
THIRD READING

Bill No: AB 253
Author: Ward (D), Quirk-Silva (D) and Rivas (D), et al.
Amended: 8/29/25 in Senate
Vote: 27 - Urgency

SENATE LOCAL GOVERNMENT COMMITTEE: 6-0, 7/2/25
AYES: Durazo, Choi, Arreguín, Cabaldon, Laird, Wiener
NO VOTE RECORDED: Seyarto

SENATE HOUSING COMMITTEE: 10-0, 7/15/25
AYES: Wahab, Seyarto, Arreguín, Caballero, Cortese, Durazo, Gonzalez,
Grayson, Ochoa Bogh, Padilla
NO VOTE RECORDED: Cabaldon

SENATE APPROPRIATIONS COMMITTEE: 7-0, 8/29/25
AYES: Caballero, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

ASSEMBLY FLOOR: 76-0, 4/1/25 - See last page for vote

SUBJECT: California Residential Private Permitting Review Act: residential
building permits

SOURCE: California YIMBY

DIGEST: This bill enacts the California Residential Private Permitting Review Act (Act), which allows an applicant for small residential building permits to contract with or employ a private professional provider to check plans and specifications if specified time periods elapse. This bill sunsets its provisions in 2036.

ANALYSIS:

Existing law:

- 1) 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.
- 2) Establishes the California Building Standards Commission (CBSC) within the Department of General Services, which requires CBSC to approve and adopt building standards and codify those standards in the California Building Standards Code.
- 3) Establishes the Permit Streamlining Act, which, among other things, establishes time limits within which state and local government agencies must either approve or disapprove permits to entitle a development.
- 4) Establishes standards and requirements for local agencies to review non-discretionary post-entitlement phase permits, including time limits within which local agencies must either approve or disapprove these permits.
- 5) 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.
- 6) 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 specified structures where there is an “excessive delay” in checking the plans and specifications that are submitted as a part of the application.
- 7) Defines, for a residential building permit, “excessive delay” to mean the building department or building division of a local agency has taken more than 30 days after submitting 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. “Residential building” means a one-to-four family detached structure not exceeding three stories in height.

- 8) Defines, for a nonresidential permit for a building other than a hotel or motel that is three stories or less, “excessive delay” to mean the building department or building division of the local agency has taken more than 50 days after submitting 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.

This bill:

- 1) Applies to housing development projects (qualified projects) that are either new construction or residential additions to, or remodels of, an existing building containing between one and 10 residential units and having no floors used for human occupancy more than 40 feet above ground level.
- 2) Requires a local building department, upon receipt of a completed application for a building permit for a qualified project, to provide the applicant with an estimated timeframe for the department to review the building permit application.
- 3) Allows an applicant to hire a private professional reviewer (private reviewer) to perform plan-checking services, as specified, if the local agency estimates that it will not complete plan checking within 30 days, or if the local agency fails to complete its plan checking within 30 days.
- 4) Requires all of the following if a private reviewer conducts the plan-checking functions:
 - a) The private reviewer must prepare an affidavit under penalty of perjury stating the provider performed the plan-checking services and whether the plans and specifications comply with all relevant state and local post-entitlement requirements.
 - b) An applicant must submit to the local building department a report of the plan-checking services and requires the local building department, within 10-business days of receiving the report, to consider the report and either issue the building permit or notify the applicant, in writing, that the plans and specifications do not comply with all relevant state and local building requirements, as specified.
 - c) If the local building department fails to comply with the 10-day time limit, and the affidavit prepared by the private reviewer states that the plans

comply with applicable requirements, then the building permit is deemed compliant with all requirements, and the permit is deemed approved.

- 5) Allows, if a local building department notifies an applicant there are deficiencies with the plans and specifications, the applicant to either resubmit corrected plans and specifications to the building department or employ a private reviewer to check the corrected plans and specifications, subject to the timelines provided by this bill.
- 6) Requires an applicant to indemnify the local agency from any property damage or personal injury arising from construction permitted under the provisions of this bill.
- 7) Specifies that a public entity or public employee is not liable of injury caused by their discretionary or ministerial acts or omissions relating to the issuance or denial of a building permits issued under the provisions of this bill.
- 8) Provides that nothing in this bill prohibits a local agency from providing a self-certification program that does not conflict with the requirements of this bill.
- 9) Requires the building department of a city or county that prescribes fees for a residential building permit to prepare a schedule of fees for a residential building permit and post the schedule on the local government's internet website.
- 10) Deletes provisions in existing law that require local agencies, upon request of an applicant, to employ a private entity on a temporary basis to perform plan checking functions when there are local agency takes more than 30 days to review a complete application for a building permit, as specified.
- 11) Requires a private reviewer be a licensed engineer or architect that does not have a financial interest in the residential building permit or preparing the plans and specifications.
- 12) Requires cities and counties to include information related to the building permits issued under the provisions of this bill to HCD in their Annual Progress Report.
- 13) Sunsets this bill January 1, 2036.

Background

AB 2234 (R. Rivas) Post-entitlement permitting. In 2022, the Legislature enacted a framework establishing timelines and procedures for approving all local “post-entitlement permits,” including building permits, needed to construct housing that had already received approval from a planning department AB 2234, (R. Rivas, Chapter 651, Statutes of 2022). AB 2234 requires cities and counties to process non-discretionary permits in an expedited manner. First, the city or county must determine whether an application is complete, and notify the applicant, within 15 business days after receiving the application. If the local agency determines an application is incomplete, the local agency must provide the applicant with a list of incomplete items and a description of how the application can be made complete, but the local agency cannot request new information that was not on the original list of needed information. After receiving a notice the application was incomplete, an applicant may cure and address those items. Upon receipt of a corrected application, the local agency must notify the applicant within 15 business days whether the additional application has remedied all incomplete items. If a local agency does not meet the timelines required for determining whether an application is complete, and the application or resubmitted application states it is for a post-entitlement phase permit, AB 2234 deems the application or resubmitted application complete.

Cities and counties must then complete review of the application within 30 business days for projects with 25 units or less, and 60 business days for projects 26 units or more, unless the city or county finds that the permit might have a specific, adverse impact on public health or safety, within the applicable time limit. If the city or county requires review of the application by an outside entity, the time limits are tolled until the outside entity completes the review.

If a city or county finds a complete application is noncompliant, it must provide the applicant with a list of items that are noncompliant and a description of how the application can be remedied by the applicant within the applicable time limit and must allow the applicant to correct the application.

Cities and counties must also establish an appeals process. If an applicant appeals, the local agency must make a final determination on the appeal within:

- a) 60 business days of the appeal for a project of 25 units or fewer; or
- b) 90 business days of the appeal for a project of 26 units or more.

Comments

- 1) *Author's statement.* “AB 253 aims to streamline the housing production process by addressing delays in the postentitlement plan check phase. This bill would allow homeowners and developers of residential projects up to ten units to hire a licensed third-party professional to review building plans for compliance with state laws and local ordinances if the local building department fails to complete its review within 30 days. Currently, post-entitlement permits—required before construction can begin—can take up to nine months for approval, creating a significant bottleneck that hinders housing production and impacts affordability. By providing an alternative review option, AB 253 eases the burden on overextended local building departments and accelerates project timelines, helping to increase housing supply and improve affordability.”
- 2) *Paying for planning.* Local planning and building departments are underfunded and short-staffed, leading to delays in permitting. Local staff also struggle to keep pace with the increased workload associated with building code requirements that continually increase in complexity through triennial building code updates, along with changing state mandates to act quickly on a variety of permits. One reason for this underfunding is that some city councils or boards of supervisors are reluctant to approve fee increases because they fear complaints from homebuilders or residents over the cost of permits. Many pro-housing groups also lament the cost of fees in California. This bill provides an alternative to public review of small residential building permits, but doesn't address the challenges that building departments face in funding their work. Instead, this bill directs business to private firms or individuals, which may reduce the ability of local governments to hire qualified building officials and funnel expertise out of local governments and into private entities. A more direct solution however may be to adequately fund building departments to perform their duties, rather than allowing a parallel private system that may further erode their capacity.
- 3) *Triggering private review.* Existing law requires local agencies to hire a private entity to conduct plan checking upon request of an applicant when the local agency exceeds 30-days to conduct its plan-checking review. However, the existing law provides that a local agency is not required to comply with the contracting out requirement if it finds that no entities or persons are available or qualified to perform the service. This bill allows applicants to directly contract with a private reviewer, rather than requesting the city to hire a private reviewer. Local agencies will retain the ability to review plans that have been

plan-checked by a private reviewer, but they will be required to review these already plan-checked documents within 10 business days.

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

According to the Senate Appropriations Committee:

- The Department of Housing and Community Development (HCD) indicates that this bill would impose ongoing workload to collect, validate, and store reported data on building permits reviewed by local agency staff and private professional providers, respectively, and provide technical assistance to local agencies, as well as one-time costs to update the housing element APR form and to update IT systems. HCD estimates that costs associated with this bill would be absorbable, assuming resources are approved for other APR-related bills that are pending in the Legislature. Staff estimates that ongoing workload directly attributable to this bill could exceed \$50,000 in staff time, and first-year costs could be in the range of \$150,000 to \$200,000 if no other APR bills are enacted and HCD would still be responsible for one-time fixed costs to update forms and IT systems, and to provide ongoing data collection and technical assistance services. (General Fund)
- Local agencies would incur state-mandated costs to post residential building permit fee schedules on their websites, and for local building departments to provide estimated permit application review timeframes, review reports of the plan-checking function provided by applicants using private professional providers, issue or deny building permits within 10 business days, and include information on their APRs regarding the number of residential permits reviewed by the local agency and private providers, respectively. Some local costs could be offset by savings from performing fewer plan-checking functions to the extent those functions are performed by private professional providers. Any local costs would not be state-reimbursable because local agencies have general authority to charge and adjust planning and permitting fees to cover their administrative costs associated with new planning mandates. (local funds)

SUPPORT: (Verified 8/29/25)

California YIMBY (Source)

Abundant Housing LA

American Institute of Architects California

Bay Area Council

California Apartment Association

California Community Builders

Circulate San Diego
Culver City Democratic Club
East Bay Yimby
Eastside Housing for All
Eden Housing
Fieldstead and Company, INC.
Fremont for Everyone
Grow the Richmond
Habitat for Humanity California
House Sacramento
Housing Action Coalition
Housing Trust Silicon Valley
Institute for Responsive Government Action
Leadingage California
Mountain View Yimby
Napa-solano for Everyone
North Westwood Neighborhood Council
Northern Neighbors
Nv5
Orange County Business Council
Peninsula for Everyone
Redlands Yimby
San Diego Housing Federation
San Diego Regional Chamber of Commerce
San Francisco Yimby
Santa Cruz Yimby
Santa Rosa Yimby
Sloco Yimby
South Bay Yimby
Spur
Student Homes Coalition
The Two Hundred
Ventura County Yimby
Westside for Everyone
Yimby Action

OPPOSITION: (Verified 8/29/25)

California Building Officials
City of Carlsbad
City of Menifee

City of Merced
City of Murrieta
City of Rancho Cucamonga
South Bay Cities Council of Governments

ARGUMENTS IN SUPPORT: California YIMBY writes in support, “AB 253 aims to accelerate the availability of housing by allowing home builders to hire licensed third parties to review and approve permits for specific projects. This program is applicable to housing projects that consist of 10 units or fewer and are a maximum of four stories tall. The third-party reviewers must be licensed engineers or architects who have no financial interest in the projects or permits. By expediting the permitting process for fully entitled projects, policymakers can effectively increase housing production without incurring additional costs.”

ARGUMENTS IN OPPOSITION: The City of Menifee writes in opposition, “The bill’s provision deeming permits “approved” if the jurisdiction were to fail to respond within 10 business days of receiving a private reviewer’s report is deeply concerning. This automatic approval mechanism could allow non-compliant or unsafe plans to proceed without adequate oversight, especially in complex or resource-constrained situations.”

ASSEMBLY FLOOR: 76-0, 4/1/25

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, DeMaio, Elhawary, Ellis, Essayli, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wilson, Zbur, Rivas

NO VOTE RECORDED: Alvarez, Davies, Dixon, Wicks

Prepared by: Hank Brady / HOUSING / (916) 651-4124
9/2/25 17:53:05

**** END ****