MEMO

DATE: December 6, 2007

TO: Community, Economic, and Human Development Committee

FROM: Ma'Ayn Johnson, Associate Regional Planner, 213-236-1975, Johnson@scag.ca.gov

SUBJECT: AB 1019: County to City Annexation and Transfers

BACKGROUND:
AB 1019 outlines requirements for annexations and transfers between a county and city and will take into effect on January 1, 2008. The new law will streamline the current annexation process by allowing communities to reach a mutual agreement without SCAG intervention. This is an improvement over existing law.

Current housing law requires that during the period between the Regional Housing Needs Assessment adoption and the due date of local housing elements, any reduction of a county's housing units due to an annexation agreement with a city must be approved by SCAG. The county and city, or cities, involved in the annexation must submit an analysis of the factors and circumstances that would justify the allocation revision to SCAG. After SCAG reaches a decision on the proposed housing reduction, SCAG is also required to report its findings reduction to HCD. Furthermore, any approved annexation cannot reduce the regional total RHNA need.

If however an annexation occurs after January 1, 2008, AB 1019 applies instead. The role of SCAG in AB 1019 differs from the role outlined in existing law. Under AB 1019, if the county and city reach an agreement, SCAG approval is not necessary and the only requirement of the two parties is to report the revision to SCAG.

Only in a disagreement would SCAG need to intervene and make a decision based on analysis received from both parties. In such a case, either party may request SCAG to consider facts, data, and methodology presented by both parties to make a revised determination. Under AB 1019, the revised determination must be made within six months after receipt of the written request to do so. Moreover, as under existing law, the total regional housing need must remain the same as prior to the annexation.

FISCAL IMPACT:
There is no fiscal impact to the FY07-08 budget.

Reviewed by: Lynn Harris
Division Manager

Reviewed by:
Department Director

Reviewed by:
Chief Financial Officer

SOUTHERN CALIFORNIA ASSOCIATION of GOVERNMENTS

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Assembly Bill No. 1019

CHAPTER 165

An act to amend Section 65584.07 of the Government Code, relating to land use.

[Approved by Governor July 30, 2007. Filed with Secretary of State July 30, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1019, Blakeslee. Land use: annexation: housing.

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 authorizes local governments to annex portions of territory to other local governments, as specified.

The Planning and Zoning Law requires local governments to adopt comprehensive general plans that address a number of elements, including the housing element. The Department of Housing and Community Development is required to assist local governments in the allocation of the regional housing needs. Existing law also authorizes a city or county to transfer a percentage of its share of the regional housing needs to another city or county, as specified.

Existing law requires each city, county, and city and county to revise its housing element on specified dates, in accordance with a specified schedule, and not less often than once every 5th year after that revision.

Existing law requires, during the period between adoption of a final regional housing needs allocation until the due date of the housing element update, that the council of governments, or the department, whichever assigned the county's share, reduce the share of regional housing needs of a county if certain conditions are met. If an incorporation of a new city occurs after the council of governments, or the department for areas with no council of governments, has made its final allocation under these provisions, the city and county are authorized to reach a mutually acceptable agreement on a revised determination of regional housing needs, to reallocate a portion of the affected county's share of regional housing needs to the new city, and report the revision to the council of governments and the department, or to the department for areas with no council of governments.

This bill would authorize a similar mutually acceptable agreement on a revised determination of regional housing needs if an annexation of unincorporated land to a city occurs after the council of governments, or the department for areas with no council of governments, has made its final allocation.

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

SECTION 1. Section 65584.07 of the Government Code is amended to read:

65584.07. (a) During the period between adoption of a final regional housing needs allocation until the due date of the housing element update under Section 65588, the council of governments, or the department, whichever assigned the county's share, shall reduce the share of regional housing needs of a county if all of the following conditions are met:

(1) One or more cities within the county agree to increase its share or their shares in an amount equivalent to the reduction.

(2) The transfer of shares shall only occur between a county and cities within that county.

(3) The county's share of low-income and very low income housing shall be reduced only in proportion to the amount by which the county's share of moderate- and above moderate-income housing is reduced.

(4) The council of governments or the department, whichever assigned the county's share, shall approve the proposed reduction, if it determines that the conditions set forth in paragraphs (1), (2), and (3) above have been satisfied. The county and city or cities proposing the transfer shall submit an analysis of the factors and circumstances, with all supporting data, justifying the revision to the council of governments or the department. The council of governments shall submit a copy of its decision regarding the proposed reduction to the department.

(b) (1) The county and cities that have executed transfers of regional housing needs under this section shall amend their housing elements and submit them to the department for review under Section 65585.

(2) All materials and data used to justify any revision shall be made available upon request to any interested party within seven days upon payment of reasonable costs of reproduction unless the costs are waived due to economic hardship. A fee may be charged to interested parties for any additional costs caused by the amendments made to former subdivision (c) of Section 65584 that reduced from 45 to 7 days the time within which materials and data were required to be made available to interested parties.

(c) (1) If an incorporation of a new city occurs after the council of governments, or the department for areas with no council of governments, has made its final allocation under Section 65584, the city and county may reach a mutually acceptable agreement on a revised determination and report the revision to the council of governments and the department, or to the department for areas with no council of governments. If the affected parties cannot reach a mutually acceptable agreement, then either party may request the council of governments, or the department for areas with no council of governments, to consider the facts, data, and methodology presented by both parties and make the revised determination.

(2) The revised determination shall be made within six months after receipt of the written request, based upon the methodology adopted under Section 65584.04, and shall reallocate a portion of the affected county's

share of regional housing needs to the new city. The revised determination shall neither reduce the total regional housing needs nor change the previous allocation of the regional housing needs assigned by the council of governments or the department, where there is no council of governments, to other cities within the affected county.

(d) (1) If an annexation of unincorporated land to a city occurs after the council of governments, or the department for areas with no council of governments, has made its final allocation under Section 65584, the city and county may reach a mutually acceptable agreement on a revised determination and report the revision to the council of governments and the department, or to the department for areas with no council of governments. If the affected parties cannot reach a mutually acceptable agreement, then either party may request the council of governments, or the department for areas with no council of governments, to consider the facts, data, and methodology presented by both parties and make the revised determination.

(2) (A) Except as provided under subparagraph (B), the revised determination shall be made within six months after receipt of the written request, based upon the methodology adopted under Section 65584.04, and shall reallocate a portion of the affected county's share of regional housing needs, if appropriate, to the annexing city. The revised determination shall neither reduce the total regional housing needs nor change the previous allocation of the regional housing needs assigned by the council of governments or the department, where there is no council of governments, to other cities within the affected county.

(B) If the annexed land is subject to a development agreement authorized under subdivision (b) of Section 65865 that was entered into by a city and a landowner prior to January 1, 2008, the revised determination shall be based upon the number of units allowed by the development agreement.

(3) A revised determination shall not be made if all of the following apply:

(A) The annexed land was within the city's sphere of influence when the regional housing need was allocated by the council of governments under Section 65584.05 or by the department under Section 65584.06.

(B) The council of governments or the department certifies that the annexed land was fully incorporated into the methodology for purposes of determining the city's share of the regional housing need.

(C) The area covered by the annexation is the same as the area that was incorporated into the methodology.

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