

# TOWNSEND

PUBLIC AFFAIRS

EST TPA 1998

## MEMO

**To:** City of Cupertino  
Legislative Review Committee

**From:** Townsend Public Affairs, Inc.

**Date:** May 14, 2021

**Subject:** Consider adopting a position on Assembly Constitutional Amendment 7 (Muratsuchi) Local government: police power: municipal affairs: land use and zoning

---

### Bill Information

The official text of ACA 7 can be found [here](#)<sup>1</sup>.

### Summary

ACA 7 provides that a county or city ordinance or regulation that regulates the zoning or use of land within the boundaries of the county or city would prevail over conflicting general state laws, with specified exceptions. In the event of the conflict with a state statute, this measure would also specify that a city charter provision, or an ordinance or regulation adopted pursuant to a city charter, that regulates the zoning or use of land within the boundaries of the city is deemed to address a municipal affair and prevails over a conflicting state statute. However, the measure would provide that a court may determine that a city charter provision, ordinance, or regulation addresses either a matter of statewide concern or a municipal affair if it conflicts with specified state statutes.

### Status

ACA 7 was introduced on March 16<sup>th</sup>. The measure has not yet been referred to a policy committee.

It should be noted that constitutional amendments are not subject to the same legislative deadlines as other bills, and as such, can be considered by policy and fiscal committees after their standard deadline dates.

Ultimately, a constitutional amendment must be approved, by a 2/3 vote, on both the Assembly and Senate Floor. If approved by the Assembly and Senate, constitutional amendments are not subject to gubernatorial approval, but instead are placed on a statewide ballot for consideration by California voters.

### Support

ACA 7 has not yet been considered by a committee, so there is not yet an official list of supporters.

<sup>1</sup> [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220ACA7](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220ACA7)

### Opposition

ACA 7 has not yet been considered by a committee, so there is not yet an official list of opponents.

### Recommended Action

Adopt a support position on ACA 7 and authorize the Mayor to send letters to the state legislature.