq.*) (A public record includes any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. (Govt. Code §6252(e).) Writing includes every means of recording upon any form of communication or representation. (Govt. Code §6252(g)). Please be aware that this request covers all electronic documents, including but not limited to e-mails, reports, spreadsheets and other documents not necessarily in paper form.)

We request an opportunity to inspect originals or copies, including but not limited to electronic copies of any records maintained in an electronic format, of the following public records, if applicable:

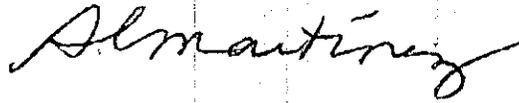
1. All Lemoore agendas, staff reports, public hearing records, including but not limited to hearing minutes, involving any actions, activities or decisions taken, or to be taken, with regard to ABx1 26 and/or the recent Supreme Court decision.
2. All records pertaining to the dissolution of the redevelopment agency and/or actions taken, or to be taken, with regard to ABx1 26 and/or the recent Supreme Court decision, including but not limited to records pertaining to successor agencies, oversight committees, successor housing entities, the California State Department of Finance and/or the State Controller.

Please send the requested documents in electronic format as provided by Government Code section 6253.9 and prior to copying the documents not available in electronic form, we would like to review them to avoid duplication and identify those documents we wish to have copied.

We are non-profit organizations with limited resources, representing lower-income Californians free of charge. We request that you waive any costs associated with this Public Records Act request and/or permit us to arrange for copying of relevant documents in order to reduce the cost of this request.

Thank you very much for your assistance and anticipated cooperation in this process. Please contact me at smartinez@wclp.org if you have any questions regarding this demand/request.

Very truly yours,



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