

ASSEMBLY THIRD READING  
AB 1621 (Wilson)  
As Amended March 4, 2026  
Majority vote

## 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.

### Major Provisions

This bill makes the following changes to the postentitlement permitting and approvals process for housing development projects for local and state agencies:

- 1) *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.
- 2) *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.
- 3) *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:
  - a) A reasonable person could not interpret the building plan or similar approval 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.
- 4) *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:

- 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.
- b) Removes the authority of a city or county to provide that the right of appeal is to the planning commission.
- c) 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:
  - i) 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.
  - ii) 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.
- 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.

This bill applies to all cities, including charter cities.

## 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 (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.

- 2) *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.

### **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."

### **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."

### **Arguments in Opposition**

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, state, "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."

**FISCAL COMMENTS**

- 1) The Department of Housing and Community Development (HCD) estimates minor and absorbable costs.
- 2) Costs to other affected state agencies and departments are anticipated to be minor and absorbable.
- 3) Local costs are not reimbursable by the state because cities and counties have general authority to charge and adjust planning and permitting fees as necessary to cover administrative costs.

**VOTES****ASM LOCAL GOVERNMENT: 10-0-0**

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

**ASM HOUSING AND COMMUNITY DEVELOPMENT: 12-0-0**

**YES:** Haney, Patterson, Ward, Caloza, Garcia, Kalra, Lee, Quirk-Silva, Ta, Tangipa, Wicks, Wilson

**ASM APPROPRIATIONS: 13-0-2**

**YES:** Wicks, Hoover, Arambula, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Pellerin, Solache, Ta, Tangipa

**ABS, ABST OR NV:** Calderon, Muratsuchi

**UPDATED**

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