

February 28, 2005

Dear Legislators and Local Government Partners:

Enclosed are copies of a letter of advice dated February 24, 2004, we received from the Attorney General on two questions we had asked concerning Ballot Measure 37, relating to the transferability of government decisions to modify, remove or not apply a land use regulation, and "blanket waivers," and an initial set of questions and answers relating to other issues about the measure, based on advice from the Attorney General.

As you can see, the Attorney General's letter of advice confirms our earlier guidance on the issues, that (1) a "waiver" under the measure is generally personal to the claimant and not transferable with the property, and (2) ordinances granting "blanket waivers" are not permitted under the measure. Please refer to the Attorney General's letter for the full analysis and guidance on these issues. The Initial Questions and Answers address several other questions that have been raised about the measure.

We are aware that some local governments have adopted ordinances under Measure 37 that provide for transferability or blanket waivers, or both. With the advice we have received from the Attorney General, we will be contacting those local governments and advising them to review their ordinances in accordance with the advice.

I am pleased to be able to offer this letter of advice from the Attorney General and these questions and answers for your information. As you know, we have requested advice on several more questions relating to the measure. We will keep you advised as we are able to offer you further guidance on those issues. It may not always be feasible for us to either obtain or provide you with formal letters of advice, but we will make the substance of the Attorney General's advice available to you as we are able.

I hope this is helpful to you.

We look forward to continuing the cooperative work in which we have been engaged in the implementation of Ballot Measure 37. Thank you for your courtesies.

Best regards.

Yours very truly,



LANE SHETTERLY
Director

Enclosure