

## [Redevelopment: Supreme Court Denies Request for Clarification and Other Random Thoughts](#)

As probably everyone following us already knows, redevelopment is under attack in California. While some might assume the attack flows from continued outrage over the Supreme Court's [Kelo](#) decision, the reality is actually quite different. Here in California, the driving force is not moral outrage, but budgetary crisis.

As I learned earlier this week at the [IRWA Chapter 67](#) lunch meeting, Governor Brown's plan to eliminate redevelopment is not part of some long-planned effort. According to a presentation by one of my partners, [Gale Connor](#), when now Governor Brown was Mayor Brown of Oakland in recent years, he actually benefited from and backed several redevelopment efforts. It is only now, when facing nearly impossible budget shortfalls, that Governor Brown has taken this path.

So where do things stand?

**Status of the Lawsuit:** The lawsuit over ABX1 26 and ABX1 27 continues in the Supreme Court. The respondents (those supporting the laws) filed their brief on September 9; the responsive brief from the California Redevelopment Association is due September 24. (By the way, I've seen these bills referred in several iterations including "X1 26," "1x 26," "26 1X," and various other combinations. According to the official bill on the legislature's website, the correct designations are [ABX1 26](#) and [ABX1 27](#). I'll try to use that designation consistently from now on, but I make no promises.)

Earlier this week, the Court also [denied the CRA's request](#) for clarification/modification of the [partial stay](#) entered last month.

**Other Recent Developments:** In an effort to avoid the new legislation and the murkiness of the lawsuit and the Supreme Court's partial stay, a few agencies have adopted a different tactic, seeking a legislative end run around the whole mess. Whittier reportedly took the first crack at it, [seeking a legislative exemption](#) from the new law regarding the sale of the site of the former Fred C. Nelles Youth Correctional Facility.

While initial press reports suggested this tactic might succeed, it ultimately failed in the legislature. A September 12 article in the Whittier Daily News, "[Defeat of Nelles development bill likely to delay project, Whittier officials say](#)," describes the effort and its ultimate failure in more detail. If Whittier had managed to garner legislative support, one must wonder whether Governor Brown would have signed the law.

Other agencies are reportedly trying similar tactics, including an effort by Monrovia related to the Gold Line Extension Project, which is described in a September 7 article in the Altadena Patch, "[Gold Line Extension Could be Delayed by Redevelopment Lawsuit](#)." According to an article in today's Arcadia Patch, the Monrovia City Council has [hired a lobbying firm to help with those efforts](#), but the legislative session has now ended, so it seems unlikely anything will happen on this front in the immediate future.

Finally, one "clean up" bill was passed before the legislative session ended. [SBX1 8](#) passed in both the Senate and Assembly on September 8, but it has not yet been signed by the Governor. If signed, it would make [several changes to ABX1 26 and ABX1 27](#). We'll provide additional details about those changes when and if the Governor signs the bill.