SENATE COMMITTEE ON LOCAL GOVERNMENT
Senator María Elena Durazo, Chair
2025 - 2026 Regular

Bill No:	AB 1710	**Hearing Date:**	7/1/26
Author:	Carrillo	**Fiscal:**	Yes
Version:	6/18/26	**Consultant:**	Favorini-Csorba

HOUSING DEVELOPMENTS: ORDINANCES, POLICIES, AND STANDARDS

Modifies the vesting provisions of the Housing Crisis Act and applies the reasonable person standard to all approvals under the Permit Streamlining Act.

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.

Local governments use their police power to enact zoning ordinances that establish the types of land uses that are allowed or authorized in an area. Zoning ordinances also contain provisions to physically shape development and impose other requirements, such as setting maximum heights and densities for housing units, minimum numbers of required parking spaces, setbacks, and lot coverage ratios. These ordinances can also include conditions on development to address aesthetics, community impacts, or other particular site-specific considerations.

Planning and Zoning Law. The Planning and Zoning Law spells out the procedures and requirements that local agencies must comply with in the course of planning for, approving, and mitigating the impacts of development. Among many other provisions, it contains the Housing Accountability Act (HAA), the Permit Streamlining Act (PSA), and the Housing Crisis Act (HCA).

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 Housing Accountability Act (HAA), enacted in 1982 in response to concerns over a growing rejection of housing development by local governments due to not-in-my-backyard (NIMBY) sentiments among local residents. The HAA, also known as the "Anti-NIMBY" law, 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. A person who would be eligible to apply for residency in a housing development or emergency shelter, or a housing organization, as defined, may bring an action to enforce the HAA.

Denials or conditions under the HAA. 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, a local agency cannot disapprove the project, or approve it on the condition that it be developed at a lower density. However, the city or county may condition or disapprove the project if it makes 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.

A project is deemed consistent, compliant, and in conformity with applicable standards if there is substantial evidence that would allow a reasonable person to conclude that the project is consistent, compliant, or in conformity. This is known as the "reasonable person" standard. The HAA also generally puts the burden of proof on the local agency to demonstrate that its decisions meet the HAA's requirements.

Permit Streamlining Act (PSA). The 1977 PSA requires public agencies (state and local) to act fairly and promptly on applications for development permits, including housing. Public agencies must compile detailed lists of information that applicants for development projects must provide and explain the criteria they will use to review permit applications. Public agencies have 30 days to determine whether applications for development projects are complete; failure to act results in an application being "deemed complete."

Once a complete application for a development has been submitted, the PSA requires public officials to act within a specific time period after completing any environmental review documents required under the California Environmental Quality Act (CEQA), ranging from 30 to 180 days depending on the project and the environmental review required. Specifically, "lead agencies," which are public agencies that have principal responsibility for approving a project, must approve or deny the project within:

- 180 days of certifying an environmental impact report (EIR);
- 90 days of certifying an EIR for a housing project;
- 60 days of certifying an EIR for a housing project that is at least 49% affordable to very low or low-income households and the project has applied or will apply for state or federal financial assistance;
- 60 days of adopting a negative declaration under CEQA, determining a project is exempt from CEQA, or receiving a complete application if the project is subject to ministerial review; and
- 60 to 90 days, depending on project size, of receiving a complete application for a housing project that qualifies for a CEQA exemption pursuant to AB 130 (Committee on Budget, 2025), unless specified tribal consultation is ongoing.

A city or a county is usually the lead agency for a development project. If the city or county fails to approve or disapprove the application in the applicable time period, the application is "deemed approved," and the applicant may file suit in state court to order the local government to issue the permit.

Housing Crisis Act of 2019. To ameliorate the state's high housing costs, the Legislature enacted SB 330 (Skinner), the HCA. Among other things, the HCA set limitations on the ability of cities and counties to reduce the zoned capacity for housing in their jurisdiction and established anti-displacement protections when housing is demolished. Among many other things, the Housing Crisis Act tightened up the PSA to prohibit cities and counties from subjecting housing projects to new development policies and standards midstream in the application process. The HCA established a process through which developers seeking to build housing could "vest" their projects. Under the HCA, an applicant that files a preliminary application to build housing, with specified project information, 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 city or county. However, cities or counties can apply new regulations to mitigate a significant, adverse impact on health or safety, and to mitigate a project's impacts pursuant to CEQA.

The HAA and the HCA only apply to local agencies in the course of entitling, or issuing planning approvals for, new housing. However, a number of state agencies also impose requirements on housing projects after they are entitled by the city or county. For example, construction projects may need approvals from the state's water quality regulators (the Regional Water Quality Control Board), the Department of Fish and Wildlife if alteration of a lake or streambed is required, Caltrans if it could impact state highways, and others. The author wants to broaden the applicability of these provisions to other public agencies that regulate housing projects.

Proposed Law

Assembly Bill 1710 adds to the list of objective standards that projects may vest under the HCA to include:

- Materials requirements;
- Postentitlement permit standards, excluding building standards; and
- Any rules, regulations, determinations, and other requirements adopted or implemented by other public agencies, as specified.

It also provides that for the purposes of the PSA, a housing development project or emergency shelter is deemed consistent, compliant and in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or similar provision 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, or in conformity. This provision does not apply to any portion of a housing development project that is a hotel or other transient lodging, as specified.

AB 1710 defines its terms and includes findings and declarations to support its purposes.

Comments

1. Purpose of the bill. 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. Freeze! Under the HCA, an applicant for a housing development project can freeze a city or county's development standards that apply to a project by submitting a preliminary application, meaning a city or county can't change the rules while it is considering the development application for at least two and a half years, plus any time that the project was being litigated. However, this vesting of development standards only applies to the planning approval process, not to the various permits that state agencies require. Additionally, there is disagreement regarding the extent to which local agency procedures outside of the planning approval process—including post-entitlement permits and sign-offs by other local agencies that follow the planning approval—are subject to the HCA's vesting. Builders argue that these classes of permits or approvals are already subject to the HCA's vesting, while local agencies argue otherwise.

AB 1710 explicitly applies the vesting provisions to permits outside of the planning process and state agencies. In doing so, the bill limits the ability of public agencies to apply some requirements that change for legitimate reasons. First, the rules that apply to post-entitlement permits change in response to concrete health and safety issues. For example, a city or county may adjust their demolition permit requirements to avoid harms to neighbors or workers. Second, many public agencies update their policies and standards that apply to development because state or federal law changed. For example, projects often need a permit from the State Water Resources Control Board to protect water bodies from runoff resulting from construction. These restrictions are particularly consequential because the Legislature enacted a broad CEQA exemption last year for housing projects that meet certain criteria. In the absence of CEQA to identify and require mitigation of significant effects on the environment, other state and local policies are important backstops to address environmental impacts. Since some large housing projects are litigated for decades, AB 1710 could result in new construction being built to outdated standards that may be less protective of the public welfare. The Committee may wish to consider amending AB 1710 to limit the bill's expansion of the HCA's vesting provisions to only those applicable to state agencies, and allow state agencies to impose new standards in response to changes in state or federal requirements.

3. Thumb on the scale. In regulatory disputes, including land use litigation, courts tend to give a great deal of deference to public agencies when determining whether a project is consistent with the agency's own standards. Courts generally uphold an agency's determination on consistency unless the court determines the local government has acted arbitrarily, capriciously, or without evidentiary basis. In other words, a court will uphold an agency's decision unless no reasonable person could have made the same decision. Currently, the HAA provides that a housing project must be deemed consistent with a city or county's development standards and policies if a "reasonable person" could find them consistent. This flips the standard so that the developer receives deference, rather than city or county officials. To make it easier to build housing, AB 1710 extends the reasonable person standard to many state and local agency decisions and procedures. That tips the scales in litigation towards the developer, whose interest is in receiving approval for the project, and away from the public agencies, whose interest is the protection of the public.

4. Mandate. The California Constitution requires the state to reimburse local governments for the costs of new or expanded state mandated local programs. Because AB 1710 imposes new duties on local agencies, Legislative Counsel says it imposes a new state mandate. AB 1710 disclaims the state's responsibility for providing reimbursement by citing local governments' authority to charge for the costs of implementing the bill's provisions.

5. 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 1710 says that its provisions pertaining to vesting apply to all cities, including charter cities. To support this assertion, the bill includes a legislative finding and declaration that the bill's exemption is a matter of statewide concern because 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.

6. Incoming! The Senate Rules Committee has ordered a double referral of AB 1710: first to the Committee on Housing, which approved AB 1710 at its June 9th hearing on a vote of 9-0, and second to the Committee on Local Government.

7. Sounds familiar. AB 1276 (Carrillo), which the Committee approved at its July 9, 2025, meeting on a vote of 7-0, was nearly identical to AB 1710. AB 1276 was held under submission in the Senate Appropriations Committee.

Assembly Actions

Assembly Housing and Community Development Committee:	12-0
Assembly Local Government Committee:	10-0
Assembly Appropriations Committee:	15-0
Assembly Floor:	78-1

Support and Opposition (6/26/26)

Support: Lieutenant Governor Eleni Kounalakis
Abundant Housing Los Angeles
Building Owners and Managers Association of California
Cal Chamber
California Apartment Assocation
California Building Industry Association
California Business Properties Association
California Business Roundtable
California Council for Affordable Housing
California Housing Consortium
California Self Storage Association
California Yimby
Circulate Planning & Policy
Commercial Real Estate Development Association, Naiop of California
Eden Housing
Fieldstead and Company, INC.
Habitat for Humanity California

Housing Trust Silicon Valley
Orange County Business Council
Southern California Leadership Council
Spur
Student Homes Coalition
The California Housing Partnership
The Two Hundred for Homeownership
Western Manufactured Housing Communities Association

Opposition: Association of California Water Agencies (ACWA)
California Association of Sanitation Agencies
California Municipal Utilities Association
California Special Districts Association

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