

CONCURRENCE IN SENATE AMENDMENTS

CSA1 Bill Id:AB 671 Author:(Wicks and Gabriel)

As Amended Ver:August 25, 2025

Majority vote

SUMMARY

Requires a local building department or permitting department to allow a qualified professional certifier to certify compliance with applicable building, health, and safety codes for a tenant improvement relating to a restaurant.

Senate Amendments

- 1) Provide that the fact that the holder of a license who serves as a qualified professional certifier makes any false statement in a certification submission pursuant to this bill constitutes grounds for disciplinary action.
- 2) Provide that by a majority vote, the Board of Professional Engineers, Land Surveyors and Geologists may publicly reprove, suspend for a period not to exceed two years, or revoke the certificate of a licensee who serves as a qualified professional certifier.
- 3) Make several changes to specify that the tenant improvements must, and all accompanying documents must certify, that the plans comply with all applicable building, health, and safety codes.
- 4) Require that, if a complete application is denied, the local building department's review of each subsequent resubmission must be limited to correcting the deficiencies identified in the initial denial.
- 5) Specify that the definition of "restaurant" does not include fast food restaurants, as defined.
- 6) Provide that a city or county may adopt, by ordinance, additional qualifications or requirements for a qualified professional certifier including, but not limited to, any of the following:
 - a) A requirement to register with the city or county prior to certifying plans pursuant to this bill;
 - b) Training requirements that must be completed prior to certifying plans pursuant to this bill;
 - c) Payment of fees not to exceed the reasonable cost of implementing this bill;
 - d) Penalties that may include decertification as a qualified professional certifier in that jurisdiction or reasonable administrative fines for either of the following:
 - i) Willful noncompliance with the requirements of this bill;
 - ii) Two or more instances in which the qualified professional certifier attested to certifying noncompliant plans pursuant to this bill.

- 7) Require an applicant to indemnify the local agency from any property damage or personal injury arising from construction permitted pursuant to this bill.
- 8) Provide that a public entity or public employee is not liable for any injury caused by their discretionary or ministerial acts or omissions relating to the issuance or denial of any permit pursuant to this bill.
- 9) Make technical and conforming changes.

COMMENTS

- 1) *California Retail Food Code (CRFC)*. The CRFC includes the structural, equipment, and operational requirements for all California retail food facilities. The CRFC provides detailed regulations that outline key design, sanitation, and food handling features that must be present to ensure food safety. California Department of Public Health (CDPH)-approved registered environmental health specialists, who are specially trained in the prevention of food borne illness, review these food safety plans. These regulations are enforced locally by 58 county and four city environmental health departments.

Existing law requires any person proposing to build or remodel a food facility to submit building plans to the local environmental health department for review and receive plan approval before starting any new construction or remodeling of a facility for use as a retail food facility. Existing law requires a local environmental health department must approve or reject a plan within 20 working days after receipt by the department, including plans resubmitted with corrections. Plans not approved or denied within 20 working days are deemed approved. A local building department cannot issue a building permit for a food facility until it has received plan approval from the environmental health department.

- 2) *California Building Standards Code (CBSC)*. The CBSC contains building standards and regulations adopted by the CBSC to protect the health and safety of people and property. The CBSC regulates the design, construction, quality of materials, use and occupancy, location, and maintenance of all buildings and structures in the state, and includes standards for building safety, fire safety standards, energy efficiency standards, and standards for green buildings. Local government building and planning departments enforce the CBSC.

Existing law requires a local building department or permitting agency to contract with or employ a private entity or persons on a temporary basis to perform plan-checking functions, such as compliance with building, health, and safety codes, upon the request of an applicant when there is an "excessive delay" in checking the applicant's plans and specifications. For a nonresidential permit for the remodeling or tenant improvements of a building, excessive delay generally means the local building department has taken more than 50 days after receiving a complete application to complete the structural building safety plan check.

This bill authorizes third-party qualified professional certifiers, licensed architects or professional engineers, with five years of experience in commercial building design or plan review and who maintain professional liability insurance, to self-certify restaurant tenant improvement plans. Local building and permitting departments would have 20 business days to approve or reject plans, and 10 business days to approve or deny each subsequent resubmission. If departments do not meet these deadlines, the plans are deemed approved.

- 3) *Self-certification Programs*. This bill is modeled after professional certification programs in Chicago, New Jersey, Phoenix, and New York City, which allow the specified design professionals, such as architects and engineers, to certify the plans they file comply with all applicable laws and regulations. Self-certification programs generally eliminate plan review by local building and permitting departments, where design professionals take full responsibility for ensuring plans' compliance with all applicable codes.

According to the Author

According to the author, "Restaurants are the backbone of California's local economies and communities. Often family-owned, restaurants serve as cultural anchors, preserving and sharing diverse food traditions across generations while establishing spaces for gatherings and celebrations. These establishments reflect California's diversity, agricultural abundance, and tradition of culinary innovation. The restaurant industry also plays a critical role in providing first jobs, career advancement opportunities, and pathways to business ownership for immigrant entrepreneurs and historically underserved communities. And throughout our state, food tourism generates key economic activity.

"Despite restaurants' vital role in local economies and communities, the process of opening a restaurant in California is both time- and cost-prohibitive. As highlighted in a recent San Francisco Chronicle article, frequent and common delays in municipal building plan review processes often place undue costs and pressure on small-business owners. When these owners face cumbersome, even insurmountable, hurdles to opening restaurants, their communities are denied access to vital venues for authentic local food and connection.

"AB 671 responsibly reduces barriers to opening a new restaurant in California by establishing a professional certification program that streamlines the municipal review process, allowing qualified architects and engineers to certify restaurant retrofits—often completed by small restaurants—that convert an existing facility to a new use. The framework incorporates randomized audits to ensure compliance and does not exempt restaurants from mandatory construction inspections, such as fire, health, and structural checks. Thus, the legislation facilitates timely restaurant openings while maintaining vital public safety standards. American cities including New York, Washington, D.C., and Chicago have seen success with 'pro cert' programs. With AB 671, California will similarly simplify the review process for restaurant owners, lessening the burden on many small businesses and community hubs so they can open faster."

Arguments in Support

The California Restaurant Association, in support of a prior version of the bill, states, "Restaurant owners currently face months-long delays in the building plan review process, creating significant financial and operational hardships. These prolonged wait times cause employment opportunities to evaporate, disrupt restaurant openings, delay service, and burden small business owners who depend on timely improvements to remain competitive.

"Recognizing this challenge, major cities including New York City, Chicago, and Washington, D.C. have successfully implemented self-certification programs that allow licensed professionals to verify code compliance. The self-certification of plans has successfully reduced wait times while also ensuring compliance with building and safety standards.

"AB 671 expedites the building plan review process for restaurant build-outs without compromising safety. The bill specifically clarifies that self-certification does not exempt

projects from required inspections, including fire, health, and structural evaluations. It also mandates that local building departments conduct random audits of self-certified projects to ensure compliance.

"AB 671 simplifies the tenant improvement plan review process for restaurant owners while maintaining safety standards. This will enable restaurants to open more quickly and to employ more people sooner, which will help support economic growth in their communities..."

Arguments in Opposition

The California Association of Environmental Health Administrators, with an 'oppose unless amended' position to a prior version of the bill, states, "AB 671 would create a tiered system for the approval of food safety permits by requiring resubmitted plans to be processed within 10 days. This would mean that re-submitted plans requiring a 10- day review under Government Code would take priority over plans with a 20-day review under Health and Safety Code, requiring California's 62 environmental health departments to hire additional staff and to develop new policies, procedures, and permit tracking systems. Although local permitting programs are financed by permit fees, AB 671 does not contain a delayed start date which means local governments will need to absorb implementation costs until local rule making can be completed to increase permit fees.

"Because AB 671 will increase local government costs, we request that the bill be amended to state that food safety plan reviews mandated by the Health and Safety Code are exempt from the new 10-day review period. Alternatively, we request a delayed start date of January 1, 2027."

FISCAL COMMENTS

According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

VOTES:

ASM LOCAL GOVERNMENT: 10-0-0

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

ASM BUSINESS AND PROFESSIONS: 17-0-1

YES: Berman, Flora, Ahrens, Alanis, Bains, Bauer-Kahan, Caloza, Chen, Elhawary, Wilson, Irwin, Jackson, Krell, Lowenthal, Macedo, Nguyen, Pellerin

ABS, ABST OR NV: Hadwick

ASM APPROPRIATIONS: 15-0-0

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

ASSEMBLY FLOOR: 72-0-7

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Calderon, Caloza, Carrillo, Castillo, 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, Muratsuchi, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle

Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Soria, Stefani, Ta, Valencia, Wallis, Wicks, Wilson, Zbur, Rivas

ABS, ABST OR NV: Alvarez, Bryan, Chen, Nguyen, Solache, Tangipa, Ward

UPDATED

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