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Editor's Note

Prepare Now for SB 244 Implementation

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In October, Gov. Jerry Brown signed SB 244 (Wolk) despite significant League opposition. While this bill may not yet be on every city's radar, it is critical to take a serious look at SB 244's requirements as they relate to a city's housing element or annexation of territory.

SB 244 deals with inhabited unincorporated territories defined as a community that has at least 12 registered voters (Government Code section 56064) or the Local Agency Formation Commission (LAFCO) determines that all or a portion of the community has an annual median household income that is less than 80 percent of the statewide annual median household income (Water Code section 79505.5).

The bill impacts cities in two major ways:

- This bill prohibits the annexation to a city of any territory greater than 10 acres where there exists a disadvantaged unincorporated community that is contiguous to the area of proposed annexation, unless an application to annex the disadvantaged unincorporated community has also been filed. The only exceptions are for a prior application filed in the last five years or the LAFCO finds that a majority of the residents in the disadvantaged community are opposed to the annexation.
- On or before the next due date for the adoption of the housing element, cities are required to update the land use element of the general plan to include:
 - The identification of each unincorporated island or fringe community within a city's sphere of influence. Identification includes a description of the community and a map designating its location.
 - An analysis of water, wastewater, stormwater drainage, and structural fire protection needs or deficiencies.
 - An analysis of benefit assessment districts or other financing alternatives that could make the extension of services to these communities financially feasible.
 - A review, and if necessary, amendments before every revision of the housing element.

Your city will need to do the following:

- Identify any disadvantaged unincorporated communities outside the city's limits but within the city's sphere of influence.
- Determine if your city is in the process of or in the near future considering annexing territory that could be impacted by this bill.
- Notify developers that may be impacted by the annexation piece in this bill.
- Begin keeping careful records of the costs imposed by this bill. Department of Finance wrote in its analysis of SB 244 "Finance believes the general plan requirements constitute a reimbursable

mandate linked to the state required housing element update cycle. Costs are likely to be several million per year based on the claimed cost for the Regional Housing Needs Allocation Mandate." The complete analysis is available [online](#).

The League is interested in monitoring the impacts of this bill as it unfolds. An SB 244 implementation survey is available [online](#). Cities are encouraged to complete the survey after thoroughly reviewing SB 244, but before Dec. 16, 2011 so that the League can track the problems and gather information to respond to cities' concerns.

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