

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

AB 2418 (Mark González)
Version: June 24, 2026
Hearing Date: June 30, 2026
Fiscal: Yes
Urgency: No
ID

SUBJECT

Local building permits: nonresidential private permitting review

DIGEST

This bill requires, until January 1, 2037, a local agency to, upon a request by an applicant for a building permit for a nonresidential building, contract with or employ a private plan-checking entity if the building plan checking timeframe will result in or results in excessive delay, as defined, and permits an applicant to retain a private professional provider to conduct plan-checking functions if the plan-checking timeline results in excessive delay and the local agency determines that no private entities are available or qualified to perform plan-checking functions, as specified.

EXECUTIVE SUMMARY

Tenant improvements and construction of nonresidential buildings typically require a building permit from the local building agency before work can begin in order to ensure that the improvements or construction meet applicable building, health, and safety codes. Typically, the local agency conducts plan-checking functions to confirm that the building plan meets these requirements sufficient for the issuance of the permit.

AB 2418 requires a local agency to provide an applicant for a building permit for specified nonresidential buildings an estimated timeframe for the approval or denial of the plan, and requires the local agency to contract with a private plan-checking entity if the plan-checking timeframe will result in excessive delay, or results in excessive delay. If the plan-checking timeframe results in excessive delay and the agency determines that there are no private plan-checking entities available or qualified, AB 2418 permits the applicant to retain, at their own expense, a private professional provider to conduct the plan-checking function. AB 2418 requires the private professional provider to provide an affidavit regarding whether the plan is in compliance with the applicable requirements in a report to the local agency, and requires the local agency to issue the building permit or deny it within 10 business days of receiving the private professional

provider's report. AB 2418 permits an applicant to resubmit a corrected plan if denied, and includes various other provisions relating to private professional providers. It also includes provisions that require the private professional provider to indemnify, defend, and hold harmless the local agency and its agents, officers, and employees from any action brought against the local agency for any property damage or personal injury arising from construction under plans checked by a private professional provider. It also specifies that the local agency or its 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.

AB 2418 is sponsored by the California Building Properties Association (CBPA) and is supported by the Associated General Contractors. The Committee has received no timely letters of opposition. AB 2418 previously passed out of the Senate Local Government Committee by a vote of 7 to 0.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Establishes the Architects Practice Act, administered and enforced by the California Architects Board (CAB) within the Department of Consumer Affairs (DCA) to regulate the practice of architecture in California. (Bus. & Prof. Code §§ 5501 et seq.)
- 2) Defines "architect" as a person who is licensed to practice architecture in this state. (Bus. & Prof. Code § 5500.)
- 3) Establishes the Professional Engineers Act, administered and enforced by the Board of Professional Engineers, Land Surveyors and Geologists (BPELSG) within the DCA to regulate the practices of civil, electrical, and mechanical engineering. (Bus. & Prof. Code §§ 6700 et seq.)
- 4) Defines a "professional engineer" as a person engaged in the professional practice of rendering service or creative work requiring education, training, and experience in engineering sciences and the application of special knowledge of the mathematical, physical, and engineering sciences in such professional or creative work as consultation, investigation, evaluation, planning or design of public or private utilities, structures, machines, processes, circuits, buildings, equipment, or projects, and supervision of construction to ensure compliance with specifications and design for any such work. (Bus. & Prof. Code § 6701.)
- 5) Defines "qualified professional certifier" as a licensed architect or a licensed professional engineer who has at least five years of experience in commercial building design or plan review and maintains professional liability insurance in an amount not less than two million dollars (\$2,000,000) per occurrence. (Gov. Code §

66345.1.)

- 6) Requires a local building department to allow, upon request from an applicant for a permit for a tenant improvement relating to a restaurant, a qualified professional certifier to certify, at the applicant's expense, compliance with all applicable building, health, and safety codes, including, but not limited to, building standards approved by the California Building Standards Commission (CBSC) and local building standards, for the tenant improvement. (Gov. Code § 66345.2 (a).)
- 7) Requires a qualified professional certifier to prepare an affidavit, under penalty of perjury, attesting that the tenant improvement plans and specifications comply with all applicable building, health, and safety codes, including, but not limited to, building standards approved by the CBSC and local building standards. (Bus. & Prof. Code § 66345.2 (b).)
- 8) Allows the governing body of a local agency to authorize its enforcement agency to contract with or employ a private entity or persons on a temporary basis to perform plan-checking functions, as specified. (Health & Saf. Code § 19837.)
- 9) Requires a local agency to contract with or employ a private entity or persons on a temporary basis to perform plan-checking functions upon the request of an applicant for a nonresidential permit for the remodeling or tenant improvements of a building, as specified, where there is an "excessive delay" in checking the plans and specifications that are submitted as a part of the application. (Health & Saf. Code § 19837.)
- 10) Establishes the Government Claims Act, and specifies that, except as provided by statute, a public entity is not liable for an injury, whether such injury arises out of an act or omission of a public entity or a public employee or any other person, and specifies that the liability created in various relevant provisions is subject to an immunity of the public entity provided by statute, and is subject to any defenses that would be available to the public entity if it were a private person. (Gov. Code § 815.)
- 11) Specifies that a public entity is liable for injury proximately caused by an act or omission of an employee of the public entity within the scope of their employment if the act or omission would, apart from this section, have given rise to a cause of action against that employee or their personal representative. Provides that a public entity is not liable for the act or omission of an employee where the employee is immune from liability. (Gov. Code § 815.2.)

This bill:

- 1) Makes various findings and declarations regarding local building plan-checking.

- 2) Requires a city or county, upon receipt of a complete application for a nonresidential building permit, to provide the applicant with an estimated timeframe in which the local agency will determine if the complete application is compliant with permit standards.
- 3) Specifies that, if the estimated timeframe would result in an excessive delay in determining that the complete application is compliant with permit standards, the local agency must contract with or employ a private entity or person on a temporary basis to perform the plan-checking function, upon request of the applicant.
- 4) Permits, where there has been excessive delay in determining the compliance of the permit and the local agency determines that no entities or persons are available or qualified to perform plan-checking services, an applicant to retain a private professional provider at the applicant's expense to check the plans for compliance.
- 5) Requires this private professional provider to be selected from a list of qualified professional providers created by a local agency, if the agency chooses to establish such a list. Requires, if the agency decides not to establish a list, the applicant to choose their own private professional provider, subject to specified requirements.
- 6) An applicant who retains a private professional provider must notice the city or county of their intent to do so within five business days of either the provision of an estimated timeframe by the local agency, or after the period of excessive delay elapses.
- 7) Requires a private professional provider to prepare an affidavit, signed under penalty of perjury, that states that the private professional provider performed the plan-checking function and whether the plans and specifications do or do not comply with the requirements of these provisions.
- 8) Requires the private professional provider to provide this affidavit in a report to the city or county, along with any additional information required by the city or county, and if the plan and specifications do not comply with the requirements, the modifications that are necessary to comply.
- 9) Requires the city to consider the report within 10 business days and either issue the nonresidential building permit, or notify the applicant in writing that, according to the report, the plans and specifications do not comply with the specified requirements.
- 10) Permits an applicant to resubmit corrected plans and specifications to the city or county to check the corrected plans and specifications if the city and county notifies the applicant that the plan does not comply with the applicable requirements, and

requires the city or county to review the resubmitted plans on the same timeline described in (9), above.

- 11) Permits a city or county to adopt requirements that either limit the size of an eligible nonresidential building to no less than 10,000 square feet, or that specify the eligible types of businesses or occupancy.
- 12) Specifies that nothing in its provisions shall be construed to prohibit a city, county, or city and county from providing a self-certification program under terms that are different from those set forth in this section to the extent that the local program does not conflict with the requirements of these provisions.
- 13) Permits a governing body of any city or county, including a charter city, to adopt an ordinance prescribing fees for filing applications under these provisions, but limits such fees to no more than the amount reasonably required by the local enforcement agency to issue permits, and requires a city or county to post a schedule of any such fees for nonresidential building permits.
- 14) Requires the building department of every city, county, or city and county to conduct an inspection of permitted work within 10 business days of receiving notice of the completion of the permitted work for a nonresidential building permit under these provisions, for buildings of specified occupancy groups.
- 15) Requires an applicant to enter into an agreement to defend, indemnify, and hold harmless the local agency and its agents, officers, and employees from any claim, action, or proceeding brought against the local agency or its agents, officers, or employees for any property damage or personal injury arising from construction under plans checked by a private professional provider.
- 16) Specifies, notwithstanding Government Code section 815.6, 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.
- 17) Defines, for the purposes of these provisions:
 - a) “excessive delay” to mean that the local enforcement agency has taken, or is estimated to take, more than 30 business days to complete a structural building safety plan check for a nonresidential building permit, or, including the days actually taken to complete the plan-checking, more than 60 days to complete the checking of a resubmitted corrected plan;
 - b) “nonresidential building permit” to mean a building permit for a nonresidential tenant improvement to a nonresidential building that;
 - i. is one to three stories, inclusive, in height, with no floors used for human occupancy located more than 40 feet above ground level;

- ii. is a Group B (Business) occupancy, as defined in the Building Code, with an occupant load of not more than 49 persons; and
- iii. is not a health facility or public building.

18) Sunsets its provisions on January 1, 2037.

COMMENTS

1. Author's statement

According to the author:

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 his 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.

2. The Building Codes and permitting process for tenant improvements

All buildings in the state must comply with various building standards and regulations set out in the California Building Standards Code (24 Cal. Code Regs.) and adopted by the California Building Standards Commission. These standards include structural and health and safety requirements, including the Building Code, the Fire Code, and emergency efficiency and green building standards. The building codes are published every three years. Local governments must enact ordinances to adopt the Building Standards Code, though they can make additions or enact stricter local requirements for the building codes.

Tenant improvements include remodels or additions to the interior of a building for the purposes or requirements of a commercial tenant. They can help an existing tenant business revamp the space, or can remake the space to meet the requirements of a new tenant. For many tenant improvements, the builder may need a permit from the local building agency before beginning work. These permits ensure that the building or renovations meet the California Building Standards Code, local building codes, and other requirements for the structure or improvement made.

Under current law, a local agency must contract with a private entity to check a business's remodeling or tenant improvement plan for which a permit is required when there has been an excessive delay in the issuance of the permit. (Health & Saf. Code §

19837.) Excessive delay means 50 days after the submission of the permit application. In addition, a local agency may authorize its enforcement agency to contract with or employ private entities or persons on a temporary basis to complete a building plan check. (Health & Saf. Code § 19837.)

3. Last year's AB 671

Last year, in an attempt to help expedite tenant improvements for restaurants, the Legislature passed AB 671 (Wicks, Ch. 470, Stats. 2025). AB 671 requires a local building or permitting department to allow a permit applicant to have a qualified professional certifier certify that the applicant's plans for tenant improvements for a restaurant comply with the applicable building, health, and safety codes. AB 671 excluded fast food restaurants from its provisions.

AB 671 placed a number of requirements on these qualified professional certifiers meant to ensure they are qualified to make such determinations. However, the professional certifiers are hired by the permit applicant, who pays the fees for the certifier's services in reviewing and approving or denying their plans. AB 671 also placed a strict timeline on local jurisdictions to approve or deny a permit application, requiring the local building department to approve or deny an application within 20 business days of receiving it. If the building department fails to make a decision within that time period, the certified plan is deemed approved.

AB 671 also included provisions relating to the liability of the local agency and the professional certifier. It required the certifier to carry professional liability insurance in an amount not less than \$2,000,000 per occurrence, and required the permit applicant to indemnify the local agency from any property damage or personal injury arising from construction permitted by its provisions. (Health & Saf. Code §§ 66345.1, 66345.4.) It also provided that a public entity or employee issuing or denying a permit under the bill's requirements is not liable for an injury caused by their discretionary or ministerial acts or omissions. (Health & Saf. Code § 66345.4.) Instead, it specified that the professional certifier is to be liable for any damages arising from any negligent plan review.

4. AB 2418 proposes a similar self-certification process for nonresidential buildings

AB 2418 reworks the requirements upon local agencies regarding how quickly they must review and approve nonresidential building permits and creates a similar self-certification process for nonresidential buildings. It requires that a city or county provide an applicant for a nonresidential building permit an estimated timeframe in which the local agency will determine whether the application is compliant with permit standards. If this timeframe would result in excessive delay, AB 2418 requires the local agency, upon request of the applicant, to contract with or employ a private entity or persons on a temporary basis to perform the plan-checking function. AB 2418 amends

the definition of “excessive delay” to mean more than 30 business days after the application is submitted. Regardless of whether the estimated timeframe itself would result in excessive delay, AB 2418 also requires the local agency to, upon request of the applicant, contract or employ a private entity or persons on a temporary basis to perform plan-checking whenever there is excessive delay by the agency in determining whether the complete application is compliant.

If there has been excessive delay and the local agency determines that there is no person or entity able to perform contracted out plan-checking services, AB 2418 would permit the applicant to obtain a professional provider to check the plans at the applicant’s own expense. If a local agency chooses to create a list of acceptable professional providers, the applicant would have to choose a professional provider from that list. Otherwise, the applicant may choose any professional provider that meets the statutory requirements.

If the applicant uses a private professional to conduct plan-checking functions, the private professional provider must prepare an affidavit under penalty of perjury stating whether the plans comply with the applicable requirements and that the provider performed the plan-checking function, and the provider must submit this affidavit to the local agency in a report. The agency would then have 10 business days to consider the report and either issue the nonresidential building permit or notify the applicant that the plans do not comply and of the requirements needed for the plans to comply. AB 2418 provides an applicant with the opportunity to submit a corrected plan , which the local agency would also need to review and approve or deny in 10 business days. AB 2418 permits a city or county to adopt rules that limit the size of an eligible nonresidential building to no less than 10,000 feet or specify the eligible types of businesses or occupancy. AB 2418 would require an agency to inspect any completed nonresidential building under its provisions within 10 business days.

5. AB 2418’s enforcement and liability provisions

AB 2418 includes some provisions relating to an agency’s liability when an applicant uses a professional provider to review nonresidential building plans. It specifies that a public entity or public employee is not liable for an injury caused by the discretionary or ministerial acts or omissions related to issuing or denying a permit under its certified process. It also requires an applicant to enter into an agreement to defend, indemnify, and hold harmless the local agency and its agents, officers, and employees from any claim brought against the local agency or its agents arising from damage or personal injury caused by construction that was checked by a private professional provider.

Under the Government Claims Act, a public entity is not liable for an injury, whether such injury arises out of an act or omission of the public entity or a public employee or any other person, except as otherwise provided by statute. (Gov. Code § 815.) However, the Government Claims Act also provides that a “public entity is liable for injury

proximately caused by an act or omission of an employee of the public entity within the scope of their employment” if the conduct would have otherwise given rise to a cause of action against that employee. (Gov. Code § 815.2.) By specifying that a public entity or employee is not liable for any injury from acts relating to the issuance or denial of permit under its provisions, AB 2418 provides the local housing agency with immunity from suit for any injury that results from its issuance of any permit that was approved or deemed approved through AB 2418’s professional certifier process, including any tortious conduct of a public employee. AB 2418 further requires that the applicant indemnify the local agency.

These provisions limit the local agency’s exposure to liability when an applicant utilizes a private professional checker, and would require the applicant to defend against any suit brought regarding the nonresidential building and its permit approval. This places greater risk on the applicant for using a private professional provider, and recognizes that the local agency’s own officials are not responsible for the plan-checking functions under the bill. However, the local agency is still responsible for approving the building permit, and should ultimately be responsible for ensuring the building is safe and up to code. AB 2418 shifts much of that responsibility onto the applicant and the private professional provider, both by permitting the private plan-checking and by shifting liability onto the applicant. For users of buildings that fall under the provisions of AB 2418, this shift in liability may ultimately result in less recovery, if the applicant is a small business or individual without the means to cover the damages incurred. While it is sensible to shift liability to the entities primarily responsible for conducting the plan-checking functions under the bill, doing so can come with a cost.

6. Arguments in support

According to the Associated General Contractors, which support AB 2418:

AB 2418 directly addresses one of the most significant challenges contractors face: unpredictable and prolonged permitting timelines. By requiring local agencies to provide estimated review timeframes and reducing the definition of “excessive delay” from 50 days to 30 days, the bill allows greater transparency and accountability throughout the permitting process. These changes allow contractors to better plan projects, manage resources, and avoid costly delays.

Importantly, the bill expands access to private plan-checking services when public agencies are unable to meet timelines. By allowing applicants to retain qualified private professionals when delays occur, contractors gain a practical pathway to keep projects moving forward. This flexibility is especially valuable in today’s construction environment, where delays can significantly increase costs and disrupt project schedules.

Additionally, the requirement that local agencies act within 10 business days upon receiving a private plan-check report ensures timely decision-making and reduces uncertainty. Together, these provisions help create a more efficient, predictable, and contractor-friendly permitting system.

SUPPORT

California Business Properties Association (CBPA)
Associated General Contractors

OPPOSITION

None received

RELATED LEGISLATION

Pending Legislation:

AB 1693 (Zbur, 2026) allows permit applicants for a tenant improvement relating to a retailer to utilize a qualified professional certifier to review and certify that the tenant improvement plan is in compliance with all applicable building, health, and safety codes, as specified, and requires that the local building department approve or deny an application for a certified tenant improvement within 20 business days. AB 1693 is being heard in this Committee the day as this bill.

AB 660 (Wilson, 2025) expedites plan review for houses by restricting the number of plan check and specification reviews for building permits and stipulates that the permit applicant may employ a qualified professional to verify the plans and specifications if the application is not reviewed within a specified time frame. AB 660 was held in the Senate Appropriations Committee.

Prior Legislation:

AB 671 (Wicks, Ch. 470, Stats. 2025) *see Comment 4*.

AB 253 (Ward, Ch. 487, Stats. 2025) enacted the California Residential Private Permitting Review Act to allow an applicant for specified residential building permits to employ a private professional provider to check plans and specifications in the event that a building department is unable to complete, or estimates being unable to complete, the check in 30 days.

AB 2433 (Quirk-Silva, 2024) would have enacted the Private Permitting Review and Inspection Act in 2024 to require a local agency to complete plan-checking services for a building permit within 30 business days of a request from an applicant. If the local

agency was unable to complete the plan-checking services in the 30 days, AB 2433 would have permitted the applicant to request that the local agency employ a private professional to perform plan-checking services. AB 2433 was held in Senate Local Government Committee.

PRIOR VOTES:

Senate Local Government Committee (Ayes 7, Noes 0)

Assembly Floor (Ayes 78, Noes 0)

Assembly Appropriations Committee (Ayes 15, Noes 0)

Assembly Judiciary Committee (Ayes 12, Noes 0)

Assembly Local Government Committee (Ayes 10, Noes 0)
