

Date of Hearing: April 8, 2026

ASSEMBLY COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT

Matt Haney, Chair

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

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

SUMMARY: Makes numerous changes to the postentitlement permit review process. Specifically, **this bill:**

- 1) Limits a local agency to two rounds of plan check and specification reviews while reviewing a building permit for a housing development proposal, unless the local agency 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 a local or state agency may deny a permit application that is not compliant with standards following two plan check and specification reviews.
- 3) Allows an applicant to request additional submittals of applications that are not compliant with permit standards.
- 4) Provides that the requirements in 1)-3) above, only apply to building permits, not other postentitlement phase permits.
- 5) Provides that if state or federal law requires review of the application by another public agency that is independent of the state or local agency before the state or local agency is authorized to act on the application, the postentitlement phase permit time limits shall be tolled until that public agency completes the review and returns the application to a state or local agency.
- 6) Clarifies notification requirements regarding tolling of time limits and resumption of the time limits for building permits.
- 7) Prohibits a local agency from requesting or requiring any action or inaction as a result of a building inspection that would represent a deviation from a previously approved plan or similar approval for the project, unless the local 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 previously approved plan or similar approval as being compliant with the applicable standards; and
 - b) The deviation is necessary to address a specific, adverse impact on public health or safety.
- 8) 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 or local agency to provide that the right of appeal is to the director of the agency and for the local agency to provide the option to appeal to the Planning Commission;
 - b) Reduces the amount of time within which a local 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 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; and
 - ii) With respect to a postentitlement phase permit concerning housing development projects with 26 units or more, a local 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.
 - c) Allows an 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.
- 9) Expands the "deemed approved" provision for state agencies, and Housing Accountability Act (HAA) violation provision for local agencies, to specify that they need to comply with all postentitlement phase review processes, not just the statutory timeframes.
- 10) Adds plan checking and building inspection functions to the definition of "building permits" as it pertains to postentitlement phase permits, and provides that this is declaratory of, and does not constitute a change in, existing law.
- 11) Makes a number of conforming, technical, and clarifying changes.
- 12) Makes findings and declarations.

EXISTING LAW:

- 1) Defines "postentitlement phase permit" as follows:
 - a) All nondiscretionary permits required by a local agency after the entitlement process 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 inter-departmental review required for the issuance of a building permit;
 - ii) Permits for minor or standard off-site improvements;
 - iii) Permits for demolition; and
 - 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) Permits required and issued by the California Coastal Commission, a special district, or a utility that is not owned and operated by a local agency, or any other entity that is not a city or county, are excluded from the definition of “postentitlement phase permit.” [Government Code (GOV) 65913.3]
- 2) Requires a local agency and a state agency, as defined, 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 state and local 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 state and local agency to post an example of a complete, approved application and the local agency to post 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 agency’s websites. (GOV 65913.3)
 - 5) Requires a state and local 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 local 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 local agency can’t request new information that was not 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 local agency. Upon receipt of a corrected application, the local agency must notify the applicant whether the additional application has remedied all incomplete items within 15 business days; and
 - 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 state and local agencies to complete review, either 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; or

- ii) Sixty business days of the application being complete for housing development projects with 26 units or more.
- b) Provides that the above time limits 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) If an agency finds that a complete application is noncompliant, the agency must 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; and
- e) Requires agencies to establish an appeals process. If an applicant appeals, the local agency must make a final determination within:
 - i) Sixty business days of the appeal for a project of 25 units or fewer; or
 - ii) Ninety business days of the appeal for a project of 26 units or more. (GOV 65913.3)
- 7) Provides that failure to meet the time limits in 6) constitute a violation of the Housing Accountability Act (HAA) for local agencies, and results in the application review being deemed complete and the permit being deemed approved if reviewed by a state agency. (GOV 65913.3)
- 8) Allows extension of any of the time limits upon mutual agreement by the state or local government and the applicant. However, an agency cannot require, as a condition of submitting the application, that the applicant waive the time limits in this bill, 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 state or local agency may provide or revisions that a state or local agency may request of an applicant. (GOV 65913.3)

FISCAL EFFECT: Unknown.

COMMENTS:

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 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 our local agencies abide by established deadlines.”

California’s Housing Crisis: California’s housing crisis is a half-century in the making.¹ After decades of underproduction, supply is far behind need and housing and rental costs are soaring. As a result, millions of Californians must make hard decisions about paying for housing at the expense of food, health care, child care, and transportation, directly impacting the quality of life in the state.² One in three households in the state doesn’t earn enough money to meet their basic needs.³ In 2024, over 187,000 Californians experienced homelessness on a given night.⁴

To meet this housing need, HCD determined that California must plan for more than 2.5 million new homes, and no less than one million of those homes must be affordable to lower-income households, in the 6th Regional Housing Needs Allocation (RHNA) cycle. By contrast, housing production in the past decade has been under 100,000 units per year – including less than 10,000 units of affordable housing per year.⁵

The state’s housing crisis is not equally experienced by all Californians. Testimony by the UC Berkeley Turner Center to this Committee showed that the impacts of the housing crisis are significantly more severe for lower-income individuals, single-earner households, Black and Latino Californians, younger and older populations, and those who reside in, or aspire to live and work in, the state’s highest-cost regions.⁶

Housing Approvals Process: The process of gaining approval to build new housing in California can be lengthy, unpredictable, and expensive. Under the California Constitution, cities and counties have broad authority, known as the police power, to regulate land use in the interest of public health, safety, and welfare. Local governments enforce this authority through an entitlement process, which includes both discretionary and ministerial approvals. Gaining “entitlement” is essentially a local government’s confirmation that a housing project complies with all applicable local zoning regulations and design standards. Once a project receives entitlement, or approval, from the local planning department, it must obtain postentitlement permits. These include building, demolition, and grading permits issued by the local agency – typically the local building department. Postentitlement permits are related to the physical construction of the development proposal before construction can begin. While local governments are primarily responsible for approving housing developments within their jurisdiction, various state and regional departments may also play a role, depending on the project scope and location.

While local governments are primarily responsible for approving housing developments within their jurisdiction, various state agencies may also play a role, depending on the project scope and location. For example, the Department of Toxic Substances Control (DTSC) reviews housing

¹ California Department of Housing and Community Development, *A Home for Every Californian: 2022 Statewide Housing Plan*. March 2022, <https://storymaps.arcgis.com/stories/94729ab1648d43b1811c1698a748c136>

² IBID.

³ IBID.

⁴ U.S. Department of Housing and Urban Development, Point in Time Counts.

<https://www.huduser.gov/portal/datasets/ahar/2023-ahar-part-1-pit-estimates-of-homelessness-in-the-us.html>

⁵ <https://www.hcd.ca.gov/policy-research/housing-challenges.shtml>

⁶ UC Berkeley Turner Center Testimony by Ben Metcalf, Managing Director, at the State Housing Production Legislation: Actions, Outcomes, and Opportunities Informational Hearing, February 12, 2025

projects for potential hazardous materials, requiring site cleanup and mitigation plans. The California Department of Transportation (Caltrans) assesses development proposals that impact state highways, reviewing traffic impact analyses, access modifications, and right-of-way needs to ensure housing developments do not create congestion or safety hazards. Approvals and reviews by these agencies, among others, can affect project timelines, costs, and feasibility, particularly for large-scale or infill housing near major transportation corridors.

Navigating through the various stages of housing approval requires developers to invest time and resources early in the development process. A 2025 study found that California is the most expensive state for multifamily housing production, in part due to the long timeline it takes to go from an application to an approved project.⁷ This report found that longer production timelines are strongly associated with higher costs, and the time to bring a project to completion in California is more than 22 months longer than the average time required in Texas.⁸

The Department of Housing and Community Development (HCD) identifies lengthy permit processing timelines and procedures as a governmental constraint to housing development. In HCD's San Francisco Housing Policy and Practice Review, the department found that procedural complexities associated with housing entitlement and permitting are "not only a barrier to entry to new development professionals pursuing [housing] projects," but they may also cause developers to exit housing markets with complex permitting ecosystems and pursue developments in neighboring jurisdictions with less complex procedural requirements instead.⁹

This bill seeks to address postentitlement and construction delays for housing development proposals by imposing reasonable and clear limits on state and local agency processes during the permitting and inspection stages, as further described below.

Postentitlement Review Timelines: In an effort to address delays in the postentitlement permitting process, in 2022, the Legislature passed AB 2234 (Rivas), Chapter 651, to establish clear timelines and review standards for local governments processing postentitlement phase permits, as follows:

- Deemed Complete Timeframe: Local governments must determine application completeness within 15 business days of receipt;
- Substantive Review Timeframe: Local governments must approve or deny postentitlement permits within 30-60 business days, depending on project size; and
- Revision and Appeal Process: Developers have a clear process to amend applications and appeal denials or incomplete determinations.

Furthermore, AB 2234 requires local governments to prepare lists specifying required application materials and post examples of approved permits. It also establishes strict timelines and procedures that must be followed to appeal decisions made on postentitlement permits. If a local government violates the timelines stipulated in AB 2234, it is considered a violation of the HAA. HCD has enforcement authority over the HAA, among other state housing laws. HCD initiates enforcement reviews based on various sources, including stakeholder complaints. If

⁷ https://www.rand.org/pubs/research_reports/RRA3743-1.html

⁸ https://www.rand.org/pubs/research_reports/RRA3743-1.html

⁹ HCD San Francisco Policy & Practice Review, Page 13. Published October 2023. Accessed from: <https://www.hcd.ca.gov/policy-and-research/plans-and-reports>

there is suspected violation of a housing law such as the HAA, the process typically begins with discussions with the local government for HCD to better understand the issue. If further action is needed, HCD may issue a letter of inquiry, technical assistance, or corrective action, usually allowing 30 days for a response from the local government. Depending on the outcome, HCD may acknowledge compliance, issue a violation notice, or revoke housing element certification. If the issue remains unresolved, HCD may escalate the matter to the California Attorney General, who may take legal action, including potentially imposing fines or other penalties.

In 2025, AB 301 (Schiavo), Chapter 488, applied many of the same postentitlement review provisions and procedures to state agencies in an effort to further expedite all levels of development review.

This Bill: Despite the passage of AB 2234, and further refinement through AB 301, developers cite continued delays, hurdles, and inconsistencies in the postentitlement permitting and inspection process. This bill seeks to address many of those. First, this bill would prohibit state or local agency inspectors from requiring in-field changes that deviate from previously approved plans, unless they make written findings based on substantial evidence in the record that a reasonable person could not interpret the previously approved building plan or similar approval as being compliant with the applicable standards for the building permit, and that the changes are necessary for life/safety reasons.

Second, this bill would limit the number of plan check or specification resubmittals that a state and local agency can require from applicants during the building permit review process, limiting the review to two sets of plan check and specification reviews for building permits only. This bill still maintains the ability for additional rounds of review if the state or local agency makes 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, or if requested by the applicant. A state or local agency may deny an application after two plan check and specification reviews if it is still not compliant with the permit standards.

Additionally, this bill strengthens enforcement of permit timelines by allowing applicants to seek a writ of mandate in court to compel the approval of an application if an applicant's appeal of a postentitlement permit decision, if the state or local government does not follow statutory review processes and timeframes. If there is substantial evidence in the record to show that the application is complete and compliant, a court could compel the agency to issue the permit.

This bill also expedites the appeals process by cutting in half the time that a state or local agency has to provide a written determination on the appeal, and by removing the role of the Planning Commission from the appeals process. Finally, this bill would prevent state and local agencies from indefinitely extending shot clocks if they outsource application reviews to third parties, limiting statutory tolling provisions to outside reviews required by state or federal law.

Arguments in Support: The California Building Industry Association (CBIA), the bill sponsor, writes in support: "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.”

Arguments in Opposition: The League of California Cities, California State Association of Counties, and Rural County Representatives of California, write in opposition unless amended: “AB 1621 (Wilson)...would eliminate the ability of local governments to require more than two plan checks on a building permit application unless the local agency can make a written finding based on substantial evidence that additional review is necessary to address a specific, adverse impact on public health and safety. This bill also prohibits a local or state agency from requiring remediation of any non-compliant conditions if it is a deviation from a previously approved building plan, even if that condition adversely impacts public health and safety. While we appreciate and share your desire for prompt review and approval of post-entitlement phase permits, AB 1621 would create practical and policy concerns impairing local government’s ability to review applications for residential development projects effectively.”

Related Legislation:

AB 301 (Schiavo), added state agencies to the postentitlement permit review provisions established by AB 2234 (Rivas), Chapter 651, Statutes of 2022.

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 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. This bill functionally only applies to the City and County of San Francisco.

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

Double-Referred: This bill was double-referred to the Assembly Committee on Local Government, where it passed on a vote of 10-0 on March 25, 2026.

REGISTERED SUPPORT / OPPOSITION:

Support

California Building Industry Association (Sponsor)
Bay Area Council
Boma California
Building Owners and Managers Association of California
California Apartment Association
California Association of Realtors
California Business Properties Association
California Business Roundtable
California Chamber of Commerce
California Council for Affordable Housing (CCAH)

California Housing Consortium
California Self Storage Association
California YIMBY
Circulate Planning & Policy
Fieldstead and Company
Habitat for Humanity California
Housing California
LeadingAge California
Los Angeles Area Chamber of Commerce
NAIOP California
Orange County Business Council
San Diego Housing Commission
South Pasadena Residents for Responsible Growth
Southern California Leadership Council
SPUR
Supportive Housing Alliance

Opposition

Equitable Land Use Alliance
Save Lafayette

Oppose Unless Amended

California State Association of Counties
Families and Homes San Jose
League of California Cities
Rural County Representatives of California

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