Date of Hearing: April 23, 2025

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT
Juan Carrillo, Chair
AB 660 (Wilson) – As Amended April 9, 2025

SUBJECT: Planning and Zoning Law: postentitlement phase permits.

SUMMARY: Makes a number of changes to law governing the approval and issuance of postentitlement phase permits and the provision of services for housing development projects by counties, cities and special districts. Specifically, **this bill**:

1) Prohibits, as part of its review of a housing project, a local agency from requiring or requesting more than two plan check and specification reviews in connection with an application for a building permit, unless the local agency's requirement or request for additional review is accompanied by written findings based on substantial evidence in the record that the additional review is necessary to address a specific, adverse impact on public health or safety.

2) Removes a provision specifying that, if the local agency requires review of the application by an outside entity, the time limits in existing law that would otherwise apply shall be tolled until the outside entity completes the review and returns the application to the local agency, at which point the local agency shall complete the review within the time remaining under the time limit, provided that the local agency notifies the applicant within three business days by electronic mail and, if applicable, by posting the notification on its internet website of the tolling and resumption of the time limit, as specified.

3) Prohibits a local agency from requesting or requiring any action or inaction as a result of a site inspection that would represent a deviation from a previously approved plan or similar approval for the project, unless the local agency's requirement or request is accompanied by written findings based on substantial evidence in the record that both of the following apply:

    a) A reasonable person could not interpret the previously approved plan or similar approval as being compliant with the applicable standards.

    b) The deviation is necessary to address a specific, adverse impact on public health or safety.

4) Makes the following changes to the process and requirements that apply if a postentitlement phase permit is determined to be incomplete or denied, or determined to be noncompliant:

    a) Removes the authority of a city or county to provide that the right of appeal is to the planning commission.

    b) Reduces the amount of time within which a local agency must provide a final written determination after receipt of an applicant's written appeal, as follows:

        i) With respect to a postentitlement phase permit concerning housing development projects with 25 units or fewer, a local agency shall provide a final written

determination no later than 30 business days (instead of 60 business days) after receipt of the applicant's written appeal.

ii) With respect to a postentitlement phase permit concerning housing development projects with 26 units or more, a local agency shall provide a final written determination no later than 45 business days (instead of 90 business days) after receipt of the applicant's written appeal.

c) Allows the applicant to seek a writ of mandate to compel approval of the application if the applicant's appeal is denied, or a decision on the appeal is not made within the timelines provided, or an appeals process is not provided as required. The writ of mandate shall be granted if there is substantial evidence in the record that a reasonable person could find that the application is complete and compliant with the applicable standards.

5) Changes the definition of "postentitlement phase permit" to specify that building permits, and all interdepartmental review required for the issuance of a building permit, includes plan checking and site inspection.

6) Makes the following changes to law governing applications from a housing project for service from a special district, or for a postentitlement phase permit that a local agency deemed complete that requires separate approval from a special district:

a) Allows, following receipt by an applicant of a specified notice from a special district of information or next steps required in the review process, the applicant to provide a written response to the special district notifying the special district that the applicant believes that it has submitted all of the legally required information for the application to be considered and that the application is compliant with the applicable standards for approval of the application.

b) Allows, if the special district does not approve the application within 30 days of receiving the notice, the applicant to seek a writ of mandate to compel approval of the application. The writ of mandate shall be granted if there is substantial evidence in the record that a reasonable person could find that the application is complete and compliant with the applicable standards.

7) Provides that the provisions in 3) and 5), above, does not constitute a change in, but is declaratory of, existing law.

8) Makes a number of conforming, technical and clarifying changes.

9) Finds and declares that this bill addresses a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this bill applies to all cities, including charter cities.

10) 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, as specified.

EXISTING LAW:

1) Defines "postentitlement phase permit" as follows:

    a) All nondiscretionary permits required by a local agency after the entitlement process to begin construction of a development that is intended to be at least two-thirds residential, excluding specified planning permits, entitlements, and other permits. These permits include, but are not limited to, all of the following:

        i) Building permits, and all inter-departmental review required for the issuance of a building permit.

        ii) Permits for minor or standard off-site improvements.

        iii) Permits for demolition.

        iv) Permits for minor or standard excavation and grading.

    b) All building permits and other permits issued under the California Building Standards Code or any applicable local building code for the construction, demolition, or alteration of buildings, whether discretionary or nondiscretionary.

    c) Allows a local agency to identify by ordinance a threshold for determining whether a permit constitutes a "minor" or "standard" permit if supported by written findings.

    d) Excludes a permit required and issued by the California Coastal Commission, a special district, or a utility that is not owned and operated by a local agency, or any other entity that is not a city or county. [Government Code (GOV) § 65913.3]

2) Requires a local agency, defined to include a city or county, to compile one or more lists of information that will be required from any applicant for a postentitlement phase permit. (GOV § 65913.3)

3) Allows the local agency to revise the lists specified in (2), however, any revised list cannot apply to any permit pending review. (GOV § 65913.3)

4) Requires a local agency to post an example of a complete, approved application and an example of a complete set of postentitlement phase permits for at least five types of housing development projects in the jurisdiction, as specified. Requires the lists and example permits to be posted on the city or county's website by January 1, 2024. (GOV § 65913.3)

5) Requires a local agency to determine whether an application for a postentitlement phase permit is complete and provide written notice of this determination to the applicant within 15 business days after the local agency received the application, as follows:

    a) If the local agency determines an application is incomplete, the local agency must provide the applicant with a list of incomplete items and a description of how the application can be made complete, but the local agency can't request new information that wasn't on the original list of needed information.

b) After receiving a notice that the application was incomplete, an applicant may cure and address the items that are deemed to be incomplete by the local agency. Upon receipt of a corrected application, the local agency must notify the applicant whether the additional application has remedied all incomplete items within 15 business days.

c) If a local agency does not meet the timelines required for determining an application complete, and the application or resubmitted application states that it is for a postentitlement phase permit, the application or resubmitted application shall be deemed complete. (GOV § 65913.3)

6) Specifies the process for approving postentitlement permits, as follows:

a) Requires local agencies to complete review, either return in writing a full set of comments to the applicant with a comprehensive request for revisions or return the approved permit application, and electronically notify the applicant of its determination within:

i) Thirty business days of the application being complete for housing development projects with 25 units or fewer.

ii) Sixty business days of the application being complete for housing development projects with 26 units or more.

b) Provides that these time limits do not apply if the local agency makes written findings within the applicable time limit that the proposed postentitlement phase permit might have a specific, adverse impact on public health or safety and that additional time is necessary to process the application.

c) Tolls the time limits for approval if the local agency requires review of the application by an outside entity, as specified.

d) If a local agency finds that a complete application is noncompliant, the local agency must provide the applicant with a list of items that are noncompliant and a description of how the application can be remedied by the applicant within the applicable time limit, as provided, and must allow the applicant to correct the application.

e) Requires local agencies to establish an appeals process. If an applicant appeals, the local agency must make a final determination within:

i) Sixty business days of the appeal for a project of 25 units or fewer.

ii) Ninety business days of the appeal for a project of 26 units or more. (GOV § 65913.3)

7) Provides that failure to meet the time limits in this bill constitute a violation of the Housing Accountability Act (HAA). (GOV § 65913.3)

8) Allows extension of any of the time limits upon mutual agreement by the local government and the applicant. However, a local agency cannot require as a condition of submitting the application that the applicant waive the time limits in this bill, with an exception for environmental review associated with the project. (GOV § 65913.3)

9) Specifies that the process and timeframes outlined above do not place limitations on the amount of feedback that a local agency may provide or revisions that a local agency may request of an applicant. (GOV § 65913.3)

FISCAL EFFECT: This bill is keyed fiscal and contains a state-mandated local program.

COMMENTS:

1) **Author's Statement**. According to the author, "While California has taken many steps to address the housing crisis, there is still much work to be done. AB 660 aims to build on AB 2234 by closing gaps in existing law regarding the timelines for local agencies to review applications and act on post-entitlement permits and applications.

   "The post-entitlement process has become a significant cog in the housing progress, delaying construction and advancement across the state. AB 660 aims to ensure that our housing projects are approved and built on time, avoiding delays during the plan check process that often derail housing development. This legislation ensures that the standards we put on our local agencies are truly binding by empowering developers to seek legal action when these agency 'shot clocks' are violated. AB 660 moves to continue the streamlining of housing production in California, removing unnecessary plan checks and assuring that our local agencies abide by established deadlines."

2) **Background**. Planning for and entitling new housing 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, such as the allowable density and height for a project, parking requirements, and setbacks. Cities and counties also enforce this land use authority through their control of the entitlement process, which is the process by which the city or county grants permission for a proposed housing development to be built.

   Existing state laws, including the Permit Streamlining Act, the Housing Accountability Act, and the Housing Crisis Act of 2019, establish parameters for the entitlement process. These parameters are designed to ensure that public agencies act fairly and promptly on applications for housing development proposals. These laws require public agencies to compile lists of information that applicants must provide, and explain the criteria they will use to review permit applications. Once a developer has submitted a complete application for development, these laws require that the project be subject only to the ordinances, policies, and standards adopted and in effect at the time of the application, and require local officials to act within a specific time period after completing any environmental review documents required under the California Environmental Quality Act.

3) **Post-entitlement**. A development proposal that is approved and entitled by a local agency must also obtain approval of objective permits associated with the development proposal. This ensures the proposal is compliant with state and local building codes and other measures that protect public health, safety and the environment. Post-entitlement phase permits include permits to prepare the site for new development, including demolition permits and grading permits. Post-entitlement phase permits also include all the building permits for the new

construction. This stage of the review process is often ministerial, as these postentitlement permits are typically objective in nature.

Generally, once a local agency invests the time and effort to approve and entitle a development proposal, there is an incentive for the agency to process the postentitlement permits in a timely fashion.

AB 2234 (Robert Rivas), Chapter 651, Statutes of 2022, established parameters for a local agency's review of non-discretionary post-entitlement phase permits, including requiring a local agency to determine whether an application for a post-entitlement building permit is complete within 15 days of the agency receiving the application. Post-entitlement building permits must be approved by local agencies within 30 days for small housing development projects and 60 days for large housing development projects. AB 2234 specified that its process and timeframes do not place limitations on the amount of feedback that a local agency may provide or revisions that a local agency may request of an applicant

AB 1114 (Haney), Chapter 753, Statutes of 2023, expanded the postentitlement permits subject to the expedited review process and timelines established by AB 2234 to include all building permits and other permits issued under the California Building Standards Code, or any applicable local building code for the construction, demolition, or alteration of buildings, whether discretionary or nondiscretionary.

4) **Special District Approvals**. Special districts are limited purpose local governments, separate from cities and counties. Within their boundaries, special districts provide focused public services such as fire protection, sewers, water supply, electricity, parks, recreation, sanitation, cemeteries, and libraries. In addition to receiving approval of permits, housing projects may also need to receive approval for services provided by special districts, such as power and water.

   AB 281 (Grayson and Robert Rivas), Chapter 735, Statutes of 2023, also built on the provisions of AB 2234 by requiring special districts to alter their process and timelines regarding applications from a housing development project for service, or for a postentitlement permit that another local agency deemed complete that also requires separate approval from the special district.

   AB 281 required special districts to respond in writing to the following inquiries when they receive an application from a housing development for service or a postentitlement permit requiring separate approval from the special district:

   a) Within 30 business days for a housing development project with 25 units or fewer; or

   b) Within 60 business days for a housing development project with 26 units or more.

   The written notice must include the next steps in the review process, including any information required to begin or continue the review process. After receiving notice that an application requires additional information, an applicant may provide the requested information directly to the special district. A special district must continue to review each submission to determine additional relevant information, and provide written notice of the next steps or additional information required within those timeframes.

AB 281 did not require the special district to approve the application or serve the housing development project within a specified time. The bill also specifically provided that it does not limit the amount of comments, feedback, revisions, or requests for additional information a special district may provide to an applicant or to a local agency.

5) **Bill Summary**. This bill makes changes to the postentitlement permitting and approvals process for housing development projects for counties and cities, and for special districts.

   This bill makes the following changes that apply to counties and cities, including charter cities:

   a) **Plan Checks**. This bill prohibits a local agency from requiring or requesting more than two plan check and specification reviews in connection with an application for a building permit for a housing development project, unless the local agency's requirement or request is accompanied by written findings based on substantial evidence in the record that the additional review is necessary to address a specific, adverse impact on public health or safety. This provision applies regardless of the size of the housing project.

   b) **Tolling**. Under existing law, if a local agency requires review of an application by an outside entity (such as a special district), the time limits that would otherwise apply to the local agency are "tolled" (or suspended) until the outside entity completes its review and returns the application to the local agency. At this point, the local agency must complete its review with the remaining time limit. This bill removes this tolling period, effectively running the clock on the local agency's time limit while an outside agency (or agencies) complete their work.

   c) **Site Inspections**. This bill also prohibits a local agency from requesting or requiring any action or inaction as a result of a site inspection that deviates from a previously approved plan or similar approval for the project, unless the local agency's requirement or request is accompanied by written findings based on substantial evidence in the record that both of the following apply:

      i) A reasonable person could not interpret the previously approved plan or similar approval as being compliant with the applicable standards.

      ii) The deviation is necessary to address a specific, adverse impact on public health or safety.

   d) **Appeals Process**. If a postentitlement phase permit is determined to be incomplete or denied, or determined to be noncompliant, this bill makes the following changes to the appeals process:

      i) Eliminates the ability of a city or county to run the appeals process through its planning commission.

      ii) Reduces the amount of time within which a local agency must provide a final written determination after receiving an applicant's written appeal, as follows:

(1) For a postentitlement permit for housing development projects of 25 units or less, the local agency must provide a final written determination within 30 business days (instead of 60 business days) after receiving the applicant's written appeal.

(2) For a postentitlement permit for housing development projects with 26 units or more, the local agency must provide a final written determination within 45 business days (instead of 90 business days) after receipt of the applicant's written appeal.

iii) Allows an applicant to seek a writ of mandate to compel approval of an application if the applicant's appeal is denied, or a decision on the appeal is not made within the timelines provided, or an appeals process is not provided as required. This bill requires the writ of mandate to be granted if there is substantial evidence in the record that a reasonable person could find that the application is complete and compliant with the applicable standards.

e) **Definitions**. This bill changes the definition of "postentitlement phase permit" to specify that building permits, and all interdepartmental review required for the issuance of a building permit, includes plan checking and site inspection.

This bill makes the following changes to law governing applications from a housing project for service from a special district, or for a postentitlement phase permit that a local agency deemed complete that requires separate approval from a special district:

a) If a special district provides notice to an applicant of the information or next steps required in the review process, this bill allows the applicant to provide a written response to the special district notifying the district that the applicant believes that it has submitted all of the legally required information for the application to be considered and that the application is compliant with the applicable standards for approval of the application.

b) If the special district does not approve the application within 30 days of receiving this notice, this bill allows the applicant to seek a writ of mandate to compel approval of the application. This bill requires the writ of mandate to be granted if there is substantial evidence in the record that a reasonable person could find that the application is complete and compliant with the applicable standards.

This bill is sponsored by the California Building Industry Association.

6) **Policy Considerations**. The Committee may wish to consider the following:

a) **Too Soon**? This bill changes provisions of law that apply to special districts that were carefully negotiated and enacted less than two years ago. The Committee may wish to consider if it is premature to make changes to this area of law, or if more time should be allowed to fully evaluate its effect (and effectiveness) before additional changes are made.

b) **Site Inspections**. This bill prohibits a local agency from requesting or requiring any action or inaction as a result of a site inspection that deviates from a previously approved plan or similar approval for the project, unless the local agency's requirement or request

is accompanied by findings that the deviation is necessary to address a specific, adverse impact on public health or safety. In some cases, plans and specifications will not account for unanticipated conditions that are found on a site during construction that might not be evident to inspectors until the inspection process and that could encompass conditions that don't constitute a health or safety issue. The Committee may wish to consider if this language should be narrowed to apply only to inspections of a building, rather than an entire site.

c) **Definition**. This bill changes the definition of "postentitlement phase permit" to specify that building permits, and all interdepartmental review required for the issuance of a building permit, includes plan checking and *site* inspection. The Committee may wish to consider if an entire site inspection should be considered a permit, or if this language should be narrowed to specify *building* inspection.

7) **Committee Amendments**. The Committee may wish to consider the following amendments to address the policy considerations raised above:

a) **Amend Section 65913.3(d) as follows**:

(5) The local agency shall not request or require any action or inaction as a result of a ~~**site**~~ **building** inspection **undertaken to assess compliance with the applicable building permit standards** that would represent a deviation from a previously approved **building** plan or similar approval for the ~~**project**~~ **building permit**, unless the local agency's requirement or request is accompanied by written findings based on substantial evidence in the record that both of the following apply:

(A) A reasonable person could not interpret the previously approved **building** plan or similar approval as being compliant with the applicable standards **for the building permit**.

(B) The deviation is necessary to address a specific, adverse impact on public health or safety.

b) **Amend Section 65913.3.(j) as follows**:

(3) (A) "Postentitlement phase permit" includes both of the following:

(i) All nondiscretionary permits and reviews that are required or issued by the local agency after the entitlement process has been completed to begin construction of a development that is intended to be at least two-thirds residential, excluding discretionary and ministerial planning permits, entitlements, and other permits and reviews that are covered under Chapter 4.5 (commencing with Section 65920). A postentitlement phase permit includes, but is not limited to, all of the following:

(I) Building permits, and all interdepartmental review required for the issuance of a building permit, including plan checking and ~~**site**~~ **building** inspection.

(II) Permits for minor or standard off-site improvements.

(III) Permits for demolition.

(IV) Permits for minor or standard excavation and grading.

(ii) All building permits and other permits issued under the California Building Standards Code (Title 24 of the California Code of Regulations) or any applicable local building code for the construction, demolition, or alteration of buildings, whether discretionary or nondiscretionary.

(B) A local agency may identify by ordinance a threshold for determining whether a permit constitutes a "minor" or "standard" permit for the purposes of this paragraph, which shall be supported by written findings adopted by the jurisdiction.

(C) A postentitlement phase permit does not include a permit required and issued by the California Coastal Commission, a special district, a utility that is not owned and operated by a local agency, or any other entity that is not a city, county, or city and county.

c) **Strike Section 2 of the bill**.

8) **Related Legislation**. AB 253 allows an applicant for specified residential building permits to contract with or employ a private professional provider to check plans and specifications if the county or city building department estimates a timeframe for this plan-checking function that exceeds 30 days, or does not complete this plan-checking function within 30 days. AB 253 is pending in the Senate.

AB 1308 (Hoover) allows an applicant for specified residential building permits to contract with or employ a private professional provider to perform inspections if the county or city building department estimates a timeframe for this function that exceeds 30 days, or does not complete this function within 30 days. AB 1308 is pending in this committee.

AB 1007 (Blanca Rubio) expedites timelines for approval or disapproval by a public agency acting as the "responsible agency" for residential and mixed-use development projects. AB 1007 is pending in the Assembly Housing and Community Development Committee.

9) **Previous Legislation**. AB 2433 (Quirk-Silva) of 2024 would have required a local agency that has not completed plan-checking services within 30 business days of receiving a completed application for a building permit to complete plan-checking services and issue or deny a building permit within specified time frames, upon request by the applicant for the building permit. AB 2433 was held in Senate Local Government Committee.

AB 3012 (Grayson), Chapter 752, Statutes of 2024, required cities and counties to make available on their internet websites a fee estimate tool that the public can use to calculate an estimate of fees and exactions for a proposed housing development, and required the Department of Housing and Community Development to create a fee schedule template and a list of best practices, as specified.

AB 281 (Grayson and Robert Rivas), Chapter 735, Statutes of 2023, required special districts to comply with specified timeframes, similar to those for cities and counties, when reviewing and approving postentitlement phase permit applications from housing developers.

AB 1114 (Haney), Chapter 753, Statutes of 2023, expanded the scope of postentitlement phase permits subject to mandated processing timelines and other requirements to include discretionary permits.

AB 2234 (Robert Rivas), Chapter 651, Statutes of 2022, required local agencies to process non-discretionary permits within 30 days for small housing development projects and 60 days for large housing development projects.

10) **Arguments in Support**. The California Building Industry Association, sponsor of this measure, writes, "California's severe housing shortage and affordability crisis demand immediate action to streamline regulatory processes that hinder housing production. While prior legislation—such as AB 2234 (Rivas)—took significant steps in setting a framework for timely post entitlement permit approvals, AB 660 seeks to further bolster this process. Permit issuance delays increase development costs and hinder the timely delivery of much-needed housing for California families.

"AB 660 effectively builds upon the existing law by addressing critical shortcomings in the post entitlement permit process. Specifically, this bill:

- Prohibits last-minute field changes that deviate from previously approved plans, ensuring consistency and predictability in the construction process.
- Limits excessive plan check resubmittals, reducing unnecessary delays that increase project costs.
- Provides applicants with legal recourse when local agencies fail to comply with established timeframes, reinforcing accountability in the permitting process.
- Closes loopholes that allow indefinite extensions of the shot clock, ensuring timely and fair permit decisions.

"By promoting a more efficient, predictable, and fair permitting process, AB 660 is essential to ensuring that the housing projects California desperately needs can move forward without unnecessary bureaucratic delays."

11) **Arguments in Opposition**. The California Special Districts Association and the California Association of Sanitation Agencies, opposed unless amended, write, "AB 660, among other things, would amend California Government Code § 65913.3.1, a section that went into effect on January 1, 2024, after a collaborative process with local government organizations. This measure would add into the dialogue between proponents and special districts about approvals of projects related to providing services, an applicant's authority to unilaterally notify a special district that the applicant believes they have submitted all the legally required information related to approval of an application. Furthermore, this bill would authorize an applicant to seek a writ of mandate if the application is not approved within 30 days of that notification.

"While this code section has been in effect for just over one year, the need to amend it so soon and in the spirit of the collaboratively derived language which recognized the importance of "…comments, feedback, revisions, or requests for additional information a special district …" is unclear. We find that this narrows and limits the recently chaptered provisions in Government Code § 65913.3.1 that recognize the realities of the on-the-ground

process and service delivery. We find that these provisions specific to special districts are not yet ripe for revision.

"For the reasons mentioned above, we must respectfully oppose AB 660, unless amended to address the above concerns."

12) **Double-Referral**. This bill is double-referred to the Assembly Housing and Community Development Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

California Building Industry Association [SPONSOR]
Abundant Housing LA
Associated General Contractors
Associated General Contractors-san Diego Chapter
Boma California
California Association of Realtors
California Business Properties Association
California Retailers Association
California Yimby
Circulate San Diego
Housing Action Coalition
Housing California
Housing Trust Silicon Valley
Institute for Responsive Government Action
Leadingage California
Naiop California
South Pasadena Residents for Responsible Growth
Southern California Leadership Council
Spur

Opposition

California Association of Sanitation Agencies (unless amended)
California Special Districts Association (unless amended)
City of Murrieta

Analysis Prepared by: Angela Mapp / L. GOV. / (916) 319-3958