

Policy and Guidelines for Disadvantaged Unincorporated Communities (DUCS)

I. BACKGROUND

Effective January 1, 2012, Senate Bill 244 required LAFCOs, special districts, cities, and counties to follow several new guidelines related to Disadvantaged Unincorporated Communities (DUCs). The central focus of SB 244 was to amend the Cortese-Knox-Hertzberg Reorganization Act of 2000 (“The Act”) to ensure that DUCs are not excluded from a change of organization or reorganization, and DUCs are addressed during the processes for sphere of influence reviews, updates and amendments and municipal service reviews.

II. PURPOSE

To establish policy and procedural guidelines for identifying and addressing DUCs during the Commission’s processing of a change of organization or reorganization, sphere of influence update and amendment, municipal service reviews, and mapping of DUCs in Orange County.

In accordance with Government Code §56375(a), an annexation to a city of any territory greater than 10 acres (or some other limit set by commission policy) that excludes a DUC contiguous to the area proposed for annexation will require filing an application to annex the DUC. The application to annex the DUC will not be required if either of the following apply:

1. A prior application for annexation of the same disadvantaged unincorporated community has been made in the preceding five years.
2. The Commission finds, based upon written evidence, that a majority of the registered voters within the disadvantaged unincorporated community oppose annexation.

III. DEFINITIONS (in accordance with Government Code Sections referenced below)

- A. **Community** means an inhabited area within a city or county that is comprised of no less than 10 dwellings adjacent or in close proximity to one another. (Government Code §65302.10)
- B. **Contiguous** means adjacent to or within an agency’s sphere of influence or shares a boundary line with a city or special district. (Government Code §56031)

- C. **Disadvantaged Unincorporated Community** means inhabited territory, as defined by Government Code §56046, or as determined by commission policy, that constitutes all or portion of a disadvantaged community in which the median household income is 80 percent or less than the statewide median household income. (Government Code Sections 65302.10, 79505.5, and 56033.5)
- D. **Inhabited Territory** means territory within which there reside 12 or more registered voters. The number of registered voters as determined by the elections officer, shall be established as of the date a certificate of filing is issued by the executive officer. (Government Code §65302.10 and §56046)
- E. **Median Household Income** means income that is 80 percent or less than the statewide annual median household income. (Government Code §65302.10)
- F. **Written Evidence** means a petition signed by the majority of registered voters within the affected territory. (Government Code §65302.10)

IV. PROCEDURAL GUIDELINES

- A. The Commission shall identify, map, and inform the County and affected cities and special districts of the DUCs adjacent to or within their respective spheres of influence. (Government Code 56425 and 56430)
- B. Demographical data and maps of the DUCs will be updated, as necessary, every five years in conjunction with sphere updates and reviews and municipal service reviews. Cities and special districts will be provided maps and other demographic data for DUCs located within their respective spheres. The County and CALAFCO will also be provided with maps of DUCs located in Orange County.
- C. DUCs will be identified through use of the following sources: the U.S. Census information, including census tracts, block groups, population estimates, economic composition, and demographic information from the United States Census, American Community Center, and American Fact Finder.
- D. When an application is filed for annexation of unincorporated territory of more than 10 acres and the proposed annexation area is contiguous to a DUC, the Commission shall not consider the application unless the DUC is included in the proposed change of organization or reorganization, except as allowed under Section II above (Government Code 56375(a)).
- E. For any sphere of influence review amendment or update conducted by OC LAFCO for a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, the Commission shall consider and prepare a written statement of determinations regarding the present and probable needs for those public facilities and services for DUCs located within the existing and respective spheres of influence (Government Code 56425).

- F. Any municipal service review conducted by OCLAFCO for a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, the Commission shall include an analysis and written statement of determinations regarding the present and probable needs for those services and deficiencies for DUCs (Government Code 56430).
- G. DUCs that meet the criteria for unincorporated island annexations pursuant to Government Code 56375.3, shall be processed under the provisions of Government Code 56375.3.

Originally Adopted: 11/8/2017

Last Reviewed: 3/8/2023

Last Revised: N/A