

Date of Hearing: March 12, 2025

ASSEMBLY COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT

Matt Haney, Chair

AB 253 (Ward) – As Introduced January 15, 2025

SUBJECT: California Residential Private Permitting Review Act: residential building permits

SUMMARY: Allows homeowners and developers to hire third-party licensed professionals to conduct building plan checks for certain small-scale housing developments, if it takes, or would take, the local building department longer than 30 days to conduct that review. Specifically, **this bill:**

- 1) Creates the California Residential Private Permitting Review Act (Act).
- 2) Requires the building department of a city or county to prepare a schedule of fees for a residential building permit and post the schedule on the local government's internet website.
- 3) Applies the provisions of the Act to the following housing development projects (qualified projects) containing between one and 10 residential units that are equal to, or less than, 40 feet tall:
 - a) New construction; and
 - b) Additions to, or remodels of, existing buildings.
- 4) Requires a local building department, upon receipt of a completed application for a residential post-entitlement building permit for a qualified project, to provide the applicant with an estimate of how long it will take for them to review the building permit application.
- 5) Provides that, if the estimated timeframe provided in 3) exceeds 30 days, the applicant may contract with or employ, at the applicant's own expense, a private professional reviewer (private reviewer) to perform plan-checking services and ensure that the plans and specifications comply with all applicable state and local building codes and requirements.
- 6) Provides that if a local building department takes longer than 30 days to complete the review of any permits for a qualified project once submitted, an applicant may elect to have the review conducted by a private reviewer instead, as stipulated in 5).
- 7) Requires, if the private reviewer performs the plan-check functions, the private reviewer to prepare an affidavit under penalty of perjury stating all of the following:
 - a) The provider performed the plan-checking services in 5); and
 - b) The plans and specification comply with all relevant state and local post-entitlement requirements.
- 8) Requires the applicant to submit to the local agency a report of the plan-checking services pursuant to this bill. The report shall include both of the following:
 - a) The affidavit described in 7), above;

- b) Any deficiencies in the plans and specifications if they do not comply with all relevant state and local requirements; and
 - c) Any additional information that may be required by the local agency.
- 9) Requires, within 14 days of receiving the report pursuant to 8), the local agency to consider the report and, based on the report, do either of the following:
- a) Issue the building permit if the plans and specifications comply with all state and local requirements; or
 - b) Notify the applicant in writing that the plans and specifications do not comply with all relevant state and local building requirements. The notice shall specify the requirements for the plans and specifications to comply with these requirements.
- 10) If there are deficiencies with the plans and specifications, identified in 9) b), the applicant may do either of the following:
- a) Resubmit corrected plans and specifications to the building department; or
 - b) Contract with, or employ at the applicant's own expense, a private reviewer to check the corrected plans and specifications. The applicant is then required to re-submit all of the materials specified in 8) to the local agency, and the local agency is subject to the timeframes and requirements set forth in 9).
- 11) If the local agency fails to comply with the timeframes and requirements in 9), the postentitlement permit for a qualified project shall be deemed compliant with all requirements, and the permit shall be deemed approved.
- 12) Defines the following terms for the purposes of this bill:
- a) "Applicant" means a person who applies;
 - b) "Application" means an application for a residential building permit; and
 - c) "Private professional provider" means a professional engineer licensed pursuant to the Professional Engineers Act, or an architect licensed pursuant to the Architects Practice Act who does not have a financial interest in the residential building permit or preparing the plans and specifications.

EXISTING LAW:

- 1) 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. (California Constitution, Article XI, Section 7)
- 2) Establishes the California Building Standards Commission (CBSC) within the Department of General Services and requires CBSC to approve and adopt building standards and to codify

those standards in the California Building Standards Code. (Health and Safety Code (HSC) Section 18930)

- 3) Establishes State Housing Law to assure the availability of affordable housing and uniform statewide code enforcement to protect the health, safety, and general welfare of the public and occupants of housing and accessory buildings. (HSC 17910)
- 4) Establishes the Permit Streamlining Act (PSA), which, among other things, establishes time limits within which state and local government agencies must either approve or disapprove permits to entitle a development. (Government Code (GOV) Section 65920 - 65964.5)
- 5) Establishes standards and requirements for local agencies to review non-discretionary postentitlement phase permits, including time limits within which local agencies must either approve or disapprove postentitlement permits, as follows:
 - a) Fifteen business days to conduct a completeness review;
 - b) Thirty business days of the application being complete for housing development projects with 25 units or fewer; and
 - c) Sixty business days of the application being complete for housing development projects with 26 units or more. (GOV 65913.3)
- 6) Provides that failure of a local government to meet the timeframes specified in 5) is a violation of the Housing Accountability Act (HAA). (GOV 65913.3)
- 7) Allows the governing body of a local agency to authorize its enforcement agency to contract with or employ a private entity or persons on a temporary basis to perform plan-checking functions, as specified. (HSC 17960.1, 19837)
- 8) Requires a local agency to contract with or employ a private entity or persons on a temporary basis to perform plan-checking functions, upon the request of an applicant, for specified structures when there is an “excessive delay” in checking the plans and specifications that are submitted as a part of the application. (HSC 17960.1, 19837)
 - a) For a residential building permit, “excessive delay” generally means the building department or building division of a local agency has taken more than 30 days after submitting a complete application to complete the structural building safety plan check of the applicant’s set of plans and specifications that are suitable for checking. “Residential building” means a one-to-four family detached structure not exceeding three stories in height. (HSC 17960.1); and
 - b) For a nonresidential permit for a building other than a hotel or motel that three stories or less, “excessive delay” generally means the building department or building division of the local agency has taken more than 50 days after submitting a complete application to complete the structural building safety plan check of the applicant’s set of plans and specifications that are suitable for checking. (HSC 19837)

FISCAL EFFECT: Unknown.

COMMENTS:

Author’s Statement: According to the author, “AB 253 aims to streamline the housing production process by addressing delays in the post-entitlement plan check phase. This bill would allow homeowners and developers of small residential projects to hire a licensed third-party professional to review building plans for compliance with state laws and local ordinances if the local building department has not approved them within 30 days. Currently, post-entitlement permits—which are required to begin construction—can take up to nine months for approval, creating a significant bottleneck that hinders housing production and impacts affordability. By providing an alternative review option, AB 253 offers a practical solution to alleviate the burden on overextended local building departments and accelerate project timelines.”

State and Local Housing Needs: According to the Department of Housing and Community Development (HCD), California’s housing crisis is a half-century in the making.¹ After decades of underproduction, supply is far behind need and housing and rental costs are soaring. As a result, millions of Californians must make hard decisions about paying for housing at the expense of food, health care, child care, and transportation, directly impacting the quality of life in the state. One in three households in the state doesn’t earn enough money to meet their basic needs. In 2024, over 187,000 Californians experienced homelessness on a given night.²

To meet this housing need, HCD determined that California must plan for more than 2.5 million new homes, and no less than one million of those homes must be affordable to lower-income households, in the 6th Regional Housing Needs Allocation (RHNA). By contrast, housing production in the past decade has been under 100,000 units per year – including less than 10,000 units of affordable housing per year.³ To keep pace with demand, Los Angeles County was tasked with building over 812,000 new homes by 2029. The destruction of homes caused by the Palisades and Eaton fires only exacerbated this housing shortage at the state, regional, and local level.

This bill would address a key governmental constraint to housing production by providing an alternate, and potentially expedited, approval pathway for small-scale residential developments. Speeding up housing approvals as proposed in this bill reduces costs by minimizing delays that increase financing, labor, and material expenses. Faster approvals also create more certainty for developers, encouraging investment and increasing housing supply, which helps stabilize prices. Increasing the supply and availability of housing available at all income levels ultimately lowers housing costs and helps to promote a more affordable California.

Palisades and Eaton Fires: On January 7, 2025, two devastating wildfires, the Palisades Fire and Eaton Fire, both ignited in Los Angeles County. The Palisades Fire began in the Santa Monica Mountains, rapidly spreading across over 23,000 acres and destroying over 6,800 structures, primarily in the Pacific Palisades community of the City of Los Angeles.⁴ The Eaton Fire ignited in Eaton Canyon near Altadena, burning more than 14,000 acres, destroying over

¹ California Department of Housing and Community Development, *A Home for Every Californian: 2022 Statewide Housing Plan*. March 2022, <https://storymaps.arcgis.com/stories/94729ab1648d43b1811c1698a748c136>

² U.S. Department of Housing and Urban Development, Point in Time Counts.

<https://www.huduser.gov/portal/datasets/ahar/2023-ahar-part-1-pit-estimates-of-homelessness-in-the-us.html>

³ <https://www.hcd.ca.gov/policy-research/housing-challenges.shtml>

⁴ <https://www.latimes.com/california/live/la-fire-updates-floods-mud-rain-closures-laguna-eaton-palisades>

9,400 structures.⁵ Both fires were fully contained by January 31, 2025. Of the more than 16,000 homes and other structures destroyed, the vast majority were located in what is referred to as the wildland-urban interface, or WUI.⁶ The WUI is where human development meets or mixes with the undeveloped natural environment or wildlands.⁷

State and Local Executive Orders: In response to the Palisades and Eaton fires, Governor Newsom issued four executive orders in January and February 2025 intended to help the Los Angeles region rebuild permanent housing quickly. Many of the actions in the executive orders are directly related to expediting the housing approvals process, and removing permitting barriers at the state and local levels. These include requiring HCD to coordinate with local governments to identify and recommend procedures, including but not limited to exploring the use of pre-approved plans and waivers of certain permitting requirements, to establish rapid permitting and approval processes to expedite the reconstruction or replacement of residential properties destroyed or damaged by fire. Governor Newsom also committed to collaborating with the Legislature to identify and propose statutory amendments that durably address barriers impeding rapid rebuilding efforts in the areas affected by this emergency.

Furthermore, Los Angeles Mayor Karen Bass issued an Executive Order on Expedited Community Rebuilding and Recovery on January 13, 2025. This executive order aims to expedite the rebuilding process for affected residents by streamlining local permitting procedures. Notably, this Executive Order committed to expediting permit reviews and inspections. Los Angeles city departments are directed to conduct all initial permit reviews within 30 days of submission. Reviews and approvals by different departments shall be conducted simultaneously, not sequentially, to the extent practical.

This bill would help to further the objectives of Governor Newsom’s Executive Orders related to rebuilding, and Mayor Bass’ Executive Order, by addressing local permitting timelines and local capacity issues that may unduly impede efforts to rebuild properties or facilities destroyed by the Palisades and Eaton fires. Both Governor Newsom and Mayor Bass acknowledged the governmental constraints that a slow and cumbersome permitting process can impose on homeowners seeking to rebuild. Property owners would only be able to use the provisions of this bill for small developments (1-10 units) that are less than, or equal to, 40 feet tall.

The Housing Approvals Process – Entitlement Stage: Planning for, and approving, new housing developments is primarily a local responsibility. Under the California Constitution, cities and counties have broad authority, known as the police power, to regulate land use in the interest of public health, safety, and welfare. Local governments enforce this authority through an entitlement process, which includes both discretionary and ministerial approvals. Gaining “entitlement” is essentially a local government’s confirmation that a housing project conforms with all applicable local zoning regulations and design standards.

Navigating through the various stages of housing entitlement requires developers to invest time and resources early in the development process. To address this, the Legislature has enacted various laws to streamline, expedite, and standardize approvals, particularly for projects meeting objective standards. One such law is the PSA, which mandates strict deadlines for local agencies

⁵ IBID.

⁶ <https://calmatters.org/environment/wildfires/2025/01/la-county-fires-wildland-urban-interface/>

⁷ IBID.

to approve or deny projects at the entitlement stage to minimize bureaucratic delays. In addition to these overarching statutes, the Legislature has also enacted more targeted laws that apply streamlined approval processes to specific housing types or circumstances.

The Housing Approvals Process – Postentitlement Stage: Once a project receives entitlement, or approval, from the local planning department, it must obtain postentitlement permits, such as building, demolition, and grading permits. Postentitlement permits are related to the physical construction of the development proposal before construction can begin. At the postentitlement stage, plans are reviewed for consistency with State Housing Law, which provides requirements and procedures for uniform statewide code enforcement to protect the health, safety, and general welfare of the public and occupants of housing and accessory buildings. Among other things, State Housing Law delegates responsibility to state administrative agencies for the adoption of building standards, applies state building codes uniformly, and directs local agencies' administration of code enforcement. During the postentitlement stage, development proposals are checked for consistency with the Building Code, Fire Code, Energy Code, and green building standards.

AB 2234 (Rivas), Chapter 651, Statutes of 2022, extended key PSA provisions to postentitlement permitting by establishing a:

- Deemed Complete Timeframe: Agencies must determine application completeness within 15 business days of receipt;
- Substantive Review Timeframe: Agencies must approve or deny postentitlement permits within 30-60 business days, depending on project size; and
- Revision and Appeal Process: Developers have a clear process to amend applications and appeal denials or incomplete determinations.

If a local government violates the timelines stipulated in AB 2234 (Rivas), it is considered a violation of the HAA. The Department of Housing and Community Development (HCD) has enforcement authority over the HAA, among other state housing laws. HCD initiates enforcement reviews based on various sources, including stakeholder complaints. If there is suspected violation of a housing law such as the HAA, the process typically begins with discussions with the local government to understand the issue. If further action is needed, HCD may issue a letter of inquiry, technical assistance, or corrective action, usually allowing 30 days for a response. Depending on the outcome, HCD may acknowledge compliance, issue a violation notice, or revoke housing element certification. If the issue remains unresolved, HCD may escalate the matter to the California Attorney General, who may take legal action, including potentially imposing fines or other penalties.

This bill would provide an alternative option to pursuing enforcement of postentitlement permitting timeframes through HCD for developers of small-scale projects seeking a rapid permitting process.

Persistent and Excessive Delays for Plan Checks: Despite the aforementioned efforts to expedite local approvals for housing development proposals both at the entitlement and permitting stages, it still takes far too long to approve housing in California. Fluctuating workloads and understaffing in local building departments can lead to significant delays in permit processing.

HCD identifies lengthy permit processing timelines and procedures as a governmental constraint to housing development. In HCD’s San Francisco Housing Policy and Practice Review, the department found that procedural complexities associated with housing entitlement and permitting are “not only a barrier to entry to new development professionals pursuing [housing] projects,” but they may also cause developers to exit housing markets with complex permitting ecosystems and pursue developments in neighboring jurisdictions with less complex procedural requirements instead.⁸ For homeowners seeking to add gentle density to their property, bureaucratic hurdles and delays can result in project abandonment, further tightening the housing production pipeline.

2023 Housing Development Approvals Timeline⁹

Development Type	Average Days: Submitted to Entitled	Average Days: Entitled to Permitted	Total Days from Submittal to Approval
Single Family (Detached)	160	151	311
Single Family (Attached)	221	93	314
Accessory Dwelling Unit (ADU)	112	222	334
Mobile Home	212	161	373
Two to Four Units	179	345	524
Five or More Units	323	377	700

Existing law requires a local agency to contract with or employ a private entity or persons on a temporary basis to perform plan-checking functions, upon the request of an applicant, when there is an “excessive delay” in checking the applicant’s plans and specifications. For a residential building permit, “excessive delay” generally means the building department or building division of a local agency has taken more than 30 days after receiving a complete application to complete the structural building safety plan check of the applicant’s set of plans and specifications that are suitable for checking. In this instance, “residential building” means a one-to-four family detached structure not exceeding three stories in height. This bill would apply to housing development proposals for additions, remodels, or new constructions of buildings with 1-10 units that are greater than, or equal to, 40 feet tall. As such, this bill would also apply to a larger range of residential projects than what is currently allowed. This would also deviate from existing law which provides a pathway for the *local government* to contract with a private provider if there are excessive delays, rather than allowing the applicant to go directly to that private provider.

Existing laws also establish timelines for the postentitlement permitting process that local governments must follow, including clear timeframes for review and approval, but the

⁸ HCD San Francisco Policy & Practice Review, Page 13. Published October 2023. Accessed from: <https://www.hcd.ca.gov/policy-and-research/plans-and-reports>

⁹ Based on self-reported Annual Progress Report (APR) data provided by local governments to HCD for housing developments approved the year 2023. These timelines includes time where the applicant was responsible for responding to feedback or any corrections identified by the local government, so they are not entirely representative of the length of time that a local government spent reviewing any given development. <https://www.hcd.ca.gov/planning-and-community-development/housing-element-implementation-and-apr-dashboard>

enforcement of these laws is limited. A violation of these laws constitutes a violation of the HAA, requiring a developer to report the violation to the HCD, and then HCD to go through its enforcement process. Given that the statutory timeframes for postentitlement permits range from 15-60 business days, there may be benefit to establishing a more rapid enforcement mechanism, as provided by this bill's "deemed approved" provisions.

This bill would allow applicants for a building permit to hire a provider to perform plan-checking services, and assess plans and specifications to ensure they comply with State Housing Law, the State Building Code, and any local requirements, if the local agency fails to perform these functions within 30 days of receiving an application for a building permit. It would also allow the applicant to elect to use a private provider if the local government estimates it will take longer than 30 days to complete this review. States like Florida, Tennessee, and Texas already allow for this practice.

This bill requires a private provider to perform plan-checking services to determine compliance with all applicable state and local post-entitlement regulations. If the plans and specifications comply, the private provider must prepare an affidavit under penalty of perjury stating that the provider performed the plan-checking services or inspection and that they comply with all relevant requirements. Unlike public plan reviewers, private providers do not enjoy qualified immunity and so face strong incentives to avoid signing off on non-compliant plans or construction.

This bill requires the applicant to submit to the local agency a report of the plan-checking services as specified. The report must include the affidavit from the private provider, a list of any deficiencies associated with the plans and specifications, and any additional information required by the local agency. Within 14 days of receiving the report, the local agency must:

1. Issue the building permit if the plans and specifications or building and private professional provider complies with all applicable requirements; or
2. Notify the applicant in writing that the plans and specifications do not comply with all relevant state and local building requirements. The notice shall specify the requirements for the plans and specifications to comply with these requirements.

If there are deficiencies in the plans or specifications, the applicant has the opportunity to revise the plans and resubmit them for review, either by the local building department or a private provider. The applicant may then resubmit the plans and specifications for re-review under the timelines stipulated above. A failure to meet the statutory timeframes in this bill would result in the permit being deemed approved.

The building department of a city or county is also required to prepare a schedule of fees and post the schedule on its internet website.

Arguments in Support: California YIMBY, the bill sponsor, writes in support: "By expediting the permitting process for fully entitled projects, policymakers can effectively increase housing production without incurring additional costs."

Arguments in Opposition: The California Building Officials write in opposition: "Not only do we feel that this bill would jeopardize public safety in the name of expediency, but we feel that it undermines the public sector altogether."

Related Legislation:

AB 2433 (Quick-Silva) of 2024 would have established the California Private Permitting Review and Inspection Act, which would have allowed for project proponents to use third-party private providers for the review of postentitlement permits and final inspections for a wider range of proposed developments. This bill died in the Senate Local Government Committee.

Double referred: This bill was also referred to the Assembly Committee on Local Government, where it will be heard should it pass out of this committee.

REGISTERED SUPPORT / OPPOSITION:

Support

California YIMBY (Sponsor)
Abundant Housing LA
Bay Area Council
California Apartment Association
California Association of Realtors (*If Amended*)
California Community Builders
Circulate San Diego
East Bay Leadership Council
Fieldstead and Company, Inc.
Housing Action Coalition
Housing Trust Silicon Valley
Redlands YIMBY
San Diego Housing Federation
SPUR
The Two Hundred
Westside for Everyone

Opposition

California Building Officials

Analysis Prepared by: Dori Ganetsos / H. & C.D. / (916) 319-2085