
SENATE COMMITTEE ON LOCAL GOVERNMENT

Senator María Elena Durazo, Chair

2025 - 2026 Regular

Bill No: AB 1621

Author: Wilson

Version: 6/3/26

Hearing Date: 6/10/26

Fiscal: Yes

Consultant: Favorini-Csorba

PLANNING AND ZONING LAW: POSTENTITLEMENT PHASE PERMITS: HOUSING ACCOUNTABILITY ACT

Makes numerous changes to the postentitlement permit review process.

Background

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.

Administrative permit approvals. A builder may need a range of administrative permits from the local agency in order to complete the work to construct or modify a building. These permits can include building permits, as well as other permits for: demolition; grading; excavation; electrical, plumbing, or mechanical work; encroachment in the public right-of-way; roofing; water and sewer connections or septic systems; fire sprinklers; and home occupations. State Housing Law, the California Building Standards Code, and various types of local ordinances specify the standards that apply to these types of permits.

City and county building departments enforce the provisions of the State Housing Law, the California Building Standards Code, and locally-adopted building code requirements. Within building departments, the officials responsible for evaluating building permits for compliance include building officials, inspectors, plan checkers, and civil engineers. State Housing Law also allows local agencies to hire private entities on a temporary basis to perform plan checking services. Some agencies contract out a portion of their workload during especially busy times, or certain portions of the building permit review process, such as reviewing compliance with energy efficiency requirements. Other local agencies contract out nearly all plan checking functions to a private firm.

Building officials also perform inspections of completed work to ensure that it matches the plans and that conditions on the ground do not merit changes to address health or safety issues.

Post-entitlement permitting. In 2022, the Legislature enacted a framework establishing timelines and procedures for approving all local “post-entitlement phase permits,” including building permits, needed to construct housing that had already received approval from a planning department (AB 2234, R. Rivas, 2022). AB 2234 requires local agencies—defined to mean only cities and counties—to process post-entitlement permits in an expedited manner.

First, the city or county must determine whether an application is complete, and notify the applicant, within 15 business days after receiving the application. If the local agency determines an application is incomplete, the city or county must provide the applicant with a list of incomplete items and a description of how the application can be made complete, but the city or county cannot request new information that was not on the original list of needed information. After receiving a notice the application was incomplete, an applicant may cure and address those items. Upon receipt of a corrected application, the city or county must notify the applicant within 15 business days whether the additional application has remedied all incomplete items. If a city or county does not meet the timelines required for determining whether an application is complete, and the application or resubmitted application states it is for a post-entitlement phase permit, AB 2234 deems the application or resubmitted application complete.

Cities and counties must then complete review of the application within 30 business days for projects with 25 units or less, and 60 business days for projects 26 units or more, unless the city or county finds that the permit might have a specific, adverse impact on public health or safety, within the applicable time limit. If the city or county requires review of the application by an outside entity, the time limits are tolled until the outside entity completes the review.

If a city or county finds a complete application is noncompliant, it 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 and must allow the applicant to correct the application.

Cities and counties must also allow an appeal of a post-entitlement permit denial. Cities or counties may choose whether to allow an appeal to the planning commission, the city council or board of supervisors, or both. If an applicant appeals, the city or county must make a final determination on the appeal within:

- 60 business days of the appeal for a project of 25 units or fewer; or
- 90 business days of the appeal for a project of 26 units or more.

AB 2234 also requires cities and counties to compile one or more lists of information that will be required from any applicant for a post-entitlement permit. Cities and counties can revise these lists, but revised lists cannot apply to pending permit reviews. The city or county must post an example of a complete set of post-entitlement permits for at least five types of housing projects. Cities and counties had to post these lists and examples by January 1, 2024.

Finally, AB 2234 requires cities and counties to process post-entitlement permits online. As of January 1, 2024, all cities and counties in the County of Los Angeles, and all other cities and counties with populations of 75,000 or greater must process permits online, but can get a two-year extension if they make specified findings. All other cities and counties must comply by January 1, 2028, but may extend this deadline by five years if they make specified findings.

State post-entitlement permits. AB 301 (Schiavo, 2025) extended AB 2234's provisions, except for the requirement to process post-entitlement permits online, to state agency permits for housing projects, except certain water pollution permits and permits issued by the Coastal Commission. It also deemed approved state postentitlement permits if state agencies fail to meet the timeline to approve or deny the permit.

According to the latest data in the Department of Housing and Community Development's (HCD's) Annual Progress Report Dashboard, for housing projects completed by the end of December 2024, the timelines for projects to receive a building permit after getting planning approval span, on average:

- 91 days for single-family homes; and
- 292 days for buildings of 5 or more units.

Homebuilders want the Legislature to expedite the post-entitlement permit process.

Proposed Law

Post-entitlement permit processing changes. Assembly Bill 1621 makes various changes to the procedures for post-entitlement permit review. First, it revises the existing provisions that toll the time periods to approve or deny any post-entitlement permit. Specifically:

- If a city or county requires review by an outside entity to specify that state or federal law must require the review;
- Tolling only occurs if it is an *independent* entity; and
- Notice must be given by email and online, if otherwise required by law, within three business days of the start and end of the tolling period.

It also makes various 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. Specifically, it repeals the ability of a city or county to require an appeal to its planning commission. The bill also mandates that appeals for cities, counties, and state agencies be made to the agency's governing body and repeals a provision that requires appeals to be made to an agency director if the agency has no governing body. Finally, AB 1621 reduces the amount of time within which a city or county must provide a final written determination after receipt of an applicant's written appeal, specifically:

- 30 business days (instead of 60) of the appeal for a project of 25 units or fewer; or
- 45 business days (instead of 90) of the appeal for a project of 26 units or more.

AB 1621 also makes changes specific to building permit review: it limits a local or state agency to two rounds of plan check and specification reviews while reviewing a building permit for a housing development proposal. However, a state or city or county may deny the permit if the permit doesn't comply with the permit standards after two submissions. In that case, an applicant may request additional submittals.

Other changes. AB 1621 also prohibits a local or state 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 city or county's requirement or request is accompanied by written findings based on substantial evidence in the record that either of the following apply:

- A reasonable person could not interpret the previously approved plan or similar approval as being compliant with the applicable standards; or

- The deviation is necessary to address a specific, adverse impact on public health or safety.

AB 1621 also makes a number of technical and conforming changes, including a conforming change to the Housing Accountability Act’s definition of disapproval, and states that its changes to the building inspection process are declaratory of existing law.

Comments

1. Purpose of the bill. 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.”

2. Be the change you want to see in the world. Housing projects may experience numerous delays as they proceed from submitting an application for approval of the project to final completion of construction. HCD identifies average timeframes for different types of housing projects to move through each stage in the process. This data can indicate where housing projects may face the greatest slowdowns. According to HCD’s data for housing approvals through December 2024, average times for these stages are:

	Submitted to Entitled	Entitled to Building Permit	Building Permit to Completed
Single-family detached	112 days	92 days	251 days
5+ attached units	250 days	293 days	473 days

These data indicate that the lengthiest portion of the project by a wide margin is the construction phase, after cities and counties have issued a building permit. Local agencies have less influence on how quickly a project gets built once they’ve issued the building permit. Other factors, such as delayed delivery of materials, limited availability of labor, unexpected site conditions, and financing challenges, have significant effects on how quickly a home gets built after it has been permitted. AB 1621 makes changes to local agencies’ building permit review and construction inspection processes with the hope of shortening these timelines. It limits when the shot clock stops for review by an outside entity and directs cities, counties, and state agencies to process appeals of adverse decisions more quickly, which may accelerate building permit approvals. It also prevents local officials from requiring arbitrary deviations from approved permits during the construction process. But because the pace of construction is largely out of the hands of local governments after the building permit is issued, AB 1621’s focus on local government processes may not address the most significant sources of delay.

3. Mandate. The California Constitution requires the state to reimburse local governments for the costs of new or expanded state mandated local programs. Because AB 1621 imposes new duties on local officials, Legislative Counsel says that it imposes a new state mandate. AB 1621 disclaims the state’s responsibility for providing reimbursement by citing local governments’ authority to charge for the costs of implementing the bill’s provisions.

4. Charter city. The California Constitution allows cities that adopt charters to control their own “municipal affairs.” In all other matters, charter cities must follow the general, statewide laws. Because the Constitution doesn’t define “municipal affairs,” the courts determine whether a topic is a municipal affair or whether it’s an issue of statewide concern. AB 1621 says that it applies to all cities, including charter cities. To support this assertion, the bill includes a legislative finding and declaration that its provisions address a matter of statewide concern.

5. Related legislation. AB 1621 is substantially similar to AB 660 (Wilson, 2025), which the Committee approved on a 6-0 vote. AB 660 was held in the Senate Appropriations Committee. Additionally, the Legislature is considering several measures that address the local plan check process, including the following:

- AB 1693 (Zbur), which has also been referred to the Committee, requires a local building or permitting department to allow a qualified professional certifier to certify compliance with applicable building, health, and safety codes for a tenant improvement plan relating to a retailer;
- AB 1710 (Carrillo), which has also been referred to the Committee, expands the vesting provisions for housing projects to freeze additional types of standards, including standards applicable to post-entitlement phase permits, upon submission of a preliminary application; and
- AB 2418 (Gonzalez), which is pending in the Senate Rules Committee, allows an applicant for a non-residential building permit to contract with or employ a private professional provider to check plans and specifications if specified time periods elapse.

6. Coming and going. The Senate Rules Committee has ordered a double referral of AB 1621: first to the Committee on Local Government, which has jurisdiction over local permitting, and second to the Committee on Housing.

Assembly Actions

Assembly Local Government Committee:	10-0
Assembly Housing and Community Development Committee:	12-0
Assembly Appropriations Committee:	13-0
Assembly Floor:	67-0

Support and Opposition (6/5/2026)

Support: (prior version of the bill)

- California Building Industry Association (CBIA) (Sponsor)
- Abundant Housing Los Angeles
- Bay Area Council
- 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
Construction Employers' Association
East Bay Yimby
Eden Housing
Fieldstead and Company, INC.
Grow the Richmond
Habitat for Humanity California
Housing Action Coalition
Housing California
Inner City Law Center
Leadingage California
Los Angeles Area Chamber of Commerce
Mountain View Yimby
Naiop California
Napa-solano for Everyone
Northern Neighbors Sf
Orange County Business Council
Peninsula for Everyone
San Diego Housing Commission
San Diego Housing Federation
San Francisco Yimby
San Jose Yimby
San Mateo Forward
Santa Cruz Yimby
Santa Rosa Yimby
South Bay Yimby
South Pasadena Residents for Responsible Growth
Southern California Leadership Council
Spur
Student Homes Coalition
Supportive Housing Alliance
Ventura County Yimby
Yes! in Redwood City
Yimby Action
Yimby Los Angeles
Yimby Monterey Peninsula
Yimby Slo
Zillow Group

Opposition: (prior version of the bill)

California Contract Cities Association
California State Association of Counties (CSAC)
City of Camarillo
City of Corona
City of La Mirada
City of Norwalk
City of Rancho Cucamonga
City of Santa Clarita
City of Thousand Oaks
Equitable Land Use Alliance (ELUA)
League of California Cities
Orange County Sanitation District
Rural County Representatives of California (RCRC)
Save Lafayette

-- END --