



California Special Districts Association
Districts Stronger Together



July 31, 2023

The Honorable Chris Holden
Chair, Assembly Appropriations Committee
1021 O St., Room 8220
Sacramento, CA 95814

RE: Senate Bill 34 (Umberg) – Oppose Unless Amended [As Amended June 20, 2023]

Dear Assembly Member Holden:

The statewide associations and individual local agencies listed above must respectfully oppose Senate Bill 34 (Umberg), unless it is amended to address our concerns discussed below.

SB 34 will amend the Surplus Land Act (SLA) to provide that if the Department of Housing and Community Development (HCD), pursuant to Government Code Section 54230.5, notifies the County of Orange, or any city located within Orange County, that its planned sale or lease of surplus land is in violation of the SLA, certain procedures for addressing the notice of violation must be followed.

As written, the bill may create a concerning precedent for all local agencies statewide. Because SB 34 includes a reference to notices of violation from HCD in connection with a “sale **or lease**” by a local agency, the bill may establish a statutory precedent that leases are subject to the SLA. Notwithstanding guidelines developed by HCD defining “disposition of surplus land,” at this time the term “dispose” is undefined in the SLA, and prior legislative efforts to define “dispose” to include leases were unsuccessful. Removing and excluding the bill’s reference to leases would in no way compromise or otherwise impact the ability of this legislation to address a planned sale of surplus land by the County of Orange or any city located within Orange County. However, including any reference to leases in the bill would be inconsistent with the clear, established legislative intent for the meaning of disposal of surplus land that is subject to the requirements of the SLA as currently written. If a statutory precedent is established or potentially established for the inclusion of leases in the SLA, particularly outside of a deliberative stakeholder process with local agencies, it will increase SLA compliance costs for local agencies. We therefore oppose SB 34 unless it is amended to remove its reference to leases and HCD notices of violations in connection with planned leases.

Local agencies routinely enter leases for a variety of purposes that support their work or operations and that do not relate to the purposes of the SLA. Examples include a cell tower lease, a lease to a nonprofit for office space because that nonprofit is partnering with a local government to further a governmental purpose, and a short-term lease of park space.

The clear, established intent of the Legislature is not to apply the requirements of the SLA for surplus land to leases. In 2019, as introduced, AB 1486 (Ting) proposed to define “dispose of” as the “sale, lease, transfer, or other conveyance of any interest in real property owned by a local agency” (emphasis added). A broad local agency coalition opposed this proposed expansion of the meaning of “dispose of,” and consequently leases were amended out of the bill before it became law.

For the above reasons, we must respectfully oppose Senate Bill 34, unless it is amended to address our concerns.

Sincerely,



Aaron A. Avery
Senior Legislative Representative
California Special Districts Association



Paul A. Cook
General Manager
Irvine Ranch Water District



Paul E. Shoenberger, P.E.
General Manager
Mesa Water District



Daniel R. Feron
General Manager
Santa Margarita Water District



Dennis P. Cafferty
General Manager
El Toro Water District



Robert S. Grantham
General Manager
Rancho California Water District



Fernando Paludi
General Manager
Trabuco Canyon Water District



Rob Thompson
General Manager
Orange County Sanitation District



Mark Neuberger
Legislative Advocate
California State Association of Counties



Jean Hurst
Legislative Representative
Urban Counties of California



Tracy Rhine
Senior Policy Advocate
Rural County Representatives of California



Sarah Bridge
Senior Legislative Advocate
Association of California Healthcare Districts



Antonio Ortega
Governmental Affairs Officer
Imperial Irrigation District

CC: The Honorable Thomas Umberg
Members, Assembly Appropriations Committee
Jennifer Swenson, Principal Consultant, Assembly Appropriations Committee
Joe Shinstock, Policy Consultant, Assembly Republican Caucus
Nichole Muñoz-Murillo, Deputy Legislative Secretary, Office of Governor Newsom