
THIRD READING

Bill No: AB 610
Author: Alvarez (D)
Amended: 9/5/25 in Senate
Vote: 21

SENATE HOUSING COMMITTEE: 7-0, 7/1/25

AYES: Wahab, Cabaldon, Caballero, Cortese, Durazo, Grayson, Padilla

NO VOTE RECORDED: Seyarto, Arreguín, Gonzalez, Ochoa Bogh

SENATE LOCAL GOVERNMENT COMMITTEE: 5-0, 7/16/25

AYES: Durazo, Arreguín, Cabaldon, Laird, Wiener

NO VOTE RECORDED: Choi, Seyarto

ASSEMBLY FLOOR: 72-1, 6/5/25 - See last page for vote

SUBJECT: Housing element: governmental constraints: disclosure statement

SOURCE: Author

DIGEST: This bill requires cities and counties to prepare a disclosure statement identifying potential governmental constraints as a part of their housing element.

Senate Floor Amendments of 9/5/25 addresses chaptering conflicts with SB 340 (Laird) and AB 650 (Papan).

ANALYSIS:

Existing law:

- 1) Requires each city and county to adopt a housing element, which must contain specified information, programs, and objectives, including:
 - a) An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs, including a quantification of the locality's existing and projected housing needs for all income levels;

- an inventory of land suitable and available for residential development; an analysis of potential and actual governmental and nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels; and a demonstration of local efforts to remove constraints that hinder the locality from meeting its share of the regional housing need allocation (RHNA), among other things;
- b) A statement of the community's goals, quantified objectives, and policies relative to affirmatively furthering fair housing and to the maintenance, preservation, improvement, and development of housing; and
 - c) A program that sets forth a schedule of actions during the planning period, and timelines for implementation, that the city or county is undertaking to implement the policies and achieve the goals and objectives of the housing element, including actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the sites inventory without rezoning, among other things.
- 2) Requires a city's or county's inventory of land suitable for residential development to be used to identify sites throughout the community that can be developed for housing within the planning period and that are sufficient to provide for the jurisdiction's share of the RHNA for all income levels, as specified.
- 3) Requires a city's or county's housing element to include an assessment of housing needs and an inventory of resources and constraints that are relevant to meeting these needs, including an analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, as specified. Further requires the analysis to demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of RHNA, and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters, as specified.
- 4) Requires the planning agency of a city or county to provide an Annual Progress Report (APR) to the legislative body, the Governor's Office of Land Use and Climate Initiative (LUCI), and The Department of Housing and Community Development (HCD) by April 1 of each year that includes certain information, including the progress in meeting its share of RHNA, and local efforts to

remove governmental constraints to the maintenance, improvement, and development of housing included in the housing element.

This bill:

- 1) Requires 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:
 - a) 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.
 - b) 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.
- 2) 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.

Background

Housing elements. One important tool in addressing the state's housing crisis is to ensure that all of the state's cities and counties appropriately plan for new housing. Such planning is required through the housing element of each city's and county's General Plan, which outlines a long-term plan for meeting the community's existing and projected housing needs. Cities and counties are required to update their housing elements every eight years in the most highly populated parts of the state, and five years in areas with smaller populations. Cities must adopt a legally valid housing element by their statutory deadline for adoption. Failure to do so can result in certain escalating penalties, including exposure to the "builder's remedy" as well as public or private lawsuits, financial penalties, potential loss of permitting authority, or court receivership. Localities that do not adopt a compliant housing element within 120 days from their statutory deadline also must complete any rezones within one year of their deadline, rather than the three years afforded to on-time adopters.

Comments

Author's statement. “California is facing a housing crisis that demands immediate and decisive action. For too long, local policies have prioritized exclusion and bureaucracy over the urgent need for housing equity. AB 610 represents a vital step toward accountability and transparency, requiring local governments to disclose any new regulations during the planning period while ensuring they first fulfill existing commitments to remove barriers to housing. This bill prioritizes the needs of marginalized communities—those impacted by homelessness, overcrowding, and exploitative conditions—by mandating analysis of emergency shelter capacity and supportive housing. AB 610 aligns local actions with state goals, urging every city and county to contribute to dismantling barriers rather than building them.”

Housing element constraints analysis. Existing law requires each city and each county to include in its housing element an analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels and housing types. This includes land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, local processing and permitting procedures, as well as any locally adopted ordinances that directly impact the cost and supply of residential development. This analysis must also include local efforts to remove governmental constraints that hinder the city or county from meeting its RHNA share and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters.

Existing law also requires each city and each county to include in its APR information about its efforts to remove governmental constraints to the maintenance, improvement, and development of housing. This bill will require the preparation of the constraints analysis to include an additional level of detail through the inclusion of a disclosure statement regarding constraints adopted following the previous housing element and under consideration at the time the a housing element is put forward.

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

According to the Senate Appropriations Committee:

- 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)

Support: (Verified 9/5/25)

Abundant Housing LA
 California Apartment Association
 California Association of Realtors
 California Building Industry Association
 California Business Properties Association
 California Business Roundtable
 California Retailers Association
 California YIMBY
 Circulate San Diego
 Fieldstead and Company, INC.
 Housing Action Coalition
 Housing Trust Silicon Valley
 Inner City Law Center
 Institute for Responsive Government Action
 Los Angeles Area Chamber of Commerce
 Monterey Bay Economic Partnership
 New California Coalition
 San Diego Regional Chamber of Commerce
 South Pasadena Residents for Responsible Growth
 Southern California Leadership Council
 SPUR
 The Two Hundred

OPPOSITION: (Verified 9/5/25)

American Planning Association California Chapter
 California Contract Cities Association
 California State Association of Counties
 City of Carlsbad

City of Murrieta
League of California Cities
Rural County Representatives of California
Urban Counties of California

ARGUMENTS IN SUPPORT: The California Building Industry Association writes in support, “By preventing local governments from implementing unanticipated constraints outside of the standard review process, AB 610 will create a more stable and fair housing development environment.”

ARGUMENTS IN OPPOSITION: The California State Association of Counties writes in opposition, “AB 610, which would impose unworkable analytical requirements on local governments’ housing elements, with unclear benefits to housing planning and production.”

ASSEMBLY FLOOR: 72-1, 6/5/25

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

NOES: Boerner

NO VOTE RECORDED: Addis, Bauer-Kahan, Muratsuchi, Ortega, Pacheco, Sanchez

Prepared by: Hank Brady / HOUSING / (916) 651-4124
9/8/25 21:16:25

**** END ****