

CONCURRENCE IN SENATE AMENDMENTS

AB 1621 (Wilson)

As Amended August 20, 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.

Senate Amendments

- 1) Delete a provision allowing a local or state agency to require more than two plan check and specification reviews if the 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) Clarify that a local or state agency may request or require 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, if the agency's requirement or request is accompanied by written findings based on substantial evidence in the record that either (rather than 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.
- 3) Add language to avoid chaptering conflicts with SB 1072 (Committee on Housing), of the current legislative session.

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 either: (1) a reasonable person couldn't interpret the previous approval of meeting the building standards as valid; or, (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

According to the Senate Appropriations Committee:

- 1) The Department of Housing and Community Development (HCD) notes that this bill's expansion of the scope of violations of the Housing Accountability Act (HAA) would result in an increase in requests for enforcement action and instances in which the department is required to notify the Attorney General of violations. HCD estimates that any increased enforcement workload can be addressed by existing staff and would be absorbable. (General Fund)
- 2) Unknown local mandated costs for local agencies to revise processes and procedures regarding the review and approval of post-entitlement permit applications, and to act on appeals of permit denials on an expedited timeline. These costs are not state-reimbursable because local agencies have the general authority to charge various permit, planning, and developer fees to offset any increased costs associated with the higher level of service required by this bill. (local funds)
- 3) Unknown court cost pressures for new workload to adjudicate additional cases filed by permit applicants seeking a writ of mandate to compel a local agency to approve an application when it fails to provide an appeal, denies an administrative appeal, or fails to decide on the appeal within specified timeframes. There could also be court impacts to the extent more cases are filed against local agencies for failure to comply with provisions that provide post-entitlement phase permit streamlining processes, which would be a violation of the HAA under this bill. The number of cases that would be filed statewide as a result of the bill are unknown. Staff notes that it generally costs about \$10,500 to operate a courtroom for one eight-hour day. Although courts are not funded on the basis of workload, increased staff time and resources may create a need for additional support from the General Fund to support court operations. The 2026-27 Budget appropriated \$70 million from the General Fund to backfill the current fund imbalance in the Trial Court Trust Fund and help pay for court operations. (Trial Court Trust Fund, General Fund)

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

ASSEMBLY FLOOR: 67-0-13

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

ABS, ABST OR NV: Bains, Boerner, Bonta, Bryan, Ellis, Flora, Gabriel, Macedo, Muratsuchi, Petrie-Norris, Celeste Rodriguez, Sharp-Collins, Stefani

UPDATED

VERSION: August 20, 2026

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FN: 0004139