

## CHAPTER \_\_\_\_\_

An act to add Section 33202.5 to the Public Resources Code, relating to the Santa Monica Mountains Conservancy.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1380, Allen. Santa Monica Mountains Conservancy: acquisition of real property.

Existing law establishes the Santa Monica Mountains Conservancy and prescribes the membership, functions, and duties of the conservancy with regard to the acquisition, preservation, and improvement of real property within the Santa Monica Mountains Zone, as defined. Existing law authorizes the conservancy to acquire and improve real property, or any interests therein, anywhere within the zone upon a finding that the action is consistent with a specified plan.

This bill would exempt the conservancy's acquisition of real property or interest therein initiated after January 1, 2021, to address or resolve an encroachment, as defined, on real property owned by the conservancy from the Property Acquisition Law, unless the value of the real property or interest therein exceeds \$500,000, as adjusted annually pursuant to the Consumer Price Index. The bill would, notwithstanding those provisions, authorize the conservancy to request the State Public Works Board to review and approve specific acquisitions. The bill would require the executive director of the conservancy, at least 45 days prior to the conservancy taking action to acquire the real property or interest therein, to provide written notice to the adjacent landowners and the city council or county board of supervisors where the real property is located. The bill would require the conservancy to hold a noticed public hearing when an adjacent landowner or a city council or a county board of supervisors where the real property is located objects to the acquisition before the conservancy votes to recommend an action by the conservancy. The bill would require the value of the real property or interest therein subject to acquisition to be determined by an independent third-party appraisal.

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

SECTION 1. Section 33202.5 is added to the Public Resources Code, to read:

33202.5. (a) For purposes of this section, “encroachment” means any unauthorized or unlawful interference with, or physical intrusion onto, or alteration of, the conservancy’s property, either above ground or below, including, but not limited to, buildings, walls, driveways, patios, swimming pools, gutters, and irrigation lines.

(b) Notwithstanding Section 33203 or any other provision of this division, the conservancy’s acquisition of real property or interest therein initiated after January 1, 2021, to address or resolve an encroachment on real property owned by the conservancy pursuant to this division is not subject to the Property Acquisition Law (Part 11 (commencing with Section 15850) of Division 3 of Title 2 of the Government Code), unless the value of the real property or interest therein exceeds five hundred thousand dollars (\$500,000) per lot or parcel, as adjusted for annual changes to the Consumer Price Index for the State of California, as calculated by the United States Bureau of Labor Statistics. However, the conservancy may request the State Public Works Board to review and approve specific acquisitions.

(c) Nothing contained in subdivision (b) shall apply to the exercise of the power of eminent domain pursuant to this division.

(d) At least 45 days prior to the conservancy taking action pursuant to subdivision (b), the executive director of the conservancy shall provide written notice of the proposed acquisition of real property or of any interest in real property to both of the following:

(1) (A) Adjacent landowners, as indicated in the appropriate county tax roll.

(B) If an adjacent landowner objects to the proposed action, the conservancy shall hold a noticed public hearing on the objection to the acquisition before voting to recommend an action by the conservancy.

(2) (A) The city council of the city in which the real property is located or to the board of supervisors of the county in which the real property is located if the real property is located in an unincorporated area.

(B) If the city council or county board of supervisors votes to oppose the proposed action, the conservancy shall hold a noticed public hearing on the objection to the acquisition before voting to recommend an action by the conservancy.

(e) The value of the real property or interest therein subject to acquisition pursuant to subdivision (b) shall be determined by an independent third-party appraisal.