

Date of Hearing: March 25, 2026

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Juan Carrillo, Chair

AB 1621 (Wilson) – As Amended March 4, 2026

SUBJECT: Planning and Zoning Law: postentitlement phase permits: Housing Accountability Act

SUMMARY: Makes a number of changes to law governing the approval and issuance of postentitlement phase permits by state and local agencies for housing development projects. Specifically, **this bill:**

- 1) Prohibits, as part of its review of a housing development project, a local agency or state agency from requiring or requesting more than two plan check and specification reviews in connection with an application for a building permit, unless the local agency's or state agency's requirement or request for additional review is accompanied by written findings based on substantial evidence in the record that the additional review is necessary to address a specific, adverse impact on public health or safety.
- 2) Provides that, notwithstanding 1), above, a local agency or state agency may deny an application that is not compliant with the permit standards following two plan check and specification reviews. An applicant may request additional submittals of applications that are not compliant with the permit standards.
- 3) Provides that 1) and 2), above, shall not be construed to affect the number of submittals that a local agency or state agency may require or request for any postentitlement phase permit other than a building permit.
- 4) Clarifies the tolling provisions in existing law that apply to the time limits within which a local agency or state agency must communicate its determination that a complete application is compliant or noncompliant with the permit standards, by specifying that tolling applies in the event that federal or state law requires review of the application by another public agency that is independent of the local agency or state agency before the local agency or state agency is authorized to act on the application, as specified.
- 5) Prohibits a local agency or state agency from requesting or requiring any action or inaction as a result of a building inspection undertaken to assess compliance with the applicable building permit standards that would represent a deviation from a previously approved building plan or similar approval for the building permit, unless the local agency's or state agency's requirement or request is accompanied by written findings based on substantial evidence in the record that both of the following apply:
 - a) A reasonable person could not interpret the building plan or similar approval that was approved by the local agency or state agency as being compliant with the applicable standards for the building permit.
 - b) The deviation is necessary to address a specific, adverse impact on public health or safety.

- 6) Makes the following changes to the process and requirements that apply if a postentitlement phase permit is determined to be incomplete or denied, or determined to be noncompliant:
 - a) Removes the authority of a state agency that has no governing body to provide a process for the applicant to appeal the decision to the director of the agency, as specified.
 - b) Removes the authority of a city or county to provide that the right of appeal is to the planning commission.
 - c) Reduces the amount of time within which a local agency or a state agency must provide a final written determination after receipt of an applicant's written appeal, as follows:
 - i) With respect to a postentitlement phase permit concerning housing development projects with 25 units or fewer, a local agency or state agency shall provide a final written determination no later than 30 business days (instead of 60 business days) after receipt of the applicant's written appeal.
 - ii) With respect to a postentitlement phase permit concerning housing development projects with 26 units or more, a local agency or state agency shall provide a final written determination no later than 45 business days (instead of 90 business days) after receipt of the applicant's written appeal.
 - d) Allows the applicant to seek a writ of mandate to compel approval of the application if the applicant's appeal is denied, or a decision on the appeal is not made within the timelines provided, or an appeals process is not provided as required.
- 7) Clarifies that, if a local agency violates specified provisions of postentitlement phase permit law (rather than just the time limits in these provisions), it shall be in violation of the Housing Accountability Act (HAA).
- 8) Clarifies that, if a state agency violates specified provisions of postentitlement phase permit law (rather than just the time limits in these provisions), the permit shall be deemed approved and any related reviews shall be deemed complete.
- 9) Changes the definition of "postentitlement phase permit" to specify that building permits, and all interdepartmental review required for the issuance of a building permit, includes plan checking and building inspection. Provides that this change does not constitute a change in, but is declaratory of, existing law.
- 10) Makes a number of conforming, technical and clarifying changes.
- 11) Finds and declares that this bill addresses a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this bill applies to all cities, including charter cities.
- 12) Provides that no reimbursement is required by this bill pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this bill, as specified.

EXISTING LAW:

- 1) Defines “postentitlement phase permit” as follows:
 - a) All nondiscretionary permits and reviews that are required or issued by the local agency after the entitlement process has been completed to begin construction of a development that is intended to be at least two-thirds residential, excluding specified planning permits, entitlements, and other permits. These permits include, but are not limited to, all of the following:
 - i) Building permits, and all interdepartmental reviews required for the issuance of a building permit.
 - ii) Permits for minor or standard offsite improvements.
 - iii) Permits for demolition.
 - iv) Permits for minor or standard excavation and grading.
 - b) 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.
 - c) Any postentitlement review by a state agency that is necessary to begin construction of a development that is intended to be at least two-thirds residential, excluding specified planning permits, entitlements, and other permits. A postentitlement phase permit does not include either of the following:
 - i) A permit issued by a state agency acting pursuant to delegated federal permitting or enforcement authority under the federal Clean Water Act (33 U.S.C. Sec. 1251 et seq.) or the federal Safe Drinking Water Act (42 U.S.C. Sec. 300f et seq.).
 - ii) A permit authorizing discharges of waste to waters of the state.
 - d) Allows a local agency or state agency to identify a threshold for determining whether a permit constitutes a “minor” or “standard” permit if supported by written findings. A local agency must do so via ordinance.
 - e) Excludes a permit required and issued by the California Coastal Commission, a special district, or a utility that is not owned and operated by a local agency. [Government Code (GOV) § 65913.3]
- 2) Requires a local agency, defined to include a city or county, and a state agency to compile one or more lists of information that will be required from any applicant for a postentitlement phase permit. (GOV § 65913.3)
- 3) Allows the local agency or state agency to revise the lists specified in (2). However, any revised list cannot apply to any permit pending review. (GOV § 65913.3)
- 4) Requires a local agency or state agency to post an example of a complete, approved application and an example of a complete set of postentitlement phase permits for at least

five types of housing development projects in the jurisdiction, as specified. Requires the lists and example permits to be posted on the local agency's website by January 1, 2024, and by a state agency no later than January 1, 2026. (GOV § 65913.3)

- 5) Requires a local agency or a state agency to determine whether an application for a postentitlement phase permit is complete and provide written notice of this determination to the applicant within 15 business days after the agency received the application, as follows:
 - a) If the agency determines an application is incomplete, the agency must provide the applicant with a list of incomplete items and a description of how the application can be made complete, but the agency can't request new information that wasn't on the original list of needed information.
 - b) After receiving a notice that the application was incomplete, an applicant may cure and address the items that are deemed to be incomplete by the agency. Upon receipt of a corrected application, the agency must notify the applicant whether the additional application has remedied all incomplete items within 15 business days.
 - c) If an agency does not meet the timelines required for determining an application complete, and the application or resubmitted application states that it is for a postentitlement phase permit, the application or resubmitted application shall be deemed complete. (GOV § 65913.3)
- 6) Specifies the process for approving postentitlement permits, as follows:
 - a) Requires local and state agencies to complete review and return in writing a full set of comments to the applicant with a comprehensive request for revisions or return the approved permit application, and electronically notify the applicant of its determination within:
 - i) Thirty business days of the application being complete for housing development projects with 25 units or fewer.
 - ii) Sixty business days of the application being complete for housing development projects with 26 units or more.
 - b) Provides that the time limits specified above do not apply if the agency makes written findings within the applicable time limit that the proposed postentitlement phase permit might have a specific, adverse impact on public health or safety and that additional time is necessary to process the application.
 - c) Tolls the time limits for approval if the agency requires review of the application by an outside entity, as specified.
 - d) Requires, if an agency finds that a complete application is noncompliant, the agency to provide the applicant with a list of items that are noncompliant and a description of how the application can be remedied by the applicant within the applicable time limit, as provided, and must allow the applicant to correct the application.

- e) Requires agencies to establish an appeals process. If an applicant appeals, the agency must make a final determination within:
 - i) Sixty business days of the appeal for a project of 25 units or fewer.
 - ii) Ninety business days of the appeal for a project of 26 units or more. (GOV § 65913.3)
- 7) Provides that a local agency's failure to meet the time limits in the provisions above constitute a violation of the HAA. If a state agency fails to meet the time limits, the permit shall be deemed approved and any related reviews shall be deemed complete. (GOV § 65913.3)
- 8) Allows extension of any of the time limits upon mutual agreement by the agency and the applicant. However, an agency cannot require as a condition of submitting the application that the applicant waive the time limits, with an exception for environmental review associated with the project. (GOV § 65913.3)
- 9) Specifies that the process and timeframes outlined above do not place limitations on the amount of feedback that a local agency may provide or revisions that a local agency may request of an applicant. (GOV § 65913.3)

FISCAL EFFECT: This bill is keyed fiscal and contains a state-mandated local program.

COMMENTS:

- 1) **Author's Statement.** According to the author, "While California has taken many steps to address the housing crisis, there is still much work to be done. AB 1621 aims to build on AB 2234 by closing gaps in existing law regarding the timelines for state and local agencies to review applications and act on post-entitlement permits and applications. The post-entitlement process has become a significant cog in the housing progress, delaying construction and advancement across the state. AB 1621 aims to ensure that our housing projects are approved and built on time, avoiding delays during the plan check process that often derail housing development. This legislation ensures that the standards we put on our local agencies are truly binding by empowering developers to seek legal action when these agency 'shot clocks' are violated. AB 1621 moves to continue the streamlining of housing production in California, removing unnecessary plan checks and assuring that agencies abide by established deadlines."
- 2) **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 HAA, 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.

- 3) **Postentitlement.** 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. Postentitlement phase permits include permits to prepare the site for new development, including demolition permits and grading permits. Postentitlement 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 postentitlement building permit is complete within 15 days of the agency receiving the application. Postentitlement 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 2234 specified that its process and timeframes do not place limitations on the amount of feedback that a local agency may provide or revisions that a local agency may request of an applicant.

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.

AB 301 (Schiavo and Rivas), Chapter 488, Statutes of 2025, extended these postentitlement phase permitting provisions to state agencies.

- 4) **Bill Summary.** This bill makes the following changes to the postentitlement permitting and approvals process for housing development projects for local and state agencies.
- a) **Plan Checks.** This bill prohibits a local or state agency from requiring or requesting more than two plan check and specification reviews in connection with an application for a building permit for a housing development project, unless the agency's requirement or request is accompanied by written findings based on substantial evidence in the record that the additional review is necessary to address a specific, adverse impact on public

health or safety. This provision applies regardless of the size of the housing project. However, a local or state agency may deny an application that is not compliant with the permit standards after the two plan checks or reviews and an applicant may request additional submittals of applications that are not compliant with the permit standards.

- b) **Tolling.** Under existing law, *if a local agency* requires review of an application by an *outside entity* (such as a special district), the time limits that would otherwise apply to the local agency are “tolled” (or suspended) until the outside entity completes its review and returns the application to the local agency. At this point, the local agency must complete its review within the remaining time limit. This bill revises this language to specify that the tolling applies in the event that *federal or state law* (instead of a local agency) requires review of the application by *another public agency* (rather than an outside entity) that is independent of the local agency or state agency.
- c) **Building Inspections.** This bill prohibits a local or state agency from requesting or requiring any action or inaction as a result of a building inspection that deviates from a previously approved plan or similar approval for the building permit, unless the local or state agency’s requirement or request is accompanied by written findings based on substantial evidence in the record that both of the following apply:
 - i) A reasonable person could not interpret the building plan or similar approval as being compliant with the applicable standards for the building permit.
 - ii) The deviation is necessary to address a specific, adverse impact on public health or safety.
- d) **Appeals Process.** This bill makes the following changes to the process and requirements that apply if a postentitlement phase permit is determined to be incomplete or denied, or determined to be noncompliant:
 - i) Removes the authority of a state agency that has no governing body to provide a process for the applicant to appeal the decision to the director of the agency.
 - ii) Removes the authority of a city or county to provide that the right of appeal is to the planning commission.
 - iii) Halves the amount of time within which a local agency or a state agency must provide a final written determination after receipt of an applicant’s written appeal, as follows:
 - (1) For a postentitlement phase permit for housing development projects with 25 units or fewer, a local agency or state agency shall provide a final written determination no later than 30 business days (instead of 60 business days) after receipt of the applicant’s written appeal.
 - (2) For a postentitlement phase permit for housing development projects with 26 units or more, a local agency or state agency shall provide a final written determination no later than 45 business days (instead of 90 business days) after receipt of the applicant’s written appeal.

- iv) Allows the applicant to seek a writ of mandate to compel approval of the application if the applicant's appeal is denied, or a decision on the appeal is not made within the timelines provided, or an appeals process is not provided as required.

This bill applies to all cities, including charter cities.

This bill is sponsored by the California Building Industry Association.

- 5) **Previous Legislation.** AB 253 (Ward), Chapter 487, Statutes of 2025 allowed, until January 1, 2036, an applicant for specified residential building permits to contract with or employ a private professional provider to check plans and specifications if the county or city estimates a timeframe for this plan-checking function that exceeds 30 days, or does not complete this plan-checking function within 30 days.

AB 301 AB 301 (Schiavo), Chapter 488, Statutes of 2025, established specific timeframes for state departments to review and approve any required permits and approvals in the post-entitlement phase for housing development projects.

AB 1007 (Blanca Rubio), Chapter 502, Statutes of 2025, expedited timelines for approval or disapproval by a public agency acting as the "responsible agency" for residential and mixed-use development projects.

AB 1308 (Hoover) Chapter 509, Statutes of 2025, required 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.

AB 2433 (Quirk-Silva) of 2024 would have required a local agency that has not completed plan-checking services within 30 business days of receiving a completed application for a building permit to complete plan-checking services and issue or deny a building permit within specified time frames, upon request by the applicant for the building permit. AB 2433 was held in the Senate Local Government Committee.

AB 3012 (Grayson), Chapter 752, Statutes of 2024, required cities and counties to make available on their internet websites a fee estimate tool that the public can use to calculate an estimate of fees and exactions for a proposed housing development, and required the Department of Housing and Community Development to create a fee schedule template and a list of best practices, as specified.

AB 281 (Grayson and Robert Rivas), Chapter 735, Statutes of 2023, required special districts to comply with specified timeframes, similar to those for cities and counties, when reviewing and approving postentitlement phase permit applications from housing developers.

AB 1114 (Haney), Chapter 753, Statutes of 2023, expanded the scope of postentitlement phase permits subject to mandated processing timelines and other requirements to include discretionary permits.

AB 2234 (Robert Rivas), Chapter 651, Statutes of 2022, required local agencies to process non-discretionary permits within 30 days for small housing development projects and 60 days for large housing development projects.

- 6) **Arguments in Support.** The California Building Industry Association, sponsor of this measure, writes, “California’s housing crisis cannot be solved by approvals alone – homes must actually reach construction and occupancy. While significant legislative progress has been made in recent years to streamline project approvals and strengthen housing accountability, projects that have already received their entitlements too often encounter prolonged delays during the post-entitlement phase. Building permits, plan checks, and other nondiscretionary approvals that should be ministerial in nature can become unpredictable and drawn out, undermining the very purpose of prior housing reforms.

“These delays have real consequences. Extended post-entitlement processing increases financing costs, labor and material expenses, and overall project risk. In today’s economic environment – marked by elevated interest rates and volatile construction costs – unpredictability in the permitting process can be the difference between a project moving forward or being shelved entirely. When approved projects stall, communities lose housing opportunities, jobs, and local economic activity.

“AB 1621 thoughtfully builds upon the existing law governing state and local postentitlement permits by strengthening timelines and accountability for local public agency action during the post-entitlement phase. The bill addresses several recurring challenges, including:

- The absence of a meaningful remedy when agencies fail to comply with statutory post-entitlement permitting timelines (“shot clock” requirements);
- Excessive, duplicative, or shifting plan check and specification resubmittal demands; and
- Inspection practices that require changes inconsistent with previously approved plans and conditions.

“By closing these gaps and clarifying expectations, AB 1621 strengthens the integrity of the housing approval process. The bill does not reduce standards or compromise public safety. Rather, it ensures that, once a project has lawfully secured its entitlements, the subsequent permitting steps proceed in a timely, predictable, and ministerial manner. Improving certainty in the post-entitlement process will help lower development risk, control costs, and accelerate the delivery of housing across all income levels. This is a practical and necessary step toward making California’s housing policies work not just in theory, but in practice.”

- 7) **Arguments in Opposition.** According to the California State Association of Counties, the League of California Cities, and the Rural County Representatives of California, with a position of oppose unless amended, “Plan review of construction projects is an integral step in ensuring that structures built in California are safe for occupants, the surrounding environment, and the community. City and county building and planning departments review plans based on consistency with the jurisdiction’s General Plan, state building codes, and associated regulations. In addition to health and safety issues, which local governments must implement and enforce, regulations may also encompass other goals not directly related to health and safety, such as parking, air quality regulations, or solar energy systems. As currently drafted, this measure would prohibit a local agency from denying an application on non-health-and-safety grounds, effectively allowing developers to circumvent other necessary regulations adopted at the state and local levels.

“Further, provisions in Section 2 of the bill prohibit a state or local agency from requesting any action, or inaction, that would bring a project into compliance with building standards if

that would deviate from previously approved building plans or approved building permits, unless the agency can prove both: (1) a reasonable person couldn't interpret the previous approval of meeting the building standards as valid; and, (2) that the deviation from building standards was necessary to address specific adverse impacts. In other words, if it can be shown that a reasonable person, not a trained professional with knowledge of building codes, could find that the building is compliant and meets the applicable standards, then the agency has no recourse for ensuring conditions meet the requirements of the law, even if those conditions impact public health and safety. This provision removes all ability of state and local agencies to ensure compliance with building standards set at the state and local levels for the protection and welfare of California residents.

“Lastly, AB 1621 does not address incomplete or noncompliant applications, which may require additional plan checks. When an application is incomplete or incorrect through no fault of local staff, they work directly with the applicant to ensure compliance with state and local regulations.”

- 8) **Double-Referral.** This bill is double-referred to the Assembly Housing and Community Development Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

California Building Industry Association [SPONSOR]
 Bay Area Council
 BOMA California
 California Apartment Association
 California Association of Realtors
 California Business Properties Association
 California Business Roundtable
 California Chamber of Commerce
 California Council for Affordable Housing
 California Housing Consortium
 California Self Storage Association
 California YIMBY
 Circulate San Diego
 Fieldstead and Company
 Habitat for Humanity California
 Housing California
 LeadingAge California
 Los Angeles Area Chamber of Commerce
 NAIOP of California
 Orange County Business Council
 San Diego Housing Commission
 South Pasadena Residents for Responsible Growth
 Southern California Leadership Council
 SPUR
 Supportive Housing Alliance

Opposition

California State Association of Counties (unless amended)
Equitable Land Use Alliance
League of California Cities (unless amended)
Rural County Representatives of California (unless amended)
Save Lafayette

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