

LEGAL PROTECTIONS

Ignacio Dayrit
Center for Creative Land Recycling



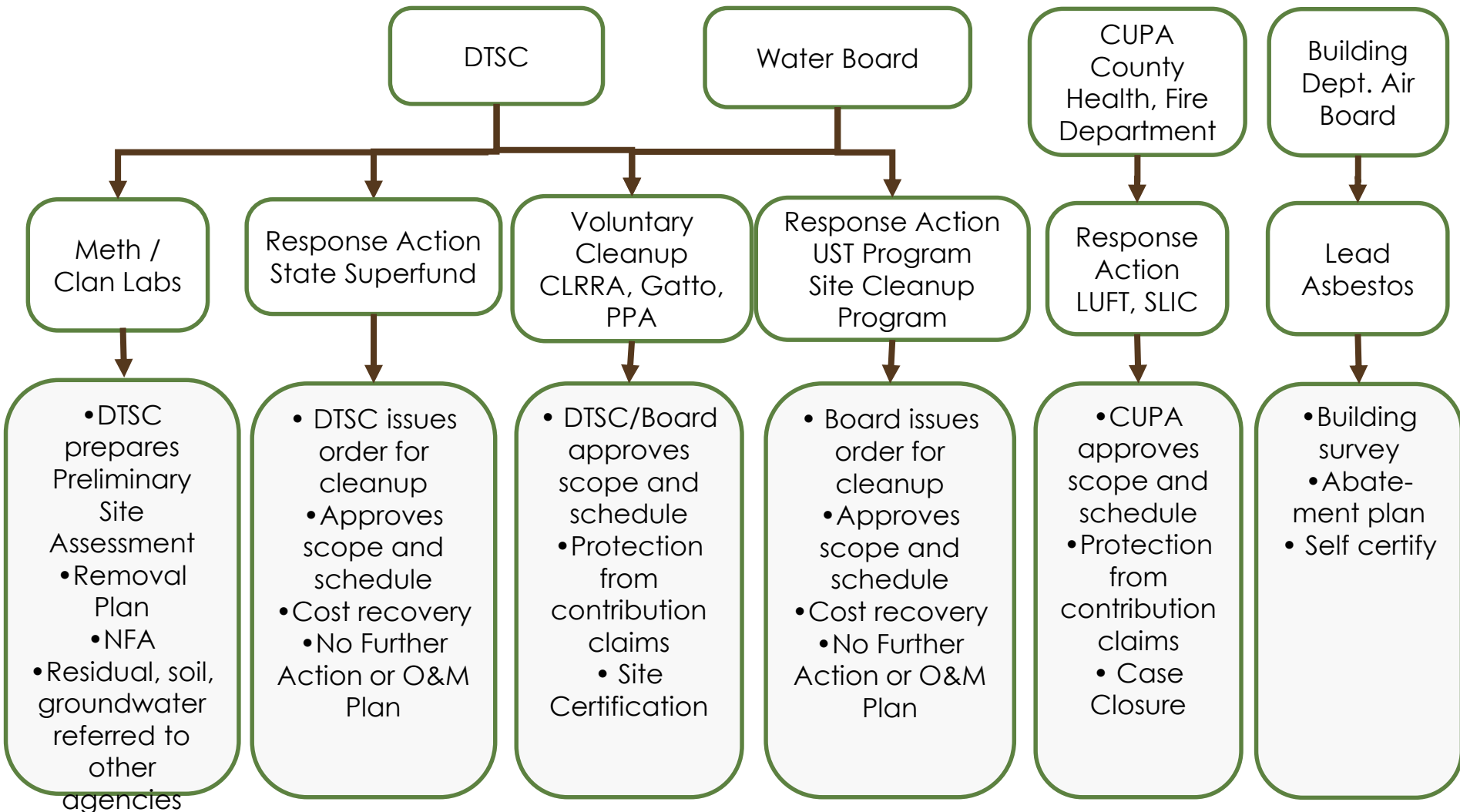
LEGAL FRAMEWORK

- Superfund Law (CERCLA)
- CA State Laws
 - DTSC Statutes
 - State Water Board Statutes
- Liability: Owner, Operator, Arranger, Transporter
- Strict—Regardless of fault, lack of diligence or ignorance
- Joint & Several—All parties responsible for all costs
- Retroactive

LIABILITY DEFENSES

- Innocent Purchaser
 - Didn't cause or worsen contamination
 - Conducted due diligence
- Adjacent property owner
- Lenders
- Local government

ADMINISTRATIVE PATHWAYS



LEGAL TOOLS

- Prospective Purchase Agreements
- The Gatto Act (AB 440)
 - Successor to Polanco Redevelopment Law
- California Land Reuse and Revitalization Act of 2004 (AB 389)
 - Extended in 2016
- Conduct you All Appropriate Inquiry Phase I

Blighted, Contaminated Property Checklist

(Estimated Completion Time - 15 Minutes)

Purpose: This form is to be completed for each candidate property in District 64 that will be assessed for its redevelopment viability. We are screening underused, contaminated properties for investment. Those properties that pass initial screening will be examined more thoroughly by Assembly member Mike Gipson's representatives. Candidate properties may include abandoned gas stations, former plating shops, underused strip malls, etc.

Directions: Complete this form and return it via email to Chris Wilson, chris.wilson@asm.ca.gov. Try to answer all questions, but feel free to submit with some blank responses. Call Chris with questions at 310-324-6408.

- 1) Your Name _____
- 2) Your Title/City _____
- 3) Your Phone No _____
- 4) Your Email _____
- 5) Candidate Property Address _____
- 6) Approx. Property Area (sf or acres)
Zoning/FAR _____
- 7) Past/Current Uses _____
- 8) Property Owner Entity Name _____
- 9) Property Owner Contact Name _____
- 10) Property Owner Address _____
- 11) Property Owner Phone _____
- 12) Property Owner Email _____
- 13) If not city-owned, does the City have a strong, positive relationship with the owner? _____
- 14) Is the property currently for sale? _____
- 15) Why have you selected this property? Why is it attractive? _____
- 16) What are the city's development goals for the property? _____

- 17) What is the approximate dollar value of the site without the _____
contamination (it's clean value) and without entitlements? _____
- 18) Is there environmental agency overseeing clean-up activities? _____
- 19) If yes, which environmental agency? _____
- 20) Is there any additional information you would like to share about the candidate property? _____
