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**SB-390 Community facilities district: inclusion or annexation of territory: County of San Mateo.** (2025-2026)

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**Senate Bill No. 390**

**CHAPTER 652**

An act to amend Section 53312.8 of the Government Code, relating to local government.

[ Approved by Governor October 11, 2025. Filed with Secretary of State October 11, 2025. ]

**LEGISLATIVE COUNSEL'S DIGEST**

SB 390, Becker. Community facilities district: inclusion or annexation of territory: County of San Mateo.

Existing law, the Mello-Roos Community Facilities Act of 1982, authorizes the legislative body of a local agency, as defined, to create a community facilities district to finance specified types of services within an area.

Existing law prohibits a territory that is dedicated or restricted to agricultural, open-space, or conservation uses from being included within or annexed to a specified community facilities district without the landowner's consent.

This bill would, notwithstanding those prohibitions, specify that for territory that is located within the regional shoreline of the County of San Mateo, the consent of a landowner is not required, if specified conditions are met.

This bill would make legislative findings and declarations as to the necessity of a special statute for the County of San Mateo.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** Section 53312.8 of the Government Code is amended to read:

**53312.8.** (a) (1) Territory that is dedicated or restricted to agricultural, open-space, or conservation uses may not be included within or annexed to a community facilities district that provides or would provide facilities or services related to sewers, nonagricultural water, or streets and roads, unless the landowner consents to the inclusion or annexation of that territory to the community facilities district.

(2) Notwithstanding paragraph (1), the consent of a landowner owning territory that is dedicated or restricted to agricultural, open-space, or conservation uses, and is located within the regional shoreline of the County of San Mateo shall not be required in order to include a territory within or annex a territory to a community facilities district, if, despite the dedication or restriction, the territory meets either of the following conditions:

(A) A parcel in the territory has existing entitlements for development of commercial, residential, or industrial uses.

(B) A parcel in the territory is already developed with commercial, residential, or industrial uses.

(b) Notwithstanding any other law, and except as provided in subdivision (c), if a landowner consents to the inclusion or annexation of territory in a community facilities district pursuant to paragraph (1) of subdivision (a), the landowner and any local agency may not terminate any easement or effect a final cancellation of any contract with respect to any portion of the land included within or annexed to the community facilities district prior to the release of land that is the subject of the proposed termination or cancellation from all liens that arise under the community facilities district for any sewers, nonagricultural water, or streets and roads that did not benefit land uses allowed under the contract or easement.

(c) Subdivision (b) shall not apply to any of the following:

(1) Land under a contract entered into pursuant to the California Land Conservation Act of 1965 (Chapter 7 (commencing with Section 51200) of Part 1 of Division 1) included in a community facilities district for which a tentative map may be filed pursuant to paragraph (3) of subdivision (d) of Section 66474.4 or for which a tentative cancellation has been approved.

(2) Land subject to a conservation easement entered into prior to January 1, 2003.

(3) Land included in a community facilities district prior to the imposition of an enforceable restriction listed in subdivision (d) or prior to January 1, 2003.

(4) Land subject to an enforceable restriction listed in subdivision (d) that expressly waives the requirement of subdivision (b).

(d) As used in this section, "territory that is dedicated or restricted to agricultural, open-space, or conservation uses" means territory that is subject to any of the following:

(1) An open-space easement entered into pursuant to Chapter 6.5 (commencing with Section 51050) of Part 1 of Division 1.

(2) An open-space easement entered into pursuant to the Open-Space Easement Act of 1974 (Chapter 6.6 (commencing with Section 51070) of Part 1 of Division 1).

(3) A contract entered into pursuant to the California Land Conservation Act of 1965 (Chapter 7 (commencing with Section 51200) of Part 1 of Division 1).

(4) A farmland security zone contract created pursuant to Article 7 (commencing with Section 51296) of Chapter 7 of Part 1 of Division 1, except as otherwise provided in Section 51296.4.

(5) A conservation easement entered into pursuant to Chapter 4 (commencing with Section 815) of Title 2 of Part 2 of Division 2 of the Civil Code.

(6) An agricultural conservation easement entered into pursuant to Chapter 4 (commencing with Section 10260) of Division 10.2 of the Public Resources Code.

(7) An agricultural conservation easement entered into pursuant to Section 51256.

**SEC. 2.** The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of San Francisco Bay Conservation and Development Commission easements in the County of San Mateo.