

**Introduced by Senator Wolk**  
**(Coauthors: Senators Price and Rubio)**  
(Coauthor: Assembly Member Perea)

February 10, 2011

---

---

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

LEGISLATIVE COUNSEL'S DIGEST

SB 244, as introduced, 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 a housing element for the preservation, improvement, and development of the community's housing.

This bill would require, prior to January 1, 2014, and thereafter upon each revision of its housing element, a city or county to 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 updated general plan to include specified information. This bill would also require the city or county planning agency, after the initial revision and update of the general plan, to review, and if necessary amend, the general plan to update 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 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  
18 political barriers that contribute to regional inequity and  
19 infrastructure deficits within disadvantaged unincorporated  
20 communities.

21 SEC. 2. Section 65302.10 is added to the Government Code,  
22 to read:

23 65302.10. (a) As used in this section, the following terms shall  
24 have the following meanings:

25 (1) “Disadvantaged unincorporated community” means a fringe,  
26 island, or legacy community in which the median household

1 income is 80 percent or less than the statewide median household  
2 income.

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

6 (3) “Unincorporated island community” means any inhabited  
7 and unincorporated territory that is surrounded or substantially  
8 surrounded by one or more cities or by one or more cities and a  
9 county boundary or the Pacific Ocean.

10 (4) “Unincorporated legacy community” means a geographically  
11 isolated community that is inhabited and has existed for at least  
12 50 years.

13 (b) Prior to January 1, 2014, and thereafter upon each revision  
14 of its housing element made pursuant to Section 65588, the  
15 legislative body of a city or county shall review and update one  
16 or more elements of its general plan as necessary to include data  
17 and analysis, goals, implementation measures, policies, and  
18 objectives to address the presence of unincorporated island, fringe,  
19 or legacy communities inside or near its boundaries. The updated  
20 general plan shall also include all of the following:

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

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

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

29 (B) The number of housing units and residents that lack access  
30 to municipal water service.

31 (C) The number of residential neighborhoods within a  
32 community that lack one or more of the following:

33 (i) Paved roads.

34 (ii) Storm drainage.

35 (iii) Sidewalks.

36 (iv) Street lighting.

37 (D) The number of households within one-quarter of a mile of  
38 public transit.

39 (E) The number of housing units that are in substandard  
40 condition.

1 (F) The number of households paying more than 30 percent of  
2 their income toward housing.

3 (G) The number of households in overcrowded housing.

4 (3) An analysis of the city’s or county’s current programs and  
5 activities to address the conditions or deficiencies described in  
6 paragraph (2), and an identification of any constraints to addressing  
7 those conditions or deficiencies. The analysis shall evaluate the  
8 annexation of any identified island or fringe communities.

9 (4) A statement setting forth the city’s or county’s specific,  
10 quantified goals for eliminating or reducing the conditions or  
11 deficiencies described in paragraph (2) and found to be present in  
12 an unincorporated island, fringe, or legacy community within or  
13 proximate to the boundaries of the city or county.

14 (5) A set of flexible implementation measures designed to carry  
15 out the goals described in paragraph (4), including an identification  
16 of resources and a timeline of actions.

17 (c) After the initial revision of its general plan pursuant to this  
18 section, on or before the due date for the next revision of its  
19 housing element, the planning agency shall review, and if necessary  
20 amend, its general plan to update the analysis, goals, and actions  
21 required by this section.

22 SEC. 3. No reimbursement shall be made pursuant to Part 7  
23 (commencing with Section 17500) of Division 4 of Title 2 of the  
24 Government Code for costs mandated by the state pursuant to this  
25 act. It is recognized, however, that a local agency or school district  
26 may pursue any remedies to obtain reimbursement available to it  
27 under Part 7 (commencing with Section 17500) and any other  
28 provisions of law.

O