

Date of Hearing: April 11, 2018

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Cecilia Aguiar-Curry, Chair

AB 2973 (Gray) – As Introduced February 16, 2018

SUBJECT: Land use: Subdivision Map Act: expiration dates.

SUMMARY: Provides an automatic 24-month extension for unexpired subdivision maps that relate to the construction of single or multifamily housing, in jurisdictions that meet certain criteria. Specifically, **this bill:**

- 1) Extends, by 24 months, the expiration date of any tentative map, vesting tentative map, or parcel map for which a tentative map or vesting tentative map that relates to the construction of single or multifamily housing, if all the following conditions are met:
 - a) The map was approved on or after January 1, 2002, and not later than July 11, 2013;
 - b) The map was extended pursuant to provisions contained in AB 1303 (Gray), Chapter 751, Statutes of 2015; and,
 - c) The map has not expired on or before this bill's effective date.
- 2) Provides that a city or county is prohibited, with exceptions, from imposing specified conditions on a building permit or equivalent permit, for a time period of three years after the approval or conditional approval of a tentative map or parcel map that has been extended pursuant to 1), above.
- 3) Provides that a city, county, or city and county, is not prohibited from levying a fee or imposing a condition that requires the payment of a fee in the amount in effect upon the issuance of a building permit, including an adopted fee that is not included within an applicable zoning ordinance, upon the issuance of a building permit, as specified, for those maps that have been extended pursuant to 1), above.
- 4) Provides that no reimbursement is required by this act because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, as specified.

EXISTING LAW:

- 1) Establishes, pursuant to the Subdivision Map Act, a statewide regulatory framework for controlling the subdividing of land, which generally requires a subdivider to submit, and have approved by the city, county, or city and county in which the land is situated, a tentative map.
- 2) Provides for, pursuant to AB 1303 (Gray), Chapter 751, Statutes of 2015, the extension, by 24 months, of the expiration date for any tentative subdivision map, vesting tentative map, or parcel map for which a tentative map or tentative vesting map was approved on or after January 1, 2002, and not later than July 11, 2013, and that has not expired before October 15, 2015, if the map was approved within a county that meets the following conditions:

- a) The annual mean household income within the county is less than 80% of the statewide annual mean incomes, as determined by the most recent annual report of the federal American Community Survey 5-year Estimates, based upon the American Community Survey Design and Methodology publication (Version 2.0, January 2014) published by the United States Census Bureau;
 - b) The annual nonseasonal unemployment rate is at least 2.75% higher than the statewide annual nonseasonal unemployment rates, as defined by the report on Labor Market Review published by the Employment Development Department in January of the year in which the community revitalization plan is prepared; and,
 - c) The population for whom the poverty status is determined is at least 4% higher than the statewide median poverty rate, as determined by the most recent annual report of the American Community Survey 5-year Estimates, based upon the American Community Survey Design and Methodology publication (Version 2.0, January 2014).
- 2) Provides, if the map was approved or conditionally approved within a county that meets the requirements of 2), above, upon application of the subdivider filed at least 90 days prior to the expiration of the approved or conditionally approved tentative map or vesting tentative map, or parcel map for which the tentative map or vesting tentative map, as the case may be, that was approved on or before December 31, 2001, the time at which the map expires shall be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps, for a period of 24 months upon a determination that the map is consistent with applicable zoning and general plan requirements in effect when the application is filed.
 - 3) Specifies that if the map is determined not to be consistent with applicable zoning and general plan requirements in effect when the application is filed, the legislative body or advisory agency may deny or conditionally approve an extension for a period of 24 months.
 - 4) Provides for a three-year time period after the approval or conditional approval of a tentative map, or recordation of a parcel map, during which a city or county is prohibited, with exceptions, from imposing specified conditions on a building permit or equivalent permit.
 - 5) Provides that the local agency is not prohibited from levying a fee, or imposing a condition that requires the payment of a fee upon the issuance of a building permit.

FISCAL EFFECT: This bill is keyed fiscal and contains a state-mandated local program.

COMMENTS:

- 1) **Bill Summary.** This bill provides an automatic 24-month extension for unexpired subdivision maps that relate to the construction of single or multifamily housing, if all of the following conditions are met:
 - a) The map was approved on or after January 1, 2002, and not later than July 11, 2013;
 - b) The map was extended pursuant to provisions contained in AB 1303 (Gray), Chapter 751, Statutes of 2015; and,

- c) The map has not expired on or before this bill's effective date.

The bill is sponsored by the author.

- 2) **Background** The Subdivision Map Act provides that cities and counties regulate and control the design and improvement of subdivisions within their boundaries. Cities and counties approve tentative maps which specify certain conditions and requirements that must be met. Once subdividers comply with these conditions, local officials make the determination to issue final maps.

In the event a tentative map expires before a final map is issued, the subdivider must start the process over, sacrificing the initial investment and significantly increasing costs and time before development can begin. The Legislature has approved a number of extensions for tentative tract and parcel maps during economic downturns to encourage new development.

The Permit Streamlining Act sets forth time limits and procedures for some types of land use decisions, including tentative maps. It also prohibits a local agency, after it approves or conditionally approves a tentative map for a residential unit, from requiring conformance with any condition the local agency could have imposed, as a condition to the issuance of any building permit for five years, after the recordation of that subdivision's final map or parcel map. A city or county also cannot refuse to issue a building permit for failing to conform with or perform any conditions that the city or county could have imposed as a condition to the previously approved tentative or parcel map.

- 3) **Previous Legislation.** The last map extension bill was AB 1303 (Gray), Chapter 751, Statutes of 2015, which extended, by 24 months, the expiration date for any tentative subdivision map, vesting tentative map, or parcel map for which a tentative map or tentative vesting map was approved on or after January 1, 2002, and not later than July 11, 2013, and that had not expired before the bill took effect, if the map was approved within a county that met the following conditions:

- a) The annual mean household income within the county is less than 80% of the statewide annual mean incomes, as specified;
- b) The annual nonseasonal unemployment rate is at least 2.75% higher than the statewide annual nonseasonal unemployment rates, as specified; and,
- c) The population for whom the poverty status is determined is at least 4% higher than the statewide median poverty rate, as specified.

AB 1303 contained an urgency clause and was signed into law on October 15, 2015, thus going into immediate effect. According to an analysis by the Senate Governance and Finance Committee, 11 counties qualified under the criteria contained in AB 1303, including Fresno, Imperial, Kern, Kings, Madera, Merced, Modoc, Siskiyou, Stanislaus, Tulare, and Yuba.

- 4) **Author's Statement.** According to the author, "The Legislature has made addressing the state's growing housing crisis a top priority. A number of important reforms and new revenue sources were implemented last year, but stakeholders and Legislators all agree that more must be done.

“The extension provided by AB 2973 is a modest reform limited to the areas of the state most in need of economic investment. Allowing developers to utilize their existing maps will prevent additional costs and time delays from sidetracking potential housing projects.

“This is a solution which costs state and local governments nothing while providing a much needed incentive to build housing in a state desperate for additional units.”

- 5) **Arguments in Support.** Supporters argue that many of the developments within the counties subject to AB 1303 have not yet come to fruition and will soon expire, and that extending the expiration date for such approvals will allow project applications to continue the land use approval process.
- 6) **Arguments in Opposition.** None on file.
- 7) **Double-Referral.** This bill is double-referred to the Housing and Community Development Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

CalChamber

Opposition

None on file

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