

AMENDED IN SENATE APRIL 13, 2010

SENATE BILL

No. 1174

**Introduced by Senator Wolk
(Principal coauthor: Senator Price)**

February 18, 2010

An act to add Section 65302.10 to the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

SB 1174, as amended, Wolk. Land use: general plan: disadvantaged unincorporated communities.

The Planning and Zoning Law requires a city or county to adopt a comprehensive, long-term general plan for the physical development of the city or county and of any land outside its boundaries that bears relation to its planning. *That law also requires the general plan to contain specified mandatory elements, including, among others, a housing element for the preservation, improvement, and development of the community's housing.*

This bill would require, *prior to January 1, 2013, and thereafter upon each revision of its housing element*, a city or county to ~~amend its general plan to the extent~~ *review and update one or more elements of its general plan, as necessary* to address the presence of island, fringe, or legacy unincorporated communities, as defined, inside or near its boundaries, and would require the ~~amended~~ *updated* general plan to include specified information. This bill would also require ~~a~~ *the* city or county *planning agency*, after the initial ~~amendment of its revision and update of the~~ *general plan*, to review, and if necessary amend, ~~its~~ *the* general plan to update ~~its~~ *the* information, goals, and program of action relating to these communities *therein*. By adding to the duties of city

and county officials, this bill would impose a state-mandated local program.

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement shall be made pursuant to these statutory provisions for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

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

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

- 1 SECTION 1. (a) The Legislature finds and declares all of the
- 2 following:
- 3 (1) Hundreds of disadvantaged unincorporated communities,
- 4 commonly referred to as “colonias,” exist in California. There are
- 5 more than 200 of these communities in the San Joaquin Valley
- 6 alone. Many of these communities are geographically isolated
- 7 islands, surrounded by the city limits of large and medium-sized
- 8 cities.
- 9 (2) Conditions within these disadvantaged unincorporated
- 10 communities evidence a distinct lack of public and private
- 11 investment that threatens the health and safety of the residents of
- 12 these communities and fosters economic, social, and educational
- 13 inequality. Many of these communities lack basic infrastructure,
- 14 including, but not limited to, streets, sidewalks, storm drainage,
- 15 clean drinking water, and adequate sewer service.
- 16 (b) It is the intent of the Legislature to encourage investment in
- 17 these communities and address the complex legal, financial, and

1 political barriers that contribute to regional inequity and
2 infrastructure deficits within disadvantaged unincorporated
3 communities.

4 SEC. 2. Section 65302.10 is added to the Government Code,
5 to read:

6 65302.10. (a) As used in this section, the following terms shall
7 have the following meanings:

8 (1) “Disadvantaged unincorporated community” means a fringe,
9 island, or legacy community in which the median household
10 income is 80 percent or less than the statewide median household
11 income.

12 (2) “Unincorporated fringe community” means any inhabited
13 and unincorporated territory that is within a city’s sphere of
14 influence.

15 (3) “Unincorporated island community” means any inhabited
16 and unincorporated territory that is surrounded or substantially
17 surrounded by one or more cities or by one or more cities and a
18 county boundary or the Pacific Ocean.

19 (4) “Unincorporated legacy community” means a geographically
20 isolated community that is inhabited and has existed for at least
21 50 years.

22 (b) ~~The~~ *Prior to January 1, 2013, and thereafter upon each*
23 *revision of its housing element made pursuant to Section 65588,*
24 *the legislative body of a city or county shall amend its general*
25 *plan, and each element in the plan, to the extent review and update*
26 *one or more elements of its general plan as necessary to include*
27 *data and analysis, goals, implementation measures, policies, and*
28 *objectives to address the presence of unincorporated island, fringe,*
29 *or legacy communities inside or near its boundaries, no later than*
30 *the date specified in paragraph (2) of subdivision (d).*

31 (c) ~~The general plan, as amended pursuant to subdivision (b),~~
32 *and shall include all of the following:*

33 (1) An identification of each unincorporated island, fringe, or
34 legacy community within or proximate to the boundaries of the
35 city or county. This identification shall include a description of
36 the community and a map designating its location.

37 (2) For each identified community, a quantification and analysis
38 of all of the following:

39 (A) The number of housing units and residents that lack access
40 to sanitary sewer service.

- 1 (B) The number of housing units and residents that lack access
- 2 to municipal water service.
- 3 (C) The number of residential neighborhoods within a
- 4 community that lack one or more of the following:
- 5 (i) Paved roads.
- 6 (ii) Storm drainage.
- 7 (iii) Sidewalks.
- 8 (iv) Street lighting.
- 9 (D) The number of households within one-quarter of a mile of
- 10 public transit.
- 11 (E) The number of housing units that are in substandard
- 12 condition.
- 13 (F) The number of households paying more than 30 percent of
- 14 their income toward housing.
- 15 (G) The number of households in overcrowded housing.
- 16 (3) An analysis of the city’s or county’s current programs and
- 17 activities to address the conditions or deficiencies described in
- 18 paragraph (2), and an identification of any constraints to addressing
- 19 those conditions or deficiencies. The analysis shall evaluate the
- 20 annexation of any identified island or fringe communities.
- 21 (4) A statement setting forth the city’s or county’s specific,
- 22 quantified goals for eliminating or reducing the conditions or
- 23 deficiencies described in paragraph (2) and found to be present in
- 24 an unincorporated island, fringe, or legacy community within or
- 25 proximate to the boundaries of the city or county.
- 26 (5) A ~~program~~ *set* of flexible implementation measures ~~that the~~
- 27 ~~city or county will undertake to achieve~~ *designed to carry out* the
- 28 goals described in paragraph (4), including an identification of
- 29 resources and a timeline of actions.
- 30 ~~(d) (1) Following a city’s or county’s amendment~~
- 31 ~~(c) After the initial revision~~ of its general plan pursuant to this
- 32 section, on or before the due date for the next revision of its
- 33 housing element, ~~the city or county~~ *planning agency* shall review,
- 34 and if necessary amend, its general plan to update the analysis,
- 35 goals, and actions required by this section.
- 36 ~~(2) A city or county shall comply with this subdivision on or~~
- 37 ~~before the earlier of the following two dates:~~
- 38 (A) ~~The date of the city’s or county’s next general plan revision.~~

1 ~~(B) The date that is one year after the date specified in Section~~
2 ~~65588 for the next revision of the city's or county's housing~~
3 ~~element scheduled to occur after January 1, 2010.~~

4 ~~SEC. 3. If the Commission on State Mandates determines that~~
5 ~~this act contains costs mandated by the state, reimbursement to~~
6 ~~local agencies and school districts for those costs shall be made~~
7 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
8 ~~4 of Title 2 of the Government Code.~~

9 *SEC. 3. No reimbursement shall be made pursuant to Part 7*
10 *(commencing with Section 17500) of Division 4 of Title 2 of the*
11 *Government Code for costs mandated by the state pursuant to this*
12 *act. It is recognized, however, that a local agency or school district*
13 *may pursue any remedies to obtain reimbursement available to it*
14 *under Part 7 (commencing with Section 17500) and any other*
15 *provisions of law.*

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18 **CORRECTIONS:**
19 **Text—Pages 4 and 5.**
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