



April 8, 2021

The Honorable Phil Ting
California State Assembly
State Capitol, Room 6026
Sacramento, CA 95814

Re: **AB 1271 (Ting): Surplus Land**
As amended 4/06/21 – OPPOSE UNLESS AMENDED
Set for hearing 4/14/21 – Assembly Local Government Committee

Dear Assembly Member Ting:

On behalf of the California State Association of Counties (CSAC), the Urban Counties of California (UCC), the Rural County Representatives of California (RCRC), the League of California Cities (CalCities), and the Association of California Healthcare Districts (ACHD), we write to communicate our oppose position on your Assembly Bill 1271, unless it is amended to address concerns regarding new requirements for certain transactions by local jurisdictions under the Surplus Lands Act.

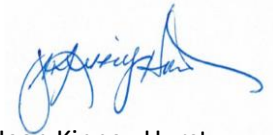
In specific, we are opposed to language that requires local agencies to submit to the Department of Housing and Community Development (HCD) “evidence the negotiations were conducted in good faith when good faith negotiations are required by this article” in Section 8 of the proposed bill. The requirement to submit some undefined quantum of “evidence” is ambiguous and open to interpretation by HCD, and, as a result, will likely be the subject of endless disputes between local agencies and HCD. Further, “good faith” is a well-understood legal standard, which has been part of the Surplus Lands Act since 1982. It does not require elaboration by HCD, and neither the parties nor the public will have any doubt in those rare cases where good faith is absent. This requirement is consequently unnecessary.

Second, language in Section 4 that requires a local agency to offer one responding entity the opportunity to match or exceed another respondent’s offer price, and allows the former respondent an additional 90 days to negotiate an agreement, serves only to further delay the eventual property sale and provides an opportunity for gamesmanship by multiple respondents. The Surplus Lands Act (Section 54227) already addresses scenarios involving multiple responding entities, and provides that “[a] local agency may negotiate concurrently with all entities that provide notice of interest for the purpose of developing affordable housing...” These provisions for concurrent negotiation make the additional procedures and timelines proposed in this bill unnecessary, as well as overly burdensome. If you are not willing to eliminate this provision, we respectfully request that you consider reducing the amount of time for respondents to match secondary offers, and integrating this process into the above-described concurrent negotiations, so as not to prolong what is already a complex and lengthy process.

Given that AB 1486 has only been in effect for a little over a year (a year that happened to also include a global pandemic) and HCD guidelines have only recently come out, we are unconvinced that the proposed statutory changes addressed above are necessary to effectuate the desired outcomes of your original measure.

Local agencies were deeply involved in stakeholder discussions with your team on AB 1486 (2019) and worked in good faith to negotiate amendments to address many of our concerns. We appreciate your similar consideration of our concerns on this measure, as well, and look forward to ongoing dialogue with your office. Please do not hesitate to reach out if we can be of further assistance.

Sincerely,



Jean Kinney Hurst
Legislative Representative
Urban Counties of California



Tracy Rhine
Legislative Representative
Rural County Representatives of California



Christopher Lee
Legislative Representative
California State Association of Counties



Amber King
Legislative Representative
Association of California Healthcare Districts



Jason Rhine
Legislative Representative
League of California Cities



Jessica Gauger
Legislative Representative
CA Association of Sanitation Agencies

cc: The Honorable Cecilia Aguiar-Curry, Chair, Assembly Local Government Committee
Members and Consultants, Assembly Local Government Committee