



review standards and criteria, subdivision standards, and other rules, regulations, requirements, and policies of a local agency as specified.

- c) Prevents local agencies from applying new ordinances, policies, or standards adopted after the preliminary application is submitted.

**This bill:**

- 1) Provides that for the purposes of the Permit Streamlining Act (PSA), a housing development project or an emergency shelter shall be deemed consistent, compliant, and in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provisions adopted or implemented by a *public agency* if there is substantial evidence that would allow a reasonable person to conclude that the project is consistent, compliant, and in conformity.
- 2) Adds to the list of objective standards that can be vested under the HCA to include:
  - a) Materials requirements.
  - b) Postentitlement permit standards, as specified.
  - c) Any rules, regulations, determinations, and other requirements adopted or implemented by other public agencies, as specified.

**Background**

*HAA*. In 1982, in response to the housing crisis, which was viewed as threatening the economic, environmental, and social quality of life in California the Legislature enacted the HAA, commonly referred to as the Anti-NIMBY (“not in my backyard”) Law. The purpose of the HAA is to help ensure that a city does not reject or make infeasible housing development projects that contribute to meeting the housing need determined pursuant to the Housing Element Law without a thorough analysis of the economic, social, and environmental effects of the action and without complying with the HAA. The HAA restricts a city’s ability to disapprove, or require density reductions in, certain types of residential projects. One provision of the HAA, known as the builder’s remedy, specifically prevents local agencies that do not have a compliant housing element from denying projects that include specified levels of affordable housing, even if the project is inconsistent with local standards.

**Comments**

- 1) *Author's Statement.* “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 PSA, the HAA, and the HCA, establish parameters for the entitlement process. While the PSA applies to development projects generally and establishes parameters for all public agencies, the HAA and the HCA apply to housing development projects and generally establish parameters for local agencies.

- 3) *Reasonable Person Standard.* Housing projects are analyzed for consistency with a local agencies’ adopted plans (*e.g.*, general plans and zoning codes). Previously, courts largely deferred to local agencies in determining project consistency. A consistency determination by a local agency was generally upheld unless the court determines the local government has acted arbitrarily, capriciously, or without evidentiary basis. For example, “[a] city's findings that [a] project is consistent with its general plan can be reversed only if [they are]

based on evidence from which no reasonable person could have reached the same conclusion.” (*A Local & Regional Monitor v. City of Los Angeles* (1993) 16 Cal.App.4th 630, 648, as cited by *San Franciscans Upholding the Downtown Plan v. City & County of San Francisco* (2002) 102 Cal.App.4th 656, 677). In other words, a local government's decision will be upheld unless no reasonable person could have made the same decision.

The HAA was amended by AB 1515 (Daly, Chapter 368, Statutes of 2017) to apply a “reasonable person” standard to local agencies consistency determinations. 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, the project must be deemed consistent as a matter of law. This essentially flipped the prior standard on its head. Where prior to AB 1515 a local agency’s consistency determination would be upheld unless no reasonable person could make the same decision, AB 1515 established that a project must be deemed consistent if any reasonable person could find it is consistent. 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 suggests that the project is consistent with local requirements.

This bill would extend the reasonable person standard that applies to local agencies decisions that are subject to the HAA to decisions made on housing development projects pursuant to the PSA by a public agency as well.

- 4) *Project Vesting*. The HCA, 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 the HCA, 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 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 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, SB 330 only applies to local agencies.

This bill applies the vesting rights provided by the HCA to rules, regulations, and determinations established by “public agencies,” which includes regional governments and state agencies. Under this bill, housing projects would only be subject to the regulations set in place by any public agency at the time the project is entitled by a local agency. This includes, and is not limited to, municipal storm water requirements controlled by Regional Water Quality Boards, local grading ordinances, and State Water Quality Control Board/Department of Toxic Substances Control Vapor Intrusion Thresholds.

- 5) *Opposition.* Associations representing local water and power agencies and districts are opposed to this bill. They argue that requiring public agencies to vest standards such as environmental quality criteria at the time the local agency entitles a project could run afoul of state or federal regulations.
- 6) *Committee Amendments.* The committee may wish to consider amending the bill to clarify the following items:
  - a) **This bill proposes adding Section 65958 to the PSA and applying that section to public agencies as defined in the PSA. The PSA definitions, including the definition of “public agency” in Section 65932 are applicable to the entirety of the PSA. The new section includes an unnecessary and duplicative cross reference to Section 65932. The Committee may wish to strike this duplicative cross-reference.**
- 7) *Double referral.* This bill was also referred to the Local Government Committee.

### Related/Prior Legislation

**AB 1276 (Carillo, 2025)** — is substantially similar to this bill. *This bill is currently pending in the Senate Appropriations Committee.*

**AB 301 (Schiavo, Chapter 488, Statutes of 2025)** — extended postentitlement reviews timelines and approvals for housing developments that apply to local agencies to state departments.

**AB 2234 (Rivas, Chapter 651, Statutes of 2022)** — established timeframes for the review of postentitlement permits conducted by local governments.

**SB 330 (Skinner), Chapter 654, Statutes of 2019)** — 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

**FISCAL EFFECT:** Appropriation: No    Fiscal Com.: Yes    Local: Yes

**POSITIONS:** (Communicated to the committee before noon on Wednesday, June 10<sup>th</sup>, 2026.)

**SUPPORT:**

- Abundant Housing Los Angeles
- Boma California
- Building Owners and Managers Association of California
- Cal Chamber
- California Apartment Association
- California Building Industry Association (CBIA)
- California Business Properties Association
- California Business Roundtable
- California Council for Affordable Housing
- California Housing Consortium
- California Self Storage Association
- California Yimby
- Cbia
- Circulate Planning & Policy
- Commercial Real Estate Development Association, Naiop of California
- Fieldstead and Company, INC.
- Housing Trust Silicon Valley
- Orange County Business Council
- Southern California Leadership Council
- Spur
- Student Homes Coalition
- Western Manufactured Housing Communities Association

**OPPOSITION:**

None received.