

Date of Hearing: April 21, 2026

ASSEMBLY COMMITTEE ON JUDICIARY

Ash Kalra, Chair

AB 2418 (Mark González) – As Introduced February 20, 2026

**SUBJECT:** LOCAL BUILDING PERMITS: NONRESIDENTIAL PRIVATE PERMITTING REVIEW

**KEY ISSUES:**

- 1) SHOULD A STREAMLINED PRIVATE PERMIT REVIEW PROCESS BE ESTABLISHED TO REVIEW NON-RESIDENTIAL BUILDING PERMIT APPLICATIONS?
- 2) SHOULD LOCAL GOVERNMENTS BE PROVIDED MODEST LIABILITY PROTECTIONS IF A BUILDER SEEKS TO UTILIZE A PRIVATE BUILDING PERMIT REVIEW PROCESS?

**SYNOPSIS**

*Local agencies across California are facing budget shortfalls and staffing concerns. These financial issues can plague all areas of a local government, including the building departments that play a critical role in addressing the state's housing crisis by approving building project permits. To address this issue, last year, the Legislature enacted both AB 253 (Ward) Chap. 487, Stats. 2025, and AB 1308 (Hoover) Chap. 509, Stats. 2025, which combined to put new timelines and procedural requirements on local building departments approving housing projects and provided that a failure to meet these timelines would constitute a violation of the Housing Accountability Act. To assist local governments, those bills authorized the hiring of temporary staff to review permit applications. Recognizing that those bills may further divert local agency resources away from approving non-residential developments, this bill would adopt a permit review framework for non-residential building permits.*

*This bill requires local building departments to provide project applicants projected timelines for reviewing building plans and specifications. If the projected review period, or subsequent actual review period, would produce an excessive delay (generally more than one month) then this bill permits the project applicant to have the plans and specifications reviewed by a private party. The private review is then resubmitted to the local building department which has ten days to approve the plans. The bill would provide limited liability relief to local agencies to prevent them from being sued for issues in a project not properly identified by the private party that reviewed the documents. The bill also makes several other technical changes to local building permitting processes.*

*This bill is co-sponsored by the California Business Properties Association, the Building Owners and Managers Association, BOMA Greater Los Angeles, the Commercial Real Estate Development Association and NAIOP Southern California. The proponents highlight the need to expedite commercial development in the state. The bill has no registered opposition and was approved by the Committee on Local Government unanimously.*

**SUMMARY:** Authorizes the applicant for a nonresidential building permit to retain a private professional provider to check the applicant's building plans and specifications for their compliance with the requirements of state and local building law in the event of an excessive delay by a local agency in reviewing those documents. Specifically, **this bill:**

- 1) Permits, if there has been an excessive delay in reviewing a building permit to determine if it complies with the standards in existing law, the project applicant to retain a private professional provider to check the plans and specifications for their compliance with the requirements of the law at the applicant's sole expense.
- 2) Requires a project applicant who retains a private professional provider pursuant to 1) to notify the city or county of the applicant's intent to retain a private professional provider no later than five business days after either of the following, as applicable:
  - a) A local agency's estimated timeframe to review the documents, as specified by 3), would result in an excessive delay; or
  - b) There is an actual excessive delay in a local agency's review of building permits.
- 3) Requires a local agency, upon an application for a nonresidential permit for a building being deemed complete, to provide the applicant with an estimated timeframe in which the local agency will determine if the complete application is compliant with permit standards.
- 4) Requires, if a private professional provider performs the plan-checking function, the private professional to swear under the penalty of perjury that the provider performed the plan-checking function, and specify whether or not the plans and specifications do or do not comply with the requirements imposed by law.
- 5) Requires a project applicant to submit the following to the local agency:
  - a) The information provided in 4);
  - b) If the plan and specifications do not comply with the requirements of existing law, modifications to the plans and specifications that are necessary to comply with the law; and
  - c) Any additional information requested by the local agency.
- 6) Requires within 10 business days of receiving the information specified in 5) a local agency to do the following:
  - a) Issue the nonresidential building permit if the plans and specifications comply with the law; or
  - b) Notify the applicant in writing that the plans and specifications do not comply with the requirements of existing law, if the plans and specifications do not comply with the law and to identify the specific aspects of the plan or specification that is noncompliant.
- 7) Provides that, if a local agency does not respond within 10 days but a private professional found a project's plan or specification to be compliant with the law then the requested building permit is deemed approved.

- 8) Requires an applicant to indemnify the local agency from any property damage or personal injury arising from construction in accordance with the plans checked by a private professional provider pursuant to this bill.
- 9) Clarifies that a public entity or public employee is not liable for an injury caused by their discretionary or ministerial acts or omissions relating to the issuance or denial of any nonresidential building permit pursuant to this bill.
- 10) Provides that if plans and specifications are rejected in accordance with b) of 6), an applicant may resubmit corrected plans and specifications to the city or county to check the corrected plans and specifications, as specified.
- 11) Defines “private professional provider” to mean a professional engineer licensed pursuant to the Professional Engineers Act or an architect licensed pursuant to the Architects Practice Act who is currently certified as a nonresidential plans examiner by the International Code Council, currently certified as a plans examiner by the International Association of Plumbing and Mechanical Officials, or currently certified by another state, national, or international association that the local agency recognizes as an acceptable certification for nonresidential building plans examiners employed by the city or county, as specified.
- 12) Defines “excessive delay” as taking more than 30 days after submittal of an application for a nonresidential building permit, being deemed complete to complete the structural building safety plan check of the applicant’s set of plans and specifications that are suitable for checking.
- 13) Provides that the provisions of 1) through 11) are to remain in effect until January 1, 2037 and are then repealed.
- 14) Authorizes a local agency to adopt an ordinance prescribing fees for filing applications pursuant to 1) through 11), but the fees cannot exceed the amount reasonably required by the local enforcement agency to issue permits or be levied for general revenue purposes.
- 15) Clarifies the timeline for local building departments to review completed work for specified types of buildings, as provided in the California Building Code.
- 16) Makes various findings and declarations.

**EXISTING LAW:**

- 1) Authorizes, but does not mandate, a local agency’s building enforcement agency to contract with or employ a private entity or persons on a temporary basis to perform plan-checking functions. (Health and Safety Code Section 19837 (a).)
- 2) Authorizes entities or persons employed by a local agency, pursuant to agreement with the local agency to conduct the work specified in 1), to perform all functions necessary to check the plans and specifications to comply with other requirements imposed by state building permit law or by local ordinances, except those functions reserved to the legislative body of the local agency. (Health and Safety Code Section 19837 (c).)

- 3) Permits a local agency to charge the applicant fees in an amount necessary to defray costs directly attributable to employing or contracting with entities or persons performing services pursuant to this section which the applicant requested. (*Ibid.*)
- 4) Requires, during times of excessive delays and upon request of the applicant the local agency to contract with or employ a private entity or persons on a temporary basis to perform the plan-checking function, unless the project relates to a hotel or motel, as specified. (Health and Safety Code Section 19837 (e).)
- 5) Defines, for the purpose of 4) “excessive delay” means the enforcement agency of a local agency has taken more than 50 days after submittal of a complete application to complete the structural building safety plan check of the applicant’s set of plans and specifications that are suitable for checking, or the local agency has taken more than 60 days to complete the checking of the resubmitted corrected plans and specifications suitable for checking after the enforcement agency had returned the plans and specifications to the applicant for correction, as specified. (Health and Safety Code Section 19837 (f)(2).)

**FISCAL EFFECT:** As currently in print this bill is keyed fiscal.

**COMMENTS:** Typically when a person seeks to modify or build a new property, they must receive certification that the building plans and specifications comply with the terms of the California Building Code and all applicable local building standards. These plans are usually reviewed and approved by local building officials. However, like many government agencies, local building officials are often overworked and underfunded. As a result, many building permits are delayed by bureaucratic slowdowns. This bill seeks to build on existing law that permits local agencies to supplement their building staff with independent contractors during times of excessive delays to permit the project applicant themselves to retain a “private professional provider” to review the build plans and specifications. In support of the bill the author states:

It is essential that we reduce cost burdens on our small, local businesses, especially at a time when costs continue to rise for consumers and businesses alike. AB 2418 aims to mimic existing streamlined housing permitting processes and cut through red tape by establishing common-sense deadlines for plan checks and inspections. Small businesses, especially in historic, ethnic enclaves, in my district like Chinatown, Koreatown, Historic Filipinotown, Boyle Heights, and Pico-Union are hit hardest by delays to improve or set up their businesses the most and by making the permitting process more efficient and cheaper, they will be able to stay open and thrive.

***To protect the public, before construction can commence, a project applicant must obtain certification their building plans comply with the California Building Code.*** California’s natural beauty belies the myriad of natural hazards that can threaten the built environment in this state. Accordingly, in order to ensure that buildings used for human occupation are safe, the California Building Codes adopt an extensive series of standards to ensure construction in the state can withstand a natural hazard. In order to ensure that new construction is adhering to the strict standards of the California Building Code, the existing law requires local building officials to approve building plans and specifications before construction can begin.

Seeking to streamline housing construction, last year, the Legislature enacted both AB 253 (Ward) Chap. 487, Stats. 2025, and AB 1308 (Hoover) Chap. 509, Stats. 2025, which combined

to provide that a failure to inspect residential buildings and plans within specified timelines constituted a violation of the Housing Accountability Act. Notably, neither of those measures provided local agencies with any additional resources to ensure they could meet the timelines specified in those bills, however, they did permit the local agencies to supplement their staff with outside contractors.

***Overworked local building departments can slow development and needed construction.*** Like many aspects of local government, building departments are overworked and underfunded. As local agency budgets become constrained, departments like the building department unfortunately are often deprioritized in favor of preserving scarce resources for more public facing departments like police and fire. As a result, building departments often struggle to process their work in a timely manner (or at least timely to the developer awaiting project approvals).

Unfortunately, one byproduct of the enactment of AB 253 and AB 1308 is that in order to avoid the harsh penalties associated with violating the Housing Accountability Act, local governments must prioritize resources on approving housing plans and projects. Given that most agencies lack the resources to hire additional staff, this means commercial and other non-housing construction may not receive priority for approvals from local building departments.

***This bill*** builds on the framework adopted in AB 253 and AB 1308 by adopting new timelines and procedures for the approval of non-residential building permits. First, the bill requires the local building department to provide project applicants an estimated timeline for which the application and project plans will be reviewed. If either the estimated time of review, or, notwithstanding that estimate, the actual review timeline are deemed to be excessively delayed then the project applicant can hire a private expert to review their plans and submit an affidavit to the local building department certifying the project's compliance with the law. If the building department fails to act on that certification within 10 days, a project is deemed approved by operation of law. The bill lays out the minimum qualifications a person must have in order to be hired as an outside expert, and the standards that they must apply to that expert's project review. The bill also clarifies timelines for issuing building permits for certain classifications of buildings. A far more detailed analysis of the building permit and local agency process provisions can be found in the analysis of this measure by the Committee on Local Government, who maintains primary jurisdiction over these matters. (Assem. Com. on Local Gov., Analysis of Assem. Bill No. 2418 (2025-26 Reg. Session) as introduced Feb. 20, 2026.)

Of significance to this Committee are two provisions of the bill adjusting liability related to the private approvals of building standards. First, the bill requires a project applicant to indemnify the local government against any property damage or personal injury arising from construction in accordance with the plans checked by a private professional provider. Secondly, the bill provides that the public entity or public employee is not liable for an injury caused by their discretionary or ministerial acts or omissions relating to the issuance or denial of any nonresidential building permit.

***Given that this bill permits project applicants to bypass local building officials, the liability provisions of this bill appear prudent.*** The two above-described liability provisions would typically face significant scrutiny in this Committee as the Committee has, at times, disfavored the forced contractual reallocation of liability between parties. However, in the present instance, the two provisions seem entirely reasonable. As it relates to the first provision, requiring a

project applicant to indemnify the local agency for liability arising from plans reviewed by the private party, it seems prudent to ensure that the private applicant cannot hold a local government liable for the actions of a private party hired by the applicant. Because the entire permit streamlining process is voluntary, the only time a private party would be reviewing a building plan is if the applicant sought out the private professional's assistance. In that instance it does not seem prudent to impose liability on a local government that did not approve the plans because a private party did not want to wait. Similarly, the second liability provision appears to protect local officials who approve the private plans. The bill provides local governments with ten days to act on the private professional's recommendations, or a plan is deemed approved. This is a tight timeline to review the work of another person. Given that, again, the process is initiated and driven by private entities seeking to bypass various forms of government, this liability protection for local government seems reasonable.

***ARGUMENTS IN SUPPORT:*** This bill is co-sponsored by the California Business Properties Association, the Building Owners and Managers Association, BOMA Greater Los Angeles, the Commercial Real Estate Development Association and NAIOP Southern California. The bill is also backed by several other commercial business interests. A coalition letter in support of the bill states:

Across California, local jurisdictions continue to face significant plan-checking delays driven by staffing shortages and unpredictable workloads. These delays impact a wide range of projects, including tenant improvements, new construction, and building expansions. Even routine interior buildouts can take months to receive approvals, delaying business openings, increasing costs, and disrupting lease and financing timelines. While recent reforms improved residential timelines, nonresidential projects remain subject to inconsistent and prolonged review processes.

AB 2418 addresses this gap by setting clear timelines for plan review, requiring local agencies to provide applicants with estimated review periods, and creating a reliable backstop when those timelines are exceeded. In those cases, applicants may request the use of a qualified third-party plan checker, at the applicant's expense, not the local agency's. Any third-party reviewer must meet standards set and approved by the jurisdiction, and local agencies retain full oversight, final decision-making authority, and applicable legal protections throughout the process.

This targeted measure builds on efforts enacted by the Legislature last year providing predictable and efficient permitting process, helping projects move forward without unnecessary delay while maintaining local control and accountability.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

American Council of Engineering Companies  
Boma Greater Los Angeles  
Building Owners and Managers Association of California  
Building Owners and Managers of Greater Los Angeles  
CalAsian Chamber of Commerce  
California Apartment Association  
California Building Industry Association

California Business Properties Association  
California Business Roundtable  
California Downtown Association  
California Hispanic Chambers of Commerce  
California Manufacturers & Technology Association  
California Manufacturers and Technology Association  
California Restaurant Association  
California Retailers Association  
California Self Storage Association  
Inland Empire Economic Partnership  
Los Angeles Area Chamber of Commerce  
Los Angeles County Business Federation  
NAIOP California  
NAIOP So Cal  
National Federation of Independent Business  
Orange County Business Council  
San Diego Regional Chamber of Commerce  
Southern California Leadership Council  
Supply Chain Federation  
United Chamber Advocacy Network

**Opposition**

None on file

**Analysis Prepared by:** Nicholas Liedtke / JUD. / (916) 319-2334