

CONCURRENCE IN SENATE AMENDMENTS

AB 610 (Alvarez)

As Amended September 05, 2025

Majority vote

SUMMARY

Requires a local government's housing element to include a potential and actual governmental constraints disclosure statement containing specified potential constraints that the local government can anticipate adopting during the first three years of the subsequent planning period, among other requirements.

Senate Amendments

- 1) Delete the prohibition on a local government adopting or increasing the stringency of certain "covered governmental constraints" within three years from the date the housing element is considered in substantial compliance.
- 2) Make clear that the bill's provisions apply to the seventh and subsequent housing element cycles.
- 3) Require the governmental constraints analysis to include an identification of any new or amended potential or actual governmental constraints, or revision increasing the stringency of a governmental constraint, that the governing body of the local government can anticipate adopting during the first three years of the planning period commencing on the date the housing element is considered to be in substantial compliance, rather than the entire planning period.
- 4) Define "anticipate adopting" to mean a legislative body of the local government had, after the due date of the previous housing element and before submittal of the current draft housing element, identified in an agenda published by a legislative body of the local government pursuant to the Ralph M. Brown Act an action to consider the adoption, amendment, or increase in the stringency of a potential or actual governmental constraint.
- 5) Provide that the requirement to include the potential and actual governmental constraints disclosure statement shall not be construed to prohibit a local government from adopting, amending, or increasing the stringency of a potential or actual governmental constraint regardless of whether it was included in the disclosure statement.
- 6) Delete certain findings and declarations.
- 7) Include chaptering language.

COMMENTS

Adoption and Implementation of Housing Elements: One important tool in addressing the state's housing crisis is to ensure that all of the state's 539 cities and counties appropriately plan for new housing. Such planning is required through the housing element of each community'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 most of the high population parts of the state, and five years in areas with smaller

populations. Localities must adopt a legally valid housing element by their statutory deadline for adoption. Failure to do so can result in escalating penalties, including an accelerated deadline for completing rezoning, exposure to the "builder's remedy," public or private lawsuits, financial penalties, potential loss of permitting authority, or court receivership.

Among other things, the housing element must demonstrate how the community plans to accommodate its share of its region's housing needs allocation (RHNA). To do so, each community establishes an inventory of sites designated for new housing that is sufficient to accommodate its fair share. Where a community does not already contain the existing capacity to accommodate its fair share of housing, it must undertake a rezoning program.

It is critical that local jurisdictions adopt legally compliant housing elements on time in order to meet statewide housing goals and create the environment locally for the successful construction and preservation of desperately needed housing at all income levels. Adequate zoning, removal of regulatory barriers, protection of existing stock and targeting of resources are essential to obtaining a sufficient permanent supply of housing affordable to all economic segments of the community. Although not requiring the community to develop the housing, housing element law requires the community to plan for housing. Recognizing that local governments may lack adequate resources to house all those in need, the law nevertheless mandates that the community do all that it can and that it not engage in exclusionary and harmful practices.

One necessary component of the housing element is an assessment 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 improvement, fees and other exactions required of developers, local processing and permit procedures, and any locally adopted ordinances that directly impact the cost and supply of residential development. This analysis must also demonstrate local efforts to remove governmental constraints that hinder the development of housing at the income levels required by the RHNA process, as well as housing for people experiencing homelessness.

This bill would add to the governmental constraints analysis a requirement for local governments to include a potential or actual governmental constraints disclosure statement, which must contain both a lookback at any new potential or actual constraints that were adopted or increased in stringency after the due date of the previous housing element, and a forward-looking identification of possible constraints that are anticipated to be adopted during the first three years of the planning period for the subsequent housing element cycle.

According to the Author

"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."

Arguments in Support

According to a coalition of supporters, including the California Building Industry Association, the California Chamber of Commerce, and the California Association of Realtors, "The housing crisis in California demands that we find thoughtful solutions so that we don't unnecessarily cause delays to construction and unexpectedly increase costs. AB 610 will create a more stable and fair housing development environment by requiring more transparency from local governments regarding potential and actual housing constraints they are proposing to adopt earlier on in the process."

Arguments in Opposition

The Equitable Land Use Alliance writes that the bill "unnecessarily increases administrative cost of local jurisdictions."

FISCAL COMMENTS

According to the Senate Appropriations Committee:

- 1) 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)
- 2) 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)

VOTES:**ASM HOUSING AND COMMUNITY DEVELOPMENT: 11-0-1**

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

ABS, ABST OR NV: Tangipa

ASM LOCAL GOVERNMENT: 10-0-0

YES: Carrillo, Ta, Hoover, Pacheco, Ramos, Ransom, Blanca Rubio, Stefani, Ward, Wilson

ASM APPROPRIATIONS: 13-0-2

YES: Wicks, Arambula, Calderon, Caloza, Dixon, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache, Ta

ABS, ABST OR NV: Sanchez, Tangipa

ASSEMBLY FLOOR: 72-1-6

YES: 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

NO: Boerner

ABS, ABST OR NV: Addis, Bauer-Kahan, Muratsuchi, Ortega, Pacheco, Sanchez

UPDATED

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