

April 23, 2024

The Honorable Chris Ward
Chair, Assembly Committee on Housing and Community Development
1020 N Street, Room 124
Sacramento, CA 95814

RE: AB 1820 (Schiavo) Housing Development Projects: Applications: Fees and Exactions Notice of OPPOSE UNLESS AMENDED

Dear Assemblymember Schiavo,

The City of San Marcos regrettably must take a position to oppose AB 1820 (Schiavo) unless it is amended to address our concerns. AB 1820 as currently drafted, would require all local agencies to provide within 20 days of a request by a developer, an itemized list and the total sum of all fees and exactions for a proposed development project during the preliminary application process.

Our organizations support the intent of the legislature to improve the transparency, predictability, and governance of impact fees, while preserving the ability to fund public facilities and other infrastructure in a manner flexible enough to meet the needs of California's varied and diverse communities, regardless of whether they are small or large, or rural or urban. Our organizations have participated in several stakeholder meetings to find areas of common agreement for improvements to California's laws related to development impact fees.

Since 2022, cities, counties, and special districts have been required to post fee schedules on their websites via Government Code Section 65940.1. In addition, fee schedules are a public record and are easily available upon request. The fee schedule lists the standard generally applicable fees for a specific project type that are common across all similar projects in a jurisdiction, however, it does not account for project-specific fees or CEQA mitigation measures which cannot be estimated during a preliminary application process. Project-specific fees vary on a project-by-project basis and cannot be determined before the project is fully designed and approved. Additionally, if the intent of AB 1820 is to provide an estimate of all fees associated with a specific development project, 20 days is not nearly enough time for local governments to estimate and provide the necessary materials to the project applicant. Finally, our organizations are concerned that local governments would be unable to charge fees after the preliminary application process, which is concerning as fees may differ from the preliminary estimate as construction begins to address necessary local infrastructure upgrades due to a new development project proposal.

Given the concerns listed above our organizations must respectfully oppose unless amended AB 1820. To help address our concerns, the author's office should specify that this measure would only apply to standardized general fees known at the time of the preliminary application and not apply to projectspecific fees. Additionally, the author's office should consider extending the 20-day deadline to 45 business days instead. Finally, local governments need protections that the estimated fees and exactions are nonbinding and should be granted the authority to cover the cost of services provided by the local government for a new development project. Without these fees, local jurisdictions will be unable to provide the needed services.

For these reasons, The City of San Marcos respectfully opposes SB 937.

www.san-marcos.net



Sincerely,

Rebecca D. Jones
Mayor

CC: The Honorable Pilar Schiavo
Members, Asm Housing and Community Development
Catherine Hill, League of California Cities – San Diego and Imperial Counties