

CONCURRENCE IN SENATE AMENDMENTS

AB 1308 (Hoover)

As Amended July 10, 2025

Majority vote

SUMMARY

Requires the building department of every city or county to conduct an inspection of permitted work within 10 business days of receiving notice of the completion of permitted work authorized by a building permit issued for specified housing projects.

Senate Amendments

- 1) Remove provisions that allowed applicants for small-scale residential building projects to hire a private licensed professional to inspect permitted work for compliance with state housing laws and building codes, under specified conditions.
- 2) Remove provisions that required a city's or county's building department to prepare a residential building permit fee schedule and post the schedule on the city's or county's internet website, if the city or county prescribes residential building permit fees.
- 3) Require the building department of every city or county to conduct an inspection of permitted work within 10 business days of receiving notice of the completion of permitted work authorized by a building permit issued for a project subject to the provisions of this bill.
- 4) Clarify that the bill's provisions:
 - a) Apply only to projects that are exclusively residential.
 - b) Do not apply to remodels.
 - c) Apply to additions to an existing building that contains one to nine dwelling units for the purpose of adding new residential units to the existing building, not to exceed 10 total units in the building as proposed to be constructed.
- 5) Provide that, if a building department of a city or county fails to meet the time limit in this bill, it shall be in violation of the Housing Accountability Act.
- 6) Make technical and conforming changes.

COMMENTS

- 1) *Background.* Planning for and entitling new housing is mainly a local responsibility. The California Constitution allows cities and counties to "make and enforce within its limits, all local, police, sanitary and other ordinances and regulations not in conflict with general laws." It is from this fundamental power (commonly called the police power) that cities and counties derive their authority to regulate behavior to preserve the health, safety, and welfare of the public – including land use authority. Cities and counties enforce this land use authority through zoning regulations, such as the allowable density and height for a project, parking requirements, and setbacks. Cities and counties also enforce this land use authority

through their control of the entitlement process, which is the process by which the city or county grants permission for a proposed housing development to be built.

Existing state laws, including the Permit Streamlining Act, the Housing Accountability Act, and the Housing Crisis Act of 2019, establish parameters for the entitlement process. These parameters are designed to ensure that public agencies act fairly and promptly on applications for housing development proposals. These laws require public agencies to compile lists of information that applicants must provide, and explain the criteria they will use to review permit applications. Once a developer has submitted a complete application for development, these laws require that the project be subject only to the ordinances, policies, and standards adopted and in effect at the time of the application, and require local officials to act within a specific time period after completing any environmental review documents required under the California Environmental Quality Act.

- 2) *Post-entitlement.* A development proposal that is approved and entitled by a local agency must also obtain approval of objective permits associated with the development proposal. This ensures the proposal is compliant with state and local building codes and other measures that protect public health, safety and the environment. Post-entitlement phase permits include permits to prepare the site for new development, including demolition permits and grading permits. Post-entitlement phase permits also include all the building permits for the new construction. This stage of the review process is often ministerial, as these postentitlement permits are typically objective in nature. Generally, once a local agency invests the time and effort to approve and entitle a development proposal, there is an incentive for the agency to process the postentitlement permits in a timely fashion.

AB 2234 (Robert Rivas), Chapter 651, Statutes of 2022, established parameters for a local agency's review of non-discretionary post-entitlement phase permits, including requiring a local agency to determine whether an application for a post-entitlement building permit is complete within 15 days of the agency receiving the application. Post-entitlement building permits must be approved by local agencies within 30 days for small housing development projects and 60 days for large housing development projects.

AB 1114 (Haney), Chapter 753, Statutes of 2023, expanded the postentitlement permits subject to the expedited review process and timelines established by AB 2234 to include all building permits and other permits issued under the California Building Standards Code, or any applicable local building code for the construction, demolition, or alteration of buildings, whether discretionary or nondiscretionary.

- 3) *Building Codes.* The California Building Standards Code contains building standards and regulations as adopted by the BSC. These standards include, among other requirements, structural standards for building safety (the Building Code), fire safety standards (the Fire Code), energy efficiency standards (the Energy Code), and standards for green buildings (CalGreen).

The BSC updates the Building Standards Code on a three-year cycle. Once adopted at the state level, cities and counties in California then enact an ordinance to adopt the codes. New construction and improvements to existing buildings must comply with the current building codes, and improvements to an existing building may trigger additional code upgrades for other parts of the building.

Existing law requires the building department of every city or county to enforce the provisions of the State Housing Law, the California Building Standards Code, and the other specified rules and regulations promulgated pursuant to the State Housing Law.

- 4) *State Housing Law and Permit Fees.* In 1962, the Legislature enacted State Housing Law, which provides requirements and procedures for uniform statewide code enforcement to protect the health, safety, and general welfare of the public and occupants of housing and accessory buildings. Among other things, State Housing Law delegates responsibility to state administrative agencies for the adoption of building standards, applies state building codes uniformly, and directs local agencies' administration of code enforcement.

State Housing Law allows the governing body of any county or city to prescribe fees for permits, certificates, or other forms or documents required to comply with State Housing Law. These fees must not exceed the amount reasonably required to administer or process these permits, certificates, or other forms or documents, or to defray the costs of enforcement of State Housing Law that local enforcement agencies must carry out.

- 5) *Building Inspections.* Once building permits are issued and the actual construction of the housing begins, the construction phase involves a separate layer of local government oversight through building inspections. These inspections ensure that the actual construction work complies with approved plans, building codes, and safety regulations. Local agency inspectors review critical aspects of construction such as structural components, electrical and plumbing systems, fire safety measures, energy efficiency, and accessibility requirements, at multiple stages of the project. Inspections occur throughout construction, from foundation and framing to final issuance of a certificate of occupancy, ensuring building safety and compliance with the approved set of plans at every step.

State Housing Law specifies that, if a local enforcement agency fails to conduct an inspection of permitted work for which permit fees have been charged within 60 days of receiving notice of the completion of the permitted work, the permittee is entitled to reimbursement of the permit fees. The local enforcement agency must disclose in clear language on each permit or on a document that accompanies the permit that the permittee may be entitled to reimbursement of permit fees.

The state does not systematically track inspection timeframes. However, the Department of Housing and Community Development's Annual Progress Report Dashboard indicates that it can take months for a project to go from the building permit stage to completed construction. In 2023, developments took 246 days on average for a single-family home to be constructed, and 415 days for projects of five units or more. These timeframes encompass all steps of the construction process, including all of the construction work up through the time when a builder receives a certificate of occupancy or final inspection, which may be conditioned upon the payment of fees and meeting other conditions that a local government requires.

According to the Author

California faces a severe and worsening housing crisis, marked by a shortage of homes insufficient to meet the needs of all Californians. Delays in local government inspections for completed housing developments are listed as a significant roadblock in the housing production pipeline. Lengthy delays at this stage creates uncertainty for developers and increases costs for homeowners. AB 1308 addresses this critical administrative hurdle by requiring a jurisdiction's building department to perform final inspections for certain residential housing projects within

10 business days once the builder notifies the local government that construction is complete and ready for inspection. This requirement will provide applicants with greater predictability and timeliness during the final phase of residential construction permitting.

Arguments in Support

A coalition of supporters, including this bill's sponsor, California Yimby, writes, "Our organizations write in support of Assembly Bill 1308 (Hoover), which will expedite the approval process for new homes by legally requiring a jurisdiction's building department to perform final inspections for certain projects within ten (10) business days, once the builder notifies the city or county that construction is complete and ready for inspection. This will establish a statewide mandate that aims to provide applicants with greater predictability and timeliness during the final phase of residential construction permitting.

"California faces a severe housing crisis; marked by a shortage of homes to meet the needs of Californians at all income levels. Burdensome regulations and high costs contribute to this shortage. One often overlooked barrier to housing production is the delay in local government inspections of permitted housing developments. In California, these inspections occur after permitted work is completed and are required before a developer can receive a certificate of occupancy to lease or sell the home to future residents.

"Local building departments are responsible for conducting inspections to ensure compliance with state building codes and local ordinances. However, these departments often experience fluctuating workloads and resource constraints, leading to inspection delays. Such delays can leave completed homes sitting vacant, preventing families from moving in. They also introduce uncertainty into the construction process, making it harder for developers to plan effectively.

"AB 1308 will streamline the home building process by requiring local governments to complete final inspections within 10 days for 1-10 unit new residential buildings or additions, bringing new homes online faster."

Arguments in Opposition

The California Building Officials, writing in opposition to a prior version of this bill, state, "Public sector staff are mandated by state law to complete and maintain certifications on the applicable codes, standards, and regulations that apply to the structures they plan check and inspect. Not only are public sector staff required to understand model codes and their applicable state amendments, they must also demonstrate knowledge of local codes specific to their community. As an organization of code officials, it is our fiduciary responsibility to ensure the safety and welfare of the citizenry that we serve. Allowing a permittee to self-select a third-party plan review and inspection firm does nothing to protect the consumer. Rather, it opens the permittee up to further delays by working outside the scope and jurisdiction of the building department...Faster does not always mean better, and although working through the public process of permitting by a local jurisdiction can feel time-consuming, it ensures that overall building, life, and fire safety codes are followed holistically...

"We are a proud organization of local government officials, but like all public sector resources, we have constraints. Requiring a 14 day sign off on a statewide basis undermines the work we do on behalf of the public each and every day. This is not to say that residential plan check and approval are not important, but why should they be expedited over other equally as pressing projects? The legislative desire to reassess and reorganize the priorities and labor resources at the

local level has become egregious, and the timeline presented under AB 1308 is a testament to this statement.

"Further, requiring local government to offer a refund should AB 1308 imposed deadlines go unmet is an affront to the public sector altogether. We are not a retail chain attempting to gain customers based upon market-driven principles of consumerism. Rather, we are public minded fiduciaries operating with scarce resources. We require a fee for service as it is the only way we can support our imperative function to the communities that we serve. Although we are customer service oriented to the extent availed as the public sector, like you and your state supported resources, we have constraints."

FISCAL COMMENTS

According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

VOTES:

ASM LOCAL GOVERNMENT: 10-0-0

YES: Carrillo, Ta, Hoover, Pacheco, Ramos, Ransom, Blanca Rubio, Stefani, Ward, Wilson

ASM HOUSING AND COMMUNITY DEVELOPMENT: 10-0-2

YES: Haney, Patterson, Ávila Farías, Caloza, Garcia, Kalra, Lee, Quirk-Silva, Ta, Wicks

ABS, ABST OR NV: Tangipa, Wilson

ASM APPROPRIATIONS: 15-0-0

YES: Wicks, Sanchez, Arambula, Calderon, Caloza, Dixon, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache, Ta, Tangipa

ASSEMBLY FLOOR: 71-0-8

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Calderon, Caloza, Carrillo, Castillo, Connolly, Davies, DeMaio, Dixon, Elhawary, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wilson, Zbur, Rivas

ABS, ABST OR NV: Bryan, Chen, Ellis, Nguyen, Sanchez, Schultz, Sharp-Collins, Wicks

SENATE FLOOR: 37-0-3

YES: Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Reyes, Richardson, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

ABS, ABST OR NV: Alvarado-Gil, Hurtado, Rubio

UPDATED

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CONSULTANT: Angela Mapp / L. GOV. / (916) 319-3958

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