

Date of Hearing: May 6, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

AB 2390 (Schiavo) – As Amended April 22, 2026

Policy Committee:	Housing and Community Development	Vote:	12 - 0
	Natural Resources		13 - 0

Urgency: No                      State Mandated Local Program: Yes                      Reimbursable: No

**SUMMARY:**

This bill modifies provisions of the streamlined, ministerial review process for housing development projects established by SB 423 (Wiener), Chapter 778, Statutes of 2023, related to project modifications and approval tolling timelines.

Specifically, this bill revises SB 423 to:

- 1) Expand tolling provisions so that project approvals are extended during pending litigation related to any modification request for projects, rather than only the first request.
- 2) Provide that for purposes of project modifications, consistency is measured against objective zoning, subdivision, and design review standards, rather than “planning standards.”
- 3) Require a local government to evaluate modification requests, including a subsequent modification, for consistency with the objective planning standards that the local government originally used, or that were used in a previous modification, to assess consistency.
- 4) Allow a local government to apply objective zoning, subdivision, and design review standards, rather than “planning standards,” adopted after the development application was first submitted to the requested modification in certain instances.

**FISCAL EFFECT:**

No state costs. Local costs are not reimbursable by the state because cities and counties have general authority to charge and adjust planning and permitting fees as necessary to cover administrative costs

**COMMENTS:**

- 1) **Purpose.** According to the author:

California’s housing crisis requires that existing tools operate efficiently, consistently, and as intended. State law provides a streamlined approval pathway for infill housing developments, but gaps in implementation have created uncertainty and delays that undermine its effectiveness. Additionally, ambiguities in current law have led to inconsistent interpretations, prolonged timelines, and opportunities for misuse. These challenges can slow housing

production and create avoidable barriers for both local governments and developers. [This bill] provides targeted clarifications to ensure that the streamlined housing approval process is applied predictably, allowing projects that meet objective standards to move forward without unnecessary disruption.

- 2) **Background.** Existing law establishes, pursuant to SB 423 (Wiener), Chapter 778, Statutes of 2023, a streamlined, ministerial approval process, exempt from California Environmental Quality Act (CEQA) review, for infill multifamily affordable housing projects that are compliant with local zoning and objective standards and proposed in local jurisdictions that have not met their regional housing needs allocation (RHNA).

A development proponent may request a modification to an approved development prior to the issuance of the final building permit, and a local government must approve the modification if it remains consistent with applicable objective planning standards in effect at the time a complete application was submitted. Existing law requires evaluations of modifications for consistency with the objective planning standards to be made using the same assumptions and analytical methodology the local government originally used.

This bill instead requires the local government to approve a modification if it is consistent with objective zoning standards, objective subdivision standards, and objective design review standards in effect when the original development application was first submitted. The bill also requires subsequent modifications to be evaluated for consistency using the same assumptions and analytical methodology the local government originally used, or that was used in a previous modification.

Existing law extends the project approval period during the time a modification request is under review and during pending litigation related to the first request for modification. This bill provides that the litigation extension is not limited to the first request for a modification submitted by the development proponent.

- 3) **Support and Opposition.** This bill is sponsored by the San Francisco Bay Area Planning and Urban Research Association and is supported by several affordable housing advocacy groups.

Recent amendments removed provisions of the bill that narrowed environmental review. Those provisions were the basis for all opposition to the bill.

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