

AMENDED IN ASSEMBLY APRIL 29, 2019

AMENDED IN ASSEMBLY APRIL 11, 2019

AMENDED IN ASSEMBLY MARCH 25, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 600

Introduced by Assembly Member Chu

February 14, 2019

An act to amend Sections 56301, 56375, 56425, and 65302.10 of, to add Sections 56070.5 and 56378.1 to, and to add Chapter 5 (commencing with Section 56440) to Part 2 of Division 3 of Title 5 of, Section 56375 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 600, as amended, Chu. Local government: organization: disadvantaged unincorporated communities.

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 provides the authority and procedure for the initiation, conduct, and completion of changes of organization, reorganization, and sphere of influence changes for cities and districts, as specified. Existing law prohibits a local agency formation commission from approving an 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 into the subject city has been filed. Under existing law, an application to annex a contiguous disadvantaged community is not required if, among other things, the commission finds that a majority of the registered voters within the

disadvantaged unincorporated community are opposed to the annexation, as specified.

This bill would additionally provide that an application to annex a contiguous disadvantaged community is not required if the commission finds that a majority of the registered voters within the affected disadvantaged unincorporated community would prefer to address the service deficiencies through an extraterritorial service extension.

This bill would also provide that the existing approval prohibition and the exemptions to the application requirement, as so expanded, apply to the annexation of two or more contiguous areas that take place within 5 years of each other and that are individually less than 10 acres but cumulatively more than 10 acres.

~~(1) The Planning and Zoning Law requires a city or county to prepare and adopt a comprehensive, long-term general plan that includes various mandatory elements, including a housing element for the preservation, improvement, and development of housing. That law also requires a city or county, on or before the due date for the next adoption of its housing element, to review and update the land use element of its general plan based on available data, including, but not limited to, the data and analysis of unincorporated island, fringe, or legacy communities inside or near its boundaries, as provided. That law requires the updated land use element to include, among other things, an analysis of water, wastewater, stormwater drainage, and structural fire protection needs or deficiencies for each identified community.~~

~~This bill would define the term “needs or deficiencies” for these purposes to mean both deficient services and lack of services, as specified.~~

~~(2) The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 provides the authority and procedure for the initiation, conduct, and completion of changes of organization, reorganization, and sphere of influence changes for cities and districts, as specified.~~

~~This bill would require, on or before January 1, 2021, each city, county, and qualified special district, as defined, to submit to the commission an accessibility plan to secure safe drinking water, wastewater services, stormwater drainage, and structural fire protection in unincorporated island, fringe, or legacy communities identified in the updated land use element described above. The bill would require the commission to determine the entity best positioned to provide adequate water or wastewater services to the affected territory. The bill would require the accessibility plan to include, among other things, an~~

identification of actions by the commission that are necessary to enable that entity to provide those services and an analysis of costs and benefits of improved water or wastewater services for residents in each affected territory. The bill would prohibit the costs and fees for services extended to those territories through implementation of the accessibility plan from exceeding the cost of providing the service, as specified. The bill, on or before January 1, 2021, would require each county to submit a map of the county that identifies disadvantaged unincorporated communities that lack safe drinking water or adequate wastewater, along with the adopted accessibility plan, to the Office of Planning and Research, the State Water Resources Control Board, and any relevant regional quality control board, as specified.

The bill would require the commission to, within 5 years of the approval of an accessibility plan, hold a noticed public hearing and review the status of every disadvantaged unincorporated community that is subject to the accessibility plan.

By increasing the duties of local officials, this bill would impose a state-mandated local program.

(3) The act sets forth the powers and duties of a local agency formation commission, including initiating proposals by resolution of application for, among other things, the formation of a new district or districts and specified reorganizations.

This bill would additionally authorize the commission to initiate the reorganization or extension of services involving a disadvantaged unincorporated community, as specified. The bill would require the commission to initiate a change of organization or reorganization or service extension if the commission determines that service needs identified in an accessibility plan remain unaddressed 2 years after the approval of the accessibility plan.

(4) Existing law prohibits the commission from approving an 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 into the subject city has been filed.

This bill would also prohibit the commission from approving an annexation under these circumstances to a qualified special district. The bill would define the term “qualified special district” for these purposes to mean a special district with more than 500 service connections that provides drinking water or wastewater services.

~~The bill would also specify that these provisions apply to the annexation of 2 or more contiguous territories within 2 years of each other that are individually less than 10 acres but are cumulatively more than 10 acres.~~

~~(5) Under existing law, an application to annex a contiguous disadvantaged community is not required if the commission finds that a majority of the registered voters within the disadvantaged unincorporated community are opposed to the annexation, as specified.~~

~~This bill would instead provide that an application to annex a contiguous disadvantaged community is not required if the commission finds that a majority of the residents within the disadvantaged unincorporated community are opposed to the annexation, as specified. This bill would additionally provide that an application to annex a contiguous disadvantaged community is not required if the commission finds that a majority of the residents within the affected disadvantaged unincorporated community would prefer to address the service deficiencies through an extraterritorial service extension.~~

~~The bill would also prohibit the commission from approving an annexation to a city or to a qualified special district of any territory if the city or qualified special district has failed to take steps necessary to implement an accessibility plan, as specified.~~

~~(6) The act requires the commission to develop and determine the sphere of influence of each city and each special district within the county and enact policies designed to promote the logical and orderly development of areas within each sphere. The act requires the commission, in order to prepare and update spheres of influence in accordance with this requirement, to conduct a service review of the municipal services provided in the county or other appropriate area designated by the commission, as provided. The act requires the commission to prepare a written statement of its determinations with respect to, among other things, the present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies, as provided.~~

~~This bill would prohibit the commission from adopting, amending, or updating a sphere of influence update that removes a disadvantaged community from the sphere of influence of a city or a special district or that fails to include a disadvantaged community that is contiguous to the proposed sphere of influence, unless the commission makes specified findings. The bill would also prohibit the commission from approving, amending, or updating a sphere of influence for a city or a~~

special district that has not taken action pursuant to an accessibility plan that was adopted as described above.

~~(7) The act additionally states that the purpose of the commission is, among other things, to encourage the efficient provision of government services, as specified.~~

~~This bill would also state that the purpose of a local agency formation commission is to encourage the equitable provision of government services, as specified.~~

~~(8) 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 is required by this act for a specified reason.~~

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

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

1 SECTION 1. ~~Section 56070.5 is added to the Government~~
2 ~~Code, to read:~~

3 ~~56070.5. “Qualified special district” means a special district~~
4 ~~that contains more than 500 service connections and that provides~~
5 ~~drinking water or wastewater services.~~

6 SEC. 2. ~~Section 56301 of the Government Code is amended~~
7 ~~to read:~~

8 ~~56301. Among the purposes of a commission are discouraging~~
9 ~~urban sprawl, preserving open-space and prime agricultural lands,~~
10 ~~encouraging the efficient and equitable provision of government~~
11 ~~services, and encouraging the orderly formation and development~~
12 ~~of local agencies based upon local conditions, circumstances, and~~
13 ~~considerations of equity. One of the objects of the commission is~~
14 ~~to make studies and to obtain and furnish information which will~~
15 ~~contribute to the logical and reasonable development of local~~
16 ~~agencies in each county and to shape the development of local~~
17 ~~agencies so as to advantageously provide for the present and future~~
18 ~~needs of each county and its communities. When the formation of~~
19 ~~a new government entity is proposed, a commission shall make a~~
20 ~~determination as to whether existing agencies can feasibly provide~~
21 ~~the needed service or services in a more efficient and accountable~~
22 ~~manner. If a new single-purpose agency is deemed necessary, the~~

1 ~~commission shall consider reorganization with other single-purpose~~
2 ~~agencies that provide related services.~~

3 ~~SEC. 3.~~

4 *SECTION 1.* Section 56375 of the Government Code is
5 amended to read:

6 56375. The commission shall have all of the following powers
7 and duties subject to any limitations upon its jurisdiction set forth
8 in this part:

9 (a) (1) To review and approve with or without amendment,
10 wholly, partially, or conditionally, or disapprove proposals for
11 changes of organization or reorganization, consistent with written
12 policies, procedures, and guidelines adopted by the commission.

13 (2) The commission may initiate proposals by resolution of
14 application for any of the following:

15 (A) The consolidation of a district, as defined in Section 56036.

16 (B) The dissolution of a district.

17 (C) A merger.

18 (D) The establishment of a subsidiary district.

19 (E) The formation of a new district or districts.

20 ~~(F) The reorganization or extension of services involving a~~
21 ~~disadvantaged unincorporated community that is initiated pursuant~~
22 ~~to Section 56378.1.~~

23 ~~(G)~~

24 (F) A reorganization that includes any of the changes specified
25 in subparagraph (A), (B), (C), (D), ~~(E)~~, or ~~(F)~~: (E).

26 ~~(H)~~

27 (G) The dissolution of an inactive district pursuant to Section
28 56879.

29 (3) A commission may initiate a proposal described in paragraph
30 (2) only if that change of organization or reorganization is
31 consistent with a recommendation or conclusion of a study
32 prepared pursuant to Section 56378, 56425, or 56430, and the
33 commission makes the determinations specified in subdivision (b)
34 of Section 56881.

35 (4) A commission shall not disapprove an annexation to a city,
36 initiated by resolution, of contiguous territory that the commission
37 finds is any of the following:

38 (A) Surrounded or substantially surrounded by the city to which
39 the annexation is proposed or by that city and a county boundary
40 or the Pacific Ocean if the territory to be annexed is substantially

1 developed or developing, is not prime agricultural land as defined
2 in Section 56064, is designated for urban growth by the general
3 plan of the annexing city, and is not within the sphere of influence
4 of another city.

5 (B) Located within an urban service area that has been delineated
6 and adopted by a commission, which is not prime agricultural land,
7 as defined by Section 56064, and is designated for urban growth
8 by the general plan of the annexing city.

9 (C) An annexation or reorganization of unincorporated islands
10 meeting the requirements of Section 56375.3.

11 (5) As a condition to the annexation of an area that is
12 surrounded, or substantially surrounded, by the city to which the
13 annexation is proposed, the commission may require, where
14 consistent with the purposes of this division, that the annexation
15 include the entire island of surrounded, or substantially surrounded,
16 territory.

17 (6) A commission shall not impose any conditions that would
18 directly regulate land use density or intensity, property
19 development, or subdivision requirements.

20 (7) The decision of the commission with regard to a proposal
21 to annex territory to a city shall be based upon the general plan
22 and rezoning of the city. When the development purposes are not
23 made known to the annexing city, the annexation shall be reviewed
24 on the basis of the adopted plans and policies of the annexing city
25 or county. A commission shall require, as a condition to
26 annexation, that a city rezone the territory to be annexed or present
27 evidence satisfactory to the commission that the existing
28 development entitlements on the territory are vested or are already
29 at build-out, and are consistent with the city's general plan.
30 However, the commission shall not specify how, or in what
31 manner, the territory shall be rezoned.

32 (8) (A) Except for those changes of organization or
33 reorganization authorized under Section 56375.3, and except as
34 provided by ~~subparagraphs (B) and (C)~~, *subparagraph (B)*, a
35 commission shall not approve an annexation to a city ~~or to a~~
36 ~~qualified special district~~ of any territory greater than 10 acres, or
37 as determined by commission policy, where there exists a
38 disadvantaged unincorporated community that is contiguous to
39 the area of proposed annexation, unless an application to annex

1 the disadvantaged unincorporated community to the subject city
2 ~~or qualified special district~~ has been filed with the executive officer.

3 (B) An application to annex a contiguous disadvantaged
4 community shall not be required if any of the following apply:

5 (i) A prior application for annexation of the same disadvantaged
6 community has been made in the preceding five years.

7 (ii) The commission finds, based upon written evidence, that a
8 majority of the ~~residents~~ *registered voters* within the affected
9 territory are opposed to annexation.

10 (iii) The commission finds, based upon written evidence, that
11 a majority of the ~~residents~~ *registered voters* within the affected
12 disadvantaged unincorporated community would prefer to address
13 service deficiencies through an extraterritorial service extension.

14 (C) This paragraph shall apply to the annexation of two or more
15 contiguous areas that take place within five years of each other
16 and that are individually less than 10 acres but cumulatively more
17 than 10 acres.

18 ~~(9) Except for those changes of organization or reorganization~~
19 ~~authorized under Section 56375.3, a commission shall not approve~~
20 ~~an annexation to a city or to a qualified special district of any~~
21 ~~territory if the city or applicable county has failed to take steps~~
22 ~~necessary to implement an accessibility plan pursuant to Section~~
23 ~~56440.~~

24 (b) With regard to a proposal for annexation or detachment of
25 territory to, or from, a city or district or with regard to a proposal
26 for reorganization that includes annexation or detachment, to
27 determine whether territory proposed for annexation or detachment,
28 as described in its resolution approving the annexation, detachment,
29 or reorganization, is inhabited or uninhabited.

30 (c) With regard to a proposal for consolidation of two or more
31 cities or districts, to determine which city or district shall be the
32 consolidated successor city or district.

33 (d) To approve the annexation of unincorporated, noncontiguous
34 territory, subject to the limitations of Section 56742, located in the
35 same county as that in which the city is located, and that is owned
36 by a city and used for municipal purposes and to authorize the
37 annexation of the territory without notice and hearing.

38 (e) To approve the annexation of unincorporated territory
39 consistent with the planned and probable use of the property based
40 upon the review of general plan and rezoning designations. No

1 subsequent change may be made to the general plan for the annexed
2 territory or zoning that is not in conformance to the rezoning
3 designations for a period of two years after the completion of the
4 annexation, unless the legislative body for the city makes a finding
5 at a public hearing that a substantial change has occurred in
6 circumstances that necessitate a departure from the rezoning in
7 the application to the commission.

8 (f) With respect to the incorporation of a new city or the
9 formation of a new special district, to determine the number of
10 registered voters residing within the proposed city or special district
11 or, for a landowner-voter special district, the number of owners
12 of land and the assessed value of their land within the territory
13 proposed to be included in the new special district. The number
14 of registered voters shall be calculated as of the time of the last
15 report of voter registration by the county elections official to the
16 Secretary of State prior to the date the first signature was affixed
17 to the petition. The executive officer shall notify the petitioners of
18 the number of registered voters resulting from this calculation.
19 The assessed value of the land within the territory proposed to be
20 included in a new landowner-voter special district shall be
21 calculated as shown on the last equalized assessment roll.

22 (g) To adopt written procedures for the evaluation of proposals,
23 including written definitions consistent with existing state law.
24 The commission may adopt standards for any of the factors
25 enumerated in Section 56668. Any standards adopted by the
26 commission shall be written.

27 (h) To adopt standards and procedures for the evaluation of
28 service plans submitted pursuant to Section 56653 and the initiation
29 of a change of organization or reorganization pursuant to
30 subdivision (a).

31 (i) To make and enforce regulations for the orderly and fair
32 conduct of hearings by the commission.

33 (j) To incur usual and necessary expenses for the
34 accomplishment of its functions.

35 (k) To appoint and assign staff personnel and to employ or
36 contract for professional or consulting services to carry out and
37 effect the functions of the commission.

38 (l) To review the boundaries of the territory involved in any
39 proposal with respect to the definiteness and certainty of those
40 boundaries, the nonconformance of proposed boundaries with lines

1 of assessment or ownership, and other similar matters affecting
2 the proposed boundaries.

3 (m) To waive the restrictions of Section 56744 if it finds that
4 the application of the restrictions would be detrimental to the
5 orderly development of the community and that the area that would
6 be enclosed by the annexation or incorporation is so located that
7 it cannot reasonably be annexed to another city or incorporated as
8 a new city.

9 (n) To waive the application of Section 22613 of the Streets and
10 Highways Code if it finds the application would deprive an area
11 of a service needed to ensure the health, safety, or welfare of the
12 residents of the area and if it finds that the waiver would not affect
13 the ability of a city to provide any service. However, within 60
14 days of the inclusion of the territory within the city, the legislative
15 body may adopt a resolution nullifying the waiver.

16 (o) If the proposal includes the incorporation of a city, as defined
17 in Section 56043, or the formation of a district, as defined in
18 Section 2215 of the Revenue and Taxation Code, the commission
19 shall determine the property tax revenue to be exchanged by the
20 affected local agencies pursuant to Section 56810. If the proposal
21 includes the disincorporation of a city, as defined in Section 56034,
22 the commission shall determine the property tax revenue to be
23 exchanged by the affected local agencies pursuant to Section
24 56813.

25 (p) To authorize a city or district to provide new or extended
26 services outside its jurisdictional boundaries pursuant to Section
27 56133.

28 (q) To enter into an agreement with the commission for an
29 adjoining county for the purpose of determining procedures for
30 the consideration of proposals that may affect the adjoining county
31 or where the jurisdiction of an affected agency crosses the boundary
32 of the adjoining county.

33 (r) To approve with or without amendment, wholly, partially,
34 or conditionally, or disapprove pursuant to this section the
35 annexation of territory served by a mutual water company formed
36 pursuant to Part 7 (commencing with Section 14300) of Division
37 3 of Title 1 of the Corporations Code that operates a public water
38 system to a city or special district. Any annexation approved in
39 accordance with this subdivision shall be subject to the state and
40 federal constitutional prohibitions against the taking of private

1 property without the payment of just compensation. This
2 subdivision shall not impair the authority of a public agency or
3 public utility to exercise eminent domain authority.

4 SEC. 4. Section 56378.1 is added to the Government Code, to
5 read:

6 ~~56378.1. Within five years of the approval or approval with~~
7 ~~conditions of an accessibility plan pursuant to Section 56440, the~~
8 ~~commission shall hold a noticed public hearing and review the~~
9 ~~status of every disadvantaged unincorporated community that is~~
10 ~~subject to the accessibility plan. If the commission determines that~~
11 ~~the service needs remain unaddressed, the commission shall initiate~~
12 ~~a change of organization, reorganization, or service extension~~
13 ~~pursuant to this chapter.~~

14 SEC. 5. Section 56425 of the Government Code is amended
15 to read:

16 56425. (a) ~~In order to carry out its purposes and responsibilities~~
17 ~~for planning and shaping the logical and orderly development and~~
18 ~~coordination of local governmental agencies subject to the~~
19 ~~jurisdiction of the commission to advantageously provide for the~~
20 ~~present and future needs of the county and its communities, the~~
21 ~~commission shall develop and determine the sphere of influence~~
22 ~~of each city and each special district, as defined by Section 56036,~~
23 ~~within the county and enact policies designed to promote the logical~~
24 ~~and orderly development of areas within the sphere.~~

25 (b) ~~Prior to a city submitting an application to the commission~~
26 ~~to update its sphere of influence, representatives from the city and~~
27 ~~representatives from the county shall meet to discuss the proposed~~
28 ~~new boundaries of the sphere and explore methods to reach~~
29 ~~agreement on development standards and planning and zoning~~
30 ~~requirements within the sphere to ensure that development within~~
31 ~~the sphere occurs in a manner that reflects the concerns of the~~
32 ~~affected city and is accomplished in a manner that promotes the~~
33 ~~logical and orderly development of areas within the sphere. If an~~
34 ~~agreement is reached between the city and county, the city shall~~
35 ~~forward the agreement in writing to the commission, along with~~
36 ~~the application to update the sphere of influence. The commission~~
37 ~~shall consider and adopt a sphere of influence for the city consistent~~
38 ~~with the policies adopted by the commission pursuant to this~~
39 ~~section, and the commission shall give great weight to the~~

1 agreement to the extent that it is consistent with commission
2 policies in its final determination of the city sphere.

3 (e) If the commission's final determination is consistent with
4 the agreement reached between the city and county pursuant to
5 subdivision (b), the agreement shall be adopted by both the city
6 and county after a noticed public hearing. Once the agreement has
7 been adopted by the affected local agencies and their respective
8 general plans reflect that agreement, then any development
9 approved by the county within the sphere shall be consistent with
10 the terms of that agreement.

11 (d) If no agreement is reached pursuant to subdivision (b), the
12 application may be submitted to the commission and the
13 commission shall consider a sphere of influence for the city
14 consistent with the policies adopted by the commission pursuant
15 to this section.

16 (e) In determining the sphere of influence of each local agency,
17 the commission shall consider and prepare a written statement of
18 its determinations with respect to each of the following:

19 (1) The present and planned land uses in the area, including
20 agricultural and open-space lands.

21 (2) The present and probable need for public facilities and
22 services in the area.

23 (3) The present capacity of public facilities and adequacy of
24 public services that the agency provides or is authorized to provide.

25 (4) The existence of any social or economic communities of
26 interest in the area if the commission determines that they are
27 relevant to the agency.

28 (5) For an update of a sphere of influence of a city or special
29 district that provides public facilities or services related to sewers,
30 municipal and industrial water, or structural fire protection, that
31 occurs pursuant to subdivision (g) on or after July 1, 2012, the
32 present and probable need for those public facilities and services
33 of any disadvantaged unincorporated communities within the
34 existing sphere of influence.

35 (f) Upon determination of a sphere of influence, the commission
36 shall adopt that sphere.

37 (g) On or before January 1, 2008, and every five years thereafter,
38 the commission shall, as necessary, review and update each sphere
39 of influence.

1 ~~(h) In determining a sphere of influence, the commission may~~
2 ~~assess the feasibility of governmental reorganization of particular~~
3 ~~agencies and recommend reorganization of those agencies when~~
4 ~~reorganization is found to be feasible and if reorganization will~~
5 ~~further the goals of orderly development and efficient and~~
6 ~~affordable service delivery. The commission shall make all~~
7 ~~reasonable efforts to ensure wide public dissemination of the~~
8 ~~recommendations.~~

9 ~~(i) When adopting, amending, or updating a sphere of influence~~
10 ~~for a special district, the commission shall establish the nature,~~
11 ~~location, and extent of any functions or classes of services provided~~
12 ~~by existing districts.~~

13 ~~(j) When adopting, amending, or updating a sphere of influence~~
14 ~~for a special district, the commission may require existing districts~~
15 ~~to file written statements with the commission specifying the~~
16 ~~functions or classes of services provided by those districts.~~

17 ~~(k) The commission shall not adopt, amend, or update a sphere~~
18 ~~of influence update that does either of the following:~~

19 ~~(1) Removes a disadvantaged community from the sphere of~~
20 ~~influence of a city or a special district unless the commission makes~~
21 ~~a finding, based upon written evidence, that the removal of the~~
22 ~~disadvantaged community from the sphere of influence of the city~~
23 ~~or special district will result in improved service delivery to the~~
24 ~~community.~~

25 ~~(2) Fails to include a disadvantaged community that is~~
26 ~~contiguous to the proposed sphere of influence unless the~~
27 ~~commission makes a finding, based upon written evidence, that~~
28 ~~the exclusion of the disadvantaged community from the proposed~~
29 ~~sphere of influence will result in improved access to safe drinking~~
30 ~~water or wastewater access.~~

31 ~~(l) The commission shall not amend or update a sphere of~~
32 ~~influence for a city or special district that has not taken action~~
33 ~~pursuant to the accessibility plan adopted pursuant to Section~~
34 ~~56440.~~

35 ~~SEC. 6. Chapter 5 (commencing with Section 56440) is added~~
36 ~~to Part 2 of Division 3 of Title 5 of the Government Code, to read:~~

~~CHAPTER 5. ACCESSIBILITY PLANS~~

1
2
3 ~~56440. (a) (1) On or before January 1, 2021, each city, county,~~
4 ~~and qualified special district shall develop an accessibility plan to~~
5 ~~secure safe drinking water, wastewater services, stormwater~~
6 ~~drainage, and structural fire protection in communities identified~~
7 ~~in the land use element of the city or county updated pursuant to~~
8 ~~paragraph (b) of Section 65302.10.~~
9 ~~(2) The commission shall determine which entity is best~~
10 ~~positioned to provide adequate water or wastewater services to the~~
11 ~~affected territory.~~
12 ~~(3) Each city, county, and qualified special district shall consult~~
13 ~~with the commission, the State Water Resources Control Board,~~
14 ~~relevant cities, relevant special districts, relevant mutual water~~
15 ~~companies, relevant investor-owned utilities, and county~~
16 ~~environmental health departments in developing the accessibility~~
17 ~~plan.~~
18 ~~(4) The accessibility plan shall include a timeline with~~
19 ~~intermediary steps necessary to secure necessary infrastructure~~
20 ~~and services within five years.~~
21 ~~(5) The accessibility plan shall include all of the following:~~
22 ~~(A) Any actions and alternatives necessary to be taken by the~~
23 ~~commission, if any, to enable the entity determined pursuant to~~
24 ~~paragraph (2) to provide services to the affected territory.~~
25 ~~(B) Any actions to be taken by any local agency that the~~
26 ~~commission believes are necessary to establish services to the~~
27 ~~disadvantaged unincorporated community.~~
28 ~~(C) An analysis of costs and benefits of improved water or~~
29 ~~wastewater services for residents in each affected territory.~~
30 ~~(D) An analysis of local, state, and federal funding sources~~
31 ~~available to implement the accessibility plan.~~
32 ~~(6) (A) The city, county, or qualified special district shall submit~~
33 ~~the accessibility plan to the commission.~~
34 ~~(B) The commission shall wholly approve the accessibility plan~~
35 ~~or approve the accessibility plan with conditions or modifications~~
36 ~~at a noticed hearing within 90 days of the submission of the~~
37 ~~accessibility plan to the commission.~~
38 ~~(b) Commencing on or before February 1, 2022, each city,~~
39 ~~county, and qualified special district shall provide an annual~~
40 ~~progress report with respect to its accessibility plan at a noticed~~

1 public hearing. The city, county, or relevant special district shall
2 also post the annual progress report on its internet website.

3 (e) (1) Costs and fees for services provided to the affected
4 territory through implementation of the accessibility plan shall not
5 exceed the cost of providing the service.

6 (2) Fees and conditions related to service provision to the
7 affected territory through implementation of the accessibility plan
8 shall be consistent with fees and conditions placed on other new
9 customers or service recipients.

10 (d) On or before January 1, 2021, each county shall submit a
11 map of the county that identifies disadvantaged unincorporated
12 communities that lack safe drinking water or adequate wastewater,
13 along with the adopted accessibility plan prepared in electronic
14 format with the Office of Planning and Research, the State Water
15 Resources Control Board, and any relevant regional quality control
16 board. The Office of Planning and Research, State Water Resources
17 Control Board, and the city or county shall each post the map on
18 its respective internet website.

19 SEC. 7. Section 65302.10 of the Government Code is amended
20 to read:

21 65302.10. (a) As used in this section, the following terms shall
22 have the following meanings:

23 (1) "Community" means an inhabited area within a city or
24 county that is comprised of no less than 10 dwellings adjacent or
25 in close proximity to one another.

26 (2) "Disadvantaged unincorporated community" means a fringe,
27 island, or legacy community in which the median household
28 income is 80 percent or less than the statewide median household
29 income.

30 (3) "Fringe community" means any inhabited and
31 unincorporated territory that is within a city's sphere of influence.

32 (4) "Island community" means any inhabited and unincorporated
33 territory that is surrounded or substantially surrounded by one or
34 more cities or by one or more cities and a county boundary or the
35 Pacific Ocean.

36 (5) "Legacy community" means a geographically isolated
37 community that is inhabited and has existed for at least 50 years.

38 (b) On or before the due date for the next adoption of its housing
39 element pursuant to Section 65588, each city or county shall review
40 and update the land use element of its general plan, based on

1 available data, including, but not limited to, the data and analysis
2 developed pursuant to Section 56430, of unincorporated island,
3 fringe, or legacy communities inside or near its boundaries. The
4 updated land use element shall include all of the following:

5 (1) In the case of a city, an identification of each island or fringe
6 community within the city's sphere of influence that is a
7 disadvantaged unincorporated community. In the case of a county,
8 an identification of each legacy community within the boundaries
9 of the county that is a disadvantaged unincorporated community,
10 but not including any area within the sphere of influence of any
11 city. This identification shall include a description of the
12 community and a map designating its location.

13 (2) For each identified community, an analysis of water,
14 wastewater, stormwater drainage, and structural fire protection
15 needs or deficiencies. For purposes of this section, "needs or
16 deficiencies" includes both deficient services and lack of services.
17 The analysis required by this paragraph shall consider the impacts
18 of climate change on specified services.

19 (3) An analysis, based on then existing available data, of benefit
20 assessment districts or other financing alternatives that could make
21 the extension of services to identified communities financially
22 feasible.

23 (e) On or before the due date for each subsequent revision of
24 its housing element pursuant to Section 65588, each city and county
25 shall review, and if necessary amend, its general plan to update
26 the analysis required by this section.

27 SEC. 8. No reimbursement is required by this act pursuant to
28 Section 6 of Article XIII B of the California Constitution because
29 a local agency or school district has the authority to levy service
30 charges, fees, or assessments sufficient to pay for the program or
31 level of service mandated by this act, within the meaning of Section
32 17556 of the Government Code.