

## CONCURRENCE IN SENATE AMENDMENTS

CSA1 Bill Id:AB 253 Author:(Ward, et al.)

As Amended Ver:September 4, 2025

2/3 vote

**SUMMARY**

Allows, until January 1, 2036, an applicant for specified residential building permits to contract with or employ a private professional provider to check plans and specifications if the county or city estimates a timeframe for this plan-checking function that exceeds 30 days, or does not complete this plan-checking function within 30 days.

**Senate Amendments**

- 1) Remove a provision in existing law that requires counties and cities, upon the request of an applicant, to contract with or employ a private entity or persons on a temporary basis to perform the plan-checking function when there is an excessive delay in checking plans and specifications submitted as a part of an application for a residential building permit for a one-to-four family detached structure not exceeding three stories in height.
- 2) Revise and recast the bill's provisions to:
  - a) Require a county or city, upon an application for a residential building permit being deemed complete pursuant to existing law governing post-entitlement phase permits, to provide an estimated timeframe in which the county or city will determine if the complete application is compliant with permit standards.
  - b) Allow an applicant to retain a private professional provider to check plans and specifications if the county or city has not determined that the completed application is compliant with permit standards within 30 business days of an application being deemed complete, or if the estimated timeframe for doing so exceeds 30 business days.
  - c) Require an applicant who retains a private professional provider to notify the county or city of the applicant's intent to retain a private professional provider no later than five business days after the provision of the estimated timeframe as specified in a), above, or the 30-day timeframe specified in b), above, elapses.
- 3) Clarify that plans and specifications shall be deemed compliant if the affidavit required by this bill states that the plans and specifications comply with State Housing Law and local ordinances adopted pursuant to State Housing Law, in addition to the other requirements of this bill that must be met in order for plans and specifications to be deemed compliant.
- 4) Provide that the local agency shall be deemed in compliance with the requirements of existing law governing post-entitlement phase permits as those requirements pertain to the residential building permit.
- 5) Require 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.

- 6) Specify 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 residential building permit pursuant to this bill.
- 7) Provide that nothing in this bill 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 bill to the extent that the local program does not conflict with the requirements of this bill.
- 8) Require, commencing April 1, 2027, a city or county to include all of the following in its annual progress report (APR) to the Office of Planning and Research and the Department of Housing and Community Development regarding its General Plan and its progress in meeting its regional housing needs:
  - a) The number of residential building permits that were reviewed by the city or county.
  - b) The number of residential building permits that were reviewed by a private professional provider pursuant to this bill.
  - c) The number of full-time equivalent staff members directly involved in the processing of residential building permits, as specified.
- 9) Revise the bill's definition of "private professional provider" to require a private professional provider to be certified as a plans examiner, as specified.
- 10) Alter the language limiting the application of this bill to specified housing development projects by specifying that:
  - a) Units are dwelling units.
  - b) Buildings contain only residential units.
  - c) Remodels must be for the purpose of adding new residential units to an existing building, not to exceed 10 total units in the building as proposed to be constructed.
- 11) Specify that the timelines in this bill are in business days, and replace references to "building department" with references to "city or county."
- 12) Add a sunset date of January 1, 2036.
- 13) Make a number of additional technical, clarifying and conforming changes.

## COMMENTS

State Housing Law establishes statewide construction and occupancy standards for buildings used for human habitation. Existing law authorizes the governing body of a county or city to prescribe fees for permits, certificates, or other forms or documents required or authorized under the State Housing Law, and fees to defray the cost of enforcement required by the law to be carried out by local enforcement agencies.

Planning for and approving new development is mainly a local responsibility. 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. Cities and counties enforce this land use authority through zoning regulations, as well as through a "entitlement process" for obtaining discretionary as well as ministerial approvals.

The scale of the proposed development, as well as the existing environmental setting determine the degree of local review that occurs. For larger developments, the local entitlement process commonly requires multiple discretionary decisions regarding the subdivision of land, environmental review pursuant to the California Environmental Quality Act (CEQA), design review, and project review by the local agency's legislative body (city council or county board) or by a planning commission delegated by the legislative body.

The Permit Streamlining Act (PSA) requires public agencies to act fairly and promptly on applications for development proposals. Under the PSA, public agencies have 30 days to determine whether applications for development projects are complete and request additional information; failure to act results in an application being "deemed complete." The PSA applies to the discretionary approval phase of a development review process; this is the phase where the agency, in its discretion, decides whether it approves of the concept outlined in the development proposal.

A development proposal that is approved and entitled by a local agency is still required to obtain approval for a range of non-discretionary permits. This includes building permits and other permits related to the physical construction of the development proposal. The timelines established in the PSA do not apply to these non-discretionary permits.

AB 2234 (Rivas), Chapter 651, Statutes of 2022, established time limits local agencies must follow to determine post-entitlement phase permit application completeness (15 days), and to then approve or deny post-entitlement permits (30 or 60 days from receipt of a complete application, as applicable). If a local agency fails to meet these time limits, it is considered a violation of the Housing Accountability Act (HAA). Housing and Community Development (HCD) has enforcement authority over the HAA and may initiate enforcement reviews based on various sources, including applicant complaints. HCD may pursue remedies for violations up to and including referring the matter to the State Attorney General for legal action.

Existing law also requires, upon the request of a permit applicant, a local agency to contract with or employ a private provider on a temporary basis to perform plan-checking functions when there is an "excessive delay" in checking the applicant's plans and specifications. For a residential building permit, "excessive delay" generally means the building department has taken more than 30 days to complete the structural building safety plan check of the applicant's set of plans and specifications.

### **According to the Author**

AB 253 aims to streamline the housing production process by addressing delays in the post-entitlement plan check phase. This bill would allow homeowners and developers of residential projects up to 10 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.

### **Arguments in Support**

A coalition in support of a prior version of this bill, including its sponsor California YIMBY, write, "California is currently experiencing a significant housing crisis characterized by an acute shortage of homes to meet the needs of its residents. Although various laws enacted in recent years have streamlined the process to legalize more housing developments (known as 'entitlements'), many cities in California still face slow and unpredictable permitting and inspection processes after these entitlements are granted. On average, it takes 271 days—approximately nine months—to obtain a building permit for a fully-entitled apartment building with five or more units. This prolonged timeline for housing production can make it financially unviable for small, local builders, potentially jeopardizing smaller housing projects.

"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 California Building Officials (CALBO), in opposition to a prior version of this bill, write, "...Not only do we feel that this bill would jeopardize public safety in the name of expediency, but we feel that it undermines the public sector altogether... Faster does not always mean better, and although working through the public process of permitting by a local jurisdiction can feel time-consuming, it ensures that overall building, life, and fire safety codes are followed holistically. Plan check is only one piece of the development puzzle. When a third-party plan checker is not familiar with local ordinances specific to a community, this will only delay permitting further..."

"As an organization of local government officials, we believe in the public sector. We do not subscribe to the sentiment that our values are antiquated or that our work on behalf of the public is less pragmatic than our private sector counterparts. Working with the public sector ensures that first and foremost, the needs of the public are central to all decisions being made. We are not working to further private sector profits in the name of less restriction and accountability; rather, we are connected to the communities that we serve given that we inhabit them as well...Our organization in no way questions the need to lower housing costs while accelerating housing production and availability. However; with AB 253, it comes down to the best interests of the community and the need to protect the consumer. AB 253 poses large-scale concern in our local community's ability to oversee the work of those developing our communities."

## FISCAL COMMENTS

According to the Senate Appropriations Committee:

- 1) 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)
- 2) 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)

## VOTES:

### ASM HOUSING AND COMMUNITY DEVELOPMENT: 11-0-1

**YES:** Haney, Patterson, Ávila Farías, Caloza, Gallagher, Kalra, Lee, Quirk-Silva, Ta, Wicks, Wilson

**ABS, ABST OR NV:** Gabriel

### ASM LOCAL GOVERNMENT: 10-0-0

**YES:** Carrillo, Ta, Hoover, Pacheco, Wicks, Ransom, Blanca Rubio, Stefani, Quirk-Silva, Wilson

### ASM APPROPRIATIONS: 13-0-2

**YES:** Wicks, Sanchez, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Hadwick, Pacheco, Pellerin, Solache, Ta

**ABS, ABST OR NV:** Dixon, Hart

### ASSEMBLY FLOOR: 76-0-4

**YES:** 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

**ABS, ABST OR NV:** Alvarez, Davies, Dixon, Wicks

**UPDATED**

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