

SENATE THIRD READING
SB 1169 (Grayson)
As Amended August 12, 2026
Majority vote

SUMMARY

Extends the life of tentative maps under the Subdivision Map Act (SMA).

Major Provisions

- 1) Extends the expiration date on an approved or conditionally approved tentative map from 24 months to 48 months after its approval, conditional approval, or after any additional period of time as may be prescribed by local ordinance, not to exceed an additional 36 months.
- 2) Provides that the timelines described above apply to any approved or conditionally approved tentative map that is not expired as of December 31, 2026.
- 3) Finds and declares that the bill addresses a matter of statewide concerns rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, the bill applies to all cities, including charter cities.
- 4) Provides that no reimbursement is required by this bill pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this bill, within the meaning of Section 17556 of the Government Code.
- 5) Makes technical and conforming changes.

COMMENTS

- 1) *Police Powers and Land Use Authority.* 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 an "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, 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.

- 2) *Subdivision Map Act.* The SMA governs how local officials regulate the division of real property into smaller parcels for sale, lease, or financing. Cities and counties adopt local subdivision ordinances to carry out the SMA and local requirements. City councils and county boards of supervisors use the SMA to control a subdivision's design and

improvements. Local subdivision approvals must be consistent with city and county general plans.

Under the SMA, cities and counties can attach scores of conditions. The SMA allows local officials to require, as a condition of approving a proposed subdivision, the dedication of property within a subdivision for streets, alleys, drainage, utility easements, and other public easements and improvements. An applicant who agrees to these conditions and meets the other requirements in the SMA and local subdivision ordinances may be granted a tentative map. Once subdividers comply with those conditions, local officials must issue final maps. For smaller subdivisions that create four or fewer parcels, local officials usually use parcel maps, but they can require tentative parcel maps followed by final parcel maps. The SMA also constrains the dedications and improvements that local cities and counties can require as a condition of a subdivision of four or fewer lots to only the dedication of rights-of-way, easements, and the construction of reasonable offsite and onsite improvements for the parcels being created.

The SMA exempts a subdivision creating five or more parcels from the requirement to obtain a tentative and final map if any of the following apply:

- a) Each parcel created is over 40 acres in size.
 - b) Each parcel created is 20 or more acres and has approved access to a maintained public street or highway.
 - c) The land before division contains less than five acres, each parcel created by the division abuts upon a maintained public street or highway, and no dedications or improvements are required by the legislative body.
 - d) The land before division consists of a parcel or parcels of land zoned for industrial or commercial development that have approved access to a road.
 - e) The subdivision is solely for the creation of habitat, as specified.
- 3) *Legislative Efforts to Streamline Subdivisions.* In recent years, the Legislature has passed measures to streamline and simplify the process to subdivide existing residential properties and to build smaller homes. These efforts include:
- a) *SB 9.* In 2021, the Governor signed SB 9 (Atkins), Chapter 162, Statutes of 2021, which allowed up to four homes on lots where currently only one exists. It did so by allowing existing single-family homes to be converted into duplexes. It also allowed single-family parcels to be subdivided into two lots, while allowing for a new two-unit building to be constructed on the newly formed lot. Under SB 9, the total number of units that can be built on a formerly single-family zoned lot is capped at four. Under existing law, accessory dwelling units (ADUs) may be built in combination with SB 9 so long as the total number of units on a lot does not exceed four. Property owners may use both SB 9 and ADUs to achieve the maximum allowed density in a configuration that best suits their site and circumstances, for example, two primary units under SB 9 and one ADU per unit. Furthermore, SB 9 explicitly prohibits the owner of the parcel being subdivided from also subdividing the adjacent parcels under SB 9 in order to limit its applicability to a two-lot, four-unit cap.

- b) *SB 684/SB 1123*. SB 684 (Caballero), Chapter 783, Statutes of 2023, and SB 1123 (Caballero), Chapter 294, Statutes of 2024, established a streamlined, ministerial pathway for small-scale housing development on subdivided lots. Specifically, these laws require local agencies to ministerially approve qualifying subdivisions of up to 10 parcels and associated housing development projects of up to 10 units on lots zoned for multifamily or on lots that are vacant and zoned for single-family residential developments. SB 684/1123 projects are required to meet specified objective standards related to site eligibility, density, affordability (if it is located on a site identified for lower-income housing in the most recent housing element), and environmental constraints. The statutes limit local discretion to objective zoning, subdivision, and design standards, prohibit standards that would physically preclude development at required densities, and impose firm timelines for approval. Together, these provisions are intended to facilitate "missing middle" housing by enabling smaller, by-right projects in urbanized areas.

According to the Author

"Tentative Vesting Maps are valid for 24 months, although certain local jurisdictions may allow these maps to be valid for longer periods of time. The mapping process under the Subdivision Map Act can further constrain the state's already limited housing supply. Tentative vesting maps require discretionary approvals, that have additional requirements, leading to longer timelines and increasing costs. These longer timelines may also require projects to seek re-entitlement even if the project remains consistent with adopted plans and zoning, only further increases project costs, delays housing, and puts financing at risk. To help prevent construction delays and unlock housing faster, SB 1169 would increase the length of an entitlement under the Subdivision Map Act."

Arguments in Support

Bay Area Council, the sponsor of the bill, writes in support, "By modernizing the [SMA], this bill addresses a critical regulatory bottleneck that currently stifles the development of housing at all income levels. SB 1169 will increase development feasibility and encourage project completion by extending the validity of tentative vesting maps. Current law typically limits tentative vesting maps to 24 months; SB 1169 extends this validity to eight years, better aligning entitlements with local planning cycles and protecting projects from the risk of re-entitlement during market fluctuations.

"By providing greater certainty and reducing risk on new subdivisions, SB 1169 will help yield housing faster and make homeownership more accessible for all Californians."

Arguments in Opposition

None on file.

FISCAL COMMENTS

According to the Assembly Appropriations Committee, "No state costs. Local costs resulting from this bill are not reimbursable by the state because local agencies have general authority to levy fees or charges to cover the administrative costs of new planning mandates."

VOTES

SENATE FLOOR: 36-0-4

YES: Allen, Alvarado-Gil, Archuleta, Ashby, Becker, Blakespear, Cabaldon, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Reyes, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Weber Pierson, Wiener

ABS, ABST OR NV: Arreguín, Caballero, Valladares, Wahab

ASM LOCAL GOVERNMENT: 10-0-0

YES: Carrillo, Ta, Alanis, Pacheco, Fong, Ransom, Blanca Rubio, Stefani, Ward, Wilson

ASM APPROPRIATIONS: 11-0-4

YES: Wicks, Hoover, Arambula, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Solache, Ta

ABS, ABST OR NV: Calderon, Pellerin, Sharp-Collins, Tangipa

UPDATED

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