

Date of Hearing: April 15, 2026

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Juan Carrillo, 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, and applies a “reasonable person” standard 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, provided that a developer submits a complete application within 180 days of a preliminary application:
 - a) Materials requirements.
 - b) Postentitlement permit standards, with the exception of building code standards.
 - c) Any rules, regulations, determinations, and other requirements adopted or implemented by other public agencies, as defined.
- 2) Extends the “reasonable person” standard that applies to 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.
- 4) Defines “public agency” to mean any state agency, any county, city and county, city, regional agency, public district, redevelopment agency, or other political subdivision.
- 5) Makes a number of technical and conforming changes.
- 6) Finds and declares that providing certainty to applicants for housing development projects with respect to the interpretation and applicability of public agency regulatory standards and requirements is vital for ensuring the availability and feasibility of new housing is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this bill applies to all cities, including charter cities.
- 7) Provides that no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

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, or “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: This bill is keyed fiscal and contains a state-mandated local program.

COMMENTS:

- 1) **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.”

- 2) **Planning for Housing.** 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, 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.

- 3) **The Housing Accountability Act.** The Legislature has enacted a variety of statutes to facilitate and encourage the provision of housing, particularly affordable housing and housing to support individuals with disabilities or other needs. Among them is the HAA, enacted in 1982 in response to concerns over a growing rejection of housing development by local governments. The HAA limits the ability of local agencies to reject or make infeasible housing developments without a thorough analysis of the economic, social, and environmental effects of the action.

The HAA limits the ability of local governments to disapprove or condition projects in a manner that renders them economically infeasible. Specifically, the HAA provides that when a proposed housing development complies with objective general plan and zoning standards,

including design review standards, a local agency that intends to disapprove the project, or approve it on the condition that it be developed at a lower density, must make written findings based on a preponderance of the evidence that the project would have a specific, adverse impact on the public health or safety and that there are no feasible methods to mitigate or avoid those impacts other than disapproval or conditioning of the project.

- 4) **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.

The HAA was amended by AB 1515 (Daly), Chapter 368, Statutes of 2017, to apply a "reasonable person" standard to local agencies. This "reasonable person" standard 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 that a project is consistent with applicable plans or zoning, the project 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 and can mandate project approval if the evidence supports consistency. This standard prevents agencies from using broad discretion to block or significantly alter projects, ensuring that housing approvals are based on objective, fact-based criteria rather than political or community opposition.

- 5) **SB 330 (Skinner) – Vested Rights.** The Housing Crisis Act of 2019, established by SB 330 (Skinner), Chapter 654, Statutes of 2019, amended the established process through which developers seeking to build housing could "vest" their projects. Under this law, an applicant files a preliminary application to build housing with specified project information and then has 180 days to file a "complete application." If the developer files a complete application within this time, the housing development gains vested rights to proceed under the rules that were in effect when the preliminary application was submitted.

These "vested" rights include the vesting of objective standards such as general plans, community plans, specific plans, zoning 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.

These vesting provisions apply only to the rules, regulations, and requirements of *local* agencies. They do not apply to the rules, regulations, and requirements of *state* agencies.

- 6) **Post-entitlement Permits.** A development proposal that does not require any discretionary approvals, or has been approved and entitled by a local agency, is still required to obtain approval for a range of post-entitlement permits, including building, health, and safety permits. This stage of the review process is often ministerial, as these post-entitlement permits are typically objective in nature.

In order to expedite this stage of the development approval process for housing developments, 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 post-entitlement building permit is complete within 15 days of the agency receiving the application. Post-entitlement 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 1114 (Haney), Chapter 753, Statutes of 2023, expanded the post-entitlement 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.

- 7) **Bill Summary.** This bill adds the following to the list of objective standards that can be vested under the HCA, provided that a developer submits a complete application within 180 days of a preliminary application:
- a) Materials requirements.
 - b) Postentitlement permit standards, except for building code standards.
 - c) Any rules, regulations, determinations, and other requirements adopted or implemented by other public agencies.

This bill also extends the "reasonable person" standard that applies to local agency reviews of housing development projects and emergency shelters under the HCA to public agencies. This provision does not apply to housing development projects that contain a hotel, motel, bed and breakfast inn, or other transient lodging.

This bill defines "public agency" to mean any state agency, any county, city and county, city, regional agency, public district, redevelopment agency, or other political subdivision.

This bill is sponsored by the California Building Industry Association.

- 8) **Previous Legislation.** AB 1276 (Carrillo) of 2025 was substantially similar to 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, established a reasonable person standard for determining conformance with local land use requirements.

- 9) **Arguments in Support.** The California Building Industry Association, sponsor of this measure, writes, “This critical legislation builds upon the successes of SB 330 (Skinner, Statutes of 2019) to further improve transparency, consistency, and predictability in the housing approval process across the state.

“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. Specifically, AB 1710 will:

- Provide housing developers with greater predictability and certainty across all levels of government.
- Reduce unnecessary and inconsistent regulatory barriers to housing production.
- Encourage the development of much-needed housing by streamlining approval processes and ensuring a fairer regulatory environment.

“CBIA is committed to working with state and local policymakers to advance housing solutions that address California’s affordability crisis. AB 1710 is a crucial step in that direction.”

- 10) **Arguments in Opposition.** The California Special Districts Association, the Association of California Water Agencies, the California Association of Sanitation Agencies, and the California Municipal Utilities Association, in an “oppose, unless amended” position, write, “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. These rules could include efforts to improve or preserve public health and safety, the environment, or conservation of water or other resources, or building standards among others.

“Additionally, this bill imposes a reasonable person standard when deeming a housing development project or emergency shelter to be, ...consistent, compliant, and in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision adopted or implemented by a public agency...” for the entire Permit Streamlining Act. We are concerned that a statutory blanket declaration of evidentiary standards across the large swath of housing related law may have unintended consequences and does not consider the proper standard for each statute and its specific purpose.”

11) **Double-Referral.** This bill is double-referred to the Housing and Community Development Committee, where it passed on a 12-0 vote on March 25, 2026.

REGISTERED SUPPORT / OPPOSITION:

Support

California Building Industry Association [SPONSOR]
 Abundant Housing Los Angeles
 Boma California
 Cal Chamber
 California Business Properties Association
 California Business Roundtable
 California Council for Affordable Housing
 California Housing Consortium
 California Self Storage Association
 Circulate Planning & Policy
 Commercial Real Estate Development Association, Naiop of California
 Fieldstead and Company, INC.
 Habitat for Humanity California
 Housing California
 Leadingage California
 Orange County Business Council
 South Pasadena Residents for Responsible Growth
 Southern California Leadership Council
 Spur

Student Homes Coalition
The California Home Building Alliance
Western Manufactured Housing Communities Association

Opposition

Association of California Water Agencies (unless amended)
California Association of Sanitation Agencies (unless amended)
California Municipal Utilities Association (unless amended)
California Special Districts Association (unless amended)
City of La Verne

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