

CONSENT

Bill No: SB 1388
Author: Durazo (D)
Introduced: 2/20/26
Vote: 21

SENATE LOCAL GOVERNMENT COMMITTEE: 7-0, 4/29/26
AYES: Durazo, Choi, Arreguín, Ashby, Cervantes, Laird, Seyarto

SUBJECT: Local agencies: improvement and maintenance of natural habitat

SOURCE: Author

DIGEST: This bill allows a local agency that forms a habitat maintenance assessment district to additionally contract with a joint powers authority for the implementation of a habitat maintenance plan.

ANALYSIS:

Existing law:

- 1) Requires, pursuant to Proposition 218 (1996), assessments to be approved by property owners subject to the assessments.
- 2) Allows local agencies to form a habitat maintenance assessment district (HMAD) for the improvement or maintenance of natural habitat consistent with a Department of Fish and Game-approved natural habitat maintenance plan. These districts can fund the acquisition, construction, or rehabilitation of any facilities needed to create, improve, or maintain natural habitat, as well as related infrastructure, improvements, and maintenance.
- 3) Allows a local agency to perform the necessary functions of the HMAD or contract with the state, another local agency, or a special district to perform them.

This bill allows a local agency that forms a HMAD to additionally contract with a joint powers authority for the implementation of a habitat maintenance plan.

Background

Not everyone benefits from all of the services or facilities that a local government provides. When a specific project or particular service benefits only a well-defined group of property owners, then it makes sense to match the costs and benefits. Articles XIII C and XIII D of the California Constitution allow for the imposition of “benefit assessments” for precisely this purpose. A benefit assessment is a charge that property owners pay for a public improvement or service that provides a special benefit to their property. The amount of the assessment must be directly related to the amount of the benefit that the property receives. Benefit assessments can finance public projects like flood control, street improvement, streetlights, and public landscaping, among many others.

California statute authorizes local agencies to adopt a wide variety of assessments through the formation of assessment districts. An assessment district is not a separate government agency but rather a defined area containing the property that especially benefits from certain public improvements. Within this defined area, the special assessments are apportioned and levied according to a benefit formula approved by the legislative body. In total, there are over 30 types of benefit assessment districts that may be formed, including HMADs.

When the Legislature allowed the formation of HMADs, benefit assessments did not require voter approval. Three years later, with the passage of Proposition 218, it became much more difficult to levy benefit assessments. To date, there is no record of a HMAD being formed. Occasional planning documents reference a HMAD as an option for funding habitat restoration, but local governments have selected other mechanisms instead.

Comments

Purpose of this bill. According to the author, “California’s natural habitat areas often span city boundaries, county lines, watersheds, and regional ecosystems. Protecting and maintaining those lands is rarely confined to a single jurisdiction. Yet current law can limit local governments’ ability to use the most practical regional governance structures already in place to carry out this work.

“SB 1388 recognizes that habitat stewardship is frequently a shared responsibility. In many parts of the state, Joint Powers Authorities have been created so public agencies can coordinate expertise, align funding, and address issues that do not stop at jurisdictional borders. Allowing local governments to make use of those collaborative entities can help communities respond more effectively to habitat management needs.

“This approach can reduce duplication, improve coordination, and support more efficient use of public resources. It can also help ensure that long-term maintenance obligations are handled by entities designed to manage regional challenges over time.

“SB 1388 provides local agencies with additional flexibility to protect natural resources through practical, cooperative governance.”

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 4/30/26)

None received

OPPOSITION: (Verified 4/30/26)

None received

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