

Date of Hearing: March 25, 2026

ASSEMBLY COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT

Matt Haney, Chair

AB 1710 (Carrillo) – As Introduced February 4, 2026

SUBJECT: Housing developments: ordinances, policies, and standards

SUMMARY: Extends the “vesting” rights that apply to local agency reviews of housing development projects under the Housing Crisis Act (HCA) to also apply to the rules, regulations, and requirements imposed by other public agencies. Applies a “reasonable person” standard, as specified, to public agency determinations of whether a housing development project is consistent, compliant, and in conformity with applicable standards for purposes of the Permit Streamlining Act. Specifically, **this bill:**

- 1) Adds the following to the list of objective standards that can be vested under the HCA, so long as a developer submits a complete application within 180 days of a preliminary application:
 - a) Materials requirements;
 - b) Postentitlement permit standards, with the exception building code standards; and
 - c) Any rules, regulations, determinations, and other requirements adopted or implemented by other public agencies, as specified.
- 2) Extends the “reasonable person” standard that applies to the local agency reviews of housing development projects and emergency shelters under the HCA to public agencies, as defined.
- 3) Excludes housing development projects containing a hotel, motel, bed and breakfast inn, or other transient lodging, from the provisions in 2), above, consistent with existing law governing local agency review.

EXISTING LAW:

- 1) Prohibits local governments from denying, making infeasible, or reducing the density of housing developments that comply with objective standards, unless specific written findings based on health, safety, or state/federal law conflicts are made. (Government Code (GOV) 65589.5)
- 2) Applies a “reasonable person” standard to housing development projects reviewed by local agencies. (GOV 65589.5)
- 3) Establishes the HCA as part of the Housing Accountability Act (HAA) for urbanized and affected jurisdictions, with the following provisions:
 - a) Establishes a preliminary application process that allows developers to lock in, aka “vest” objective zoning, design, and subdivision standards in place at the time of the submission date. (GOV 65941.1, 65589.5)

- b) Requires that housing projects be evaluated based on objective general plan, zoning, subdivision, and design standards in place at the time of the application. Objective standards must be verifiable based on measurable criteria and not subject to subjective interpretation. (GOV 65941.1, 65589.5)
 - c) Defines “ordinances, policies, and standards” as objective requirements that are uniformly verifiable by reference to external and available criteria. These include:
 - i) General plans;
 - ii) Community plans;
 - iii) Specific plan;
 - iv) Zoning;
 - v) Design review standards and criteria;
 - vi) Subdivision standards and criteria; and
 - vii) Any other rules, regulations, requirements, and policies of a local agency, including:
 - (1) Development impact fees;
 - (2) Capacity or connection fees or charges;
 - (3) Permit or processing fees; and
 - (4) Other exactions (GOV 65589.5)
 - d) Prevents local agencies from applying new ordinances, policies, or standards adopted after the preliminary application is submitted. (GOV 65941.1, 65589.5)
- 4) Excludes housing developments with a mixed-use component containing a hotel, motel, bed and breakfast inn, or other transient lodging from the definition of “housing development project” under the HAA. (GOV 65589.5)

FISCAL EFFECT: Unknown.

COMMENTS:

Author’s Statement: According to the author, “California’s housing crisis has left too many without a home, struggling to afford rent, and unable to achieve homeownership. Yet, delays, regulatory barriers, and inconsistent permitting rules are making it harder and more expensive to build the housing we desperately need. Right now, it not only slows development but also discourages new housing altogether, pushing investment to states with a more predictable process.

AB 1710 strengthens SB 330’s (2019) vesting protections to ensure housing projects aren’t subject to regulatory changes at the state and regional agency level after a preliminary application is submitted—except in cases concerning health, safety, or environmental mitigation.

By reducing uncertainty and reinforcing clear, predictable standards, AB 1710 will help create a more predictable path for housing development that lowers costs, speeds up construction, expands affordable housing and homeownership, and supports sustainable, community-focused growth.”

The Housing Approvals Process – Standards Vesting: 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.

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.¹ 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.²

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.³

To address this, the Legislature has enacted various laws to streamline, expedite, and standardize approvals, particularly for projects meeting objective standards. One such law is SB 330 (Skinner), Chapter 654, Statutes of 2019, or the HCA, which established a process through which developers seeking to build housing could “vest” their projects. Under existing law, an applicant files a preliminary application to build housing, with specified project information, and then has 180 days, or approximately 6 months, to file a “complete application.” If the developer files a complete application in time, the housing development gains vested rights to proceed under the rules that were in effect when the preliminary application was submitted. These rights include the vesting of objective standards such as general plans, community plans, specific plans, zoning

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

² https://www.rand.org/pubs/research_reports/RRA3743-1.html

³ HCD San Francisco Policy & Practice Review, Page 13. Published October 2023. Accessed from: <https://www.hcd.ca.gov/policy-and-research/plans-and-reports>

ordinances, design review standards, subdivision standards, and any other rules, regulations, requirements, and policies of a local agency. There are some exceptions that allow new regulations to be applied in cases of health and safety concerns or to mitigate significant CEQA environmental impacts. However, the HCA only applies to local agencies.

This bill would expand the list of objective standards that can be “vested” under SB 330, to include the following:

- 1) Postentitlement permit standards, excluding building code standards;
- 2) Materials requirements associated with subdivisions; and
- 3) Any rules, regulations, determinations, and other requirements adopted or implemented by other public agencies, such as state and regional governments.

In doing so, it could provide increased certainty to homebuilders, ensuring that the project goalposts don’t move for housing projects that receive vesting under the HCA. Under this bill, housing projects would be protected from changes to, for example, municipal storm water requirements controlled by Regional Water Quality Boards, local grading ordinances, State Water Quality Control Board/Department of Toxic Substances Control Vapor Intrusion Thresholds, and Metropolitan Planning Organization Sustainable Community Strategies. Any newly implemented standards would still apply to housing projects that file preliminary applications after their implementation, but would not apply to projects that are vested before the standards change. Notably, this bill excludes building code standards from its vesting provisions, meaning that the building standards in place at the time when an applicant applies for a building permit would apply to the proposed development, not the standards in effect when the preliminary application was filed.

AB 1515 - Reasonable Person Standard: Under the HAA, housing projects are analyzed for consistency with governmental agencies’ adopted plans (e.g., general plans and zoning codes). Previously, courts fully deferred to regulatory agencies in determining project consistency, allowing agencies to block or extract significant concessions from projects by declaring them inconsistent with adopted plans, even if it would have been reasonable for the agency to have found the project consistent.

In 2017, the HAA was amended by AB 1515 (Daly), Chapter 368, Statutes of 2017, to apply a “reasonable person” standard to local agencies. The reasonable person standard in the HAA prohibits local agencies from denying or conditioning a housing project based on subjective interpretations of local regulations. If substantial evidence exists such that a reasonable person could determine a project is consistent with applicable plans or zoning, it must be deemed consistent as a matter of law, regardless of the agency’s decision. If a local agency reaches a different conclusion than a reasonable person would, based on the evidence, its decision is legally vulnerable and may be overturned in court. Courts are not required to defer to the agency’s interpretation but can mandate project approval if the evidence supports consistency. These standards are meant to prevent agencies from using broad discretion to block or significantly alter housing development projects, ensuring that housing approvals are based on objective, fact-based criteria rather than political or community opposition.

This bill would apply that same “reasonable person” standard to “public agencies,” meaning any state agency, any county, city and county, city, regional agency, public district, redevelopment

agency, or other political subdivision. For housing development proposals, this would effectively apply the same standard that local governments are already subject to, to state and regional governments.

Arguments in Support: The California Building Industry Association (CBIA), the bill sponsor, writes in support: “California continues to face a significant housing shortage, driven in large part by unpredictable and lengthy approval processes. While SB 330 was instrumental in securing regulatory certainty at the local level, housing projects remain vulnerable to changes in state and regional agency regulations, which can cause costly delays or even render projects infeasible. AB 1710 directly addresses these challenges by extending SB 330’s vesting protections to include state and regional agencies, ensuring that housing projects are not subject to shifting regulatory requirements after a preliminary application has been submitted.

Additionally, AB 1710 expands the application of the “reasonable person” standard under the Housing Accountability Act (HAA) to state and regional agencies. This important provision ensures that if substantial evidence exists to support a finding of project consistency with an applicable regulatory plan, the project is deemed consistent as a matter of law. By applying this objective standard beyond local agencies, AB 1710 further reduces arbitrary decision-making that could otherwise hinder housing production.”

Arguments in Opposition: The California Special Districts Association (CSDA), the Association of California Water Agencies (ACWA), California Association of Sanitation Agencies (CASA), and California Municipal Utilities Association (CMUA) write in opposition: “AB 1710 expands the list of objective ordinances, policies, and standards that can be vested at the time of application for housing development through SB 330 (Skinner, 2019). Additionally, it applies a “reasonable person” standard to state and local agencies involved in housing development reviews across the Permit Streamlining Act. We recognize that amendments from last year’s AB 1276 and carried over to this measure have narrowed the reasonable person provision from capturing a much broader set of statutes, but we find it still lacks specificity of which problem in which statute is to be solved.

Specifically, this measure adds post-entitlement permit standards; certain materials requirements, and any rules, regulations, determinations, and other requirements adopted or implemented by other public agencies, including both state and local agencies, to the list of items that are vested at the point of application for certain developments.

The vesting provision will put state and local agencies in conflict with any new laws, regulations, rules or requirements from local, regional, state or federal entities that local agencies must comply with for a myriad of issues that inform the policies of the regulated agency in order to meet the standards and goals of the federal government, the state or its political subdivisions.”

Related Legislation:

AB 1276 (Carrillo) of 2025 was substantively the same as this bill. AB 1276 was held in the Senate Appropriations Committee.

AB 301 (Schiavo), Chapter 488, Statutes of 2025, required state agencies to comply with the same postentitlement phase review timeframes as local agencies.

SB 838 (Durazo), Chapter 789, Statutes of 2025, amended the HAA to exclude housing development projects containing a hotel, motel, bed and breakfast inn, or other transient lodging.

SB 330 (Skinner), Chapter 654, Statutes of 2019, established the HCA, defined previously undefined terms such as objective standards and complete application in the HAA, and set forth vesting rights for projects that use a new pre-application process.

AB 1515 (Daly), Chapter 368, Statutes of 2017, establishes a reasonable person standard for determining conformance with local land use requirements.

Double-Referred: This bill was also referred to the Committee on Local Government, where it will be heard should it pass out of this Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

Abundant Housing Los Angeles
 Boma California
 Cal Chamber
 California Building Industry Association
 California Building Industry Association (CBIA)
 California Business Properties Association
 California Business Roundtable
 California Self Storage Association
 CBIA
 Circulate Planning & Policy
 Commercial Real Estate Development Association, NAIOP of California
 Housing California
 LeadingAge California
 Orange County Business Council
 South Pasadena Residents for Responsible Growth
 Southern California Leadership Council
 SPUR
 Student Homes Coalition
 Western Manufactured Housing Communities Association

Opposition

Oppose Unless Amended

Association of California Water Agencies
 California Association of Sanitation Agencies
 California Municipal Utilities Association
 California Special Districts Association

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