
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anna Caballero, Chair
2025 - 2026 Regular Session

AB 610 (Alvarez) - Housing element: governmental constraints: disclosure statement

Version: July 17, 2025

Policy Vote: HOUSING 7 - 0, L. GOV. 5 - 0

Urgency: No

Mandate: Yes

Hearing Date: August 18, 2025

Consultant: Mark McKenzie

Bill Summary: AB 610 would require cities and counties to prepare and submit a disclosure statement as part of the housing element process that identifies any new or amended government constraints adopted since the last housing element, as well as those that the local agency can anticipate adopting during the first three years of the planning period, as specified.

Fiscal Impact:

- The Department of Housing and Community Development (HCD) estimates ongoing costs of approximately \$211,000 annually for 1.0 PY of staff workload for the Housing Accountability Unit to review governmental constraints disclosure statements and analyses, provide technical assistance to cities and counties, investigate complaints, and take necessary enforcement actions. (General Fund)
- Unknown local costs for cities and counties to prepare and submit governmental constraints disclosure statements and analyses as part of their housing element submittals to HCD. These costs are not state-reimbursable because local agencies have general authority to charge and adjust planning and permitting fees to cover their administrative expenses associated with new planning mandates. (local funds)

Background: Existing law requires cities and counties to prepare a general plan comprised of seven mandatory elements, including a housing element that includes an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element must include an assessment of housing needs for all income levels and an inventory of resources and constraints that are relevant to meeting those needs. Housing elements must be updated every eight years in urban areas, and every five years in more rural areas.

Among other things, existing law requires the housing element to include an analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including land use controls, building codes and their enforcement, site improvements, fees, and other exactions required of developers, local processing and permitting procedures, historic preservation practices and policies and an assessment of how existing and proposed historic designations affect the jurisdiction's ability to meet its share of the regional housing needs, and any locally-adopted ordinances that directly impact the cost and supply of housing. This

analysis must also demonstrate local efforts to remove governmental constraints that hinder the local agency from meeting its share of the regional housing need and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters. Existing law requires cities and counties to include information regarding efforts to remove governmental constraints to the maintenance, improvement, and development of housing in their annual progress report (APR) submitted to HCD each year.

Proposed Law: AB 610 would require cities and counties to include a potential and actual governmental constraints disclosure statement as part of their housing element that contains both of the following:

- An identification of each new or amended potential or actual governmental constraint, or revision increasing the stringency of a governmental constraint, adopted after the due date of the previous housing element and before submittal of the current draft housing element to HCD.
- An identification of any new or amended potential or actual governmental constraint, or revision increasing the stringency of a governmental constraint, that the local jurisdiction can anticipate adopting during the first three years of the planning period commencing when the housing element is deemed to be in substantial compliance, as specified.

The bill also provides that a local government is not prohibited from adopting, amending, or increasing the stringency of a potential or actual governmental constraint, regardless of whether it was included in the disclosure statement.

Related Legislation: AB 2580 (Wicks), Chap. 723/2024, required cities and counties to evaluate historic preservation policies and practices, including existing and proposed historic designations, as potential government constraints as part of the housing element process, and required cities and counties to disclose any newly adopted historical designations in its annual progress report, as specified.

Staff Comments: This bill imposes a state-mandated local program by requiring cities and counties to include a specified disclosure statement as part of the housing element that identifies any new or amended government constraints adopted since the last housing element, as well as those that the local agency can anticipate adopting during the first three years of the planning period. The bill's mandated local costs would not be subject to state reimbursement because local agencies have the general authority to charge and adjust planning and permitting fees as necessary to cover administrative costs. Existing law authorizes planning and zoning fees to "include the costs reasonably necessary to prepare and revise the plans and policies that a local agency is required to adopt before it can make any necessary findings and determinations." Case law and previous decisions by the Commission on State Mandates support the position that local governments' planning costs are not reimbursable when the state imposes new planning mandates.

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