

Date of Hearing: April 30, 2025

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT  
Juan Carrillo, Chair  
AB 647 (Mark González) – As Amended April 24, 2025

**SUBJECT:** Housing development approvals: residential units

**SUMMARY:** Establishes the Better Urban Infill and Livable Design (BUILD) Housing Act of 2025, which provides a streamlined and ministerial approval pathway for the development of up to eight residential units total on a lot with an existing single family home, or a lot zoned for less than eight residential units. Specifically, **this bill:**

- 1) Provides a streamlined, ministerial approval pathway, without discretionary review or a hearing, for proposed housing developments containing no more than eight residential units that are located on a lot with an existing single-family home or are zoned for eight or fewer residential units meeting the following requirements:
  - a) The proposed development includes at least one deed-restricted affordable housing unit at or below 80% of the Area Median Income (AMI). The unit must be deed-restricted affordable for a period of 55 years for rental units and 45 years for owner-occupied units;
  - b) The units in the proposed development may be leased, sold, or conveyed in any manner under applicable law. For example, they can be rental housing, part of a common interest development, part of a tenancy in common, or part of a housing cooperative;
  - c) The proposed development must be either of the following:
    - i) Located in a residential zone.
    - ii) In an incorporated city, the boundaries of which include some portion of an urban area, as designated by the 2022 U.S. Census Bureau Federal Register.
  - d) The proposed development cannot involve the demolition or alteration of any of the following:
    - i) Housing that is subject to a recorded covenant, ordinance, or law that restricts rent to levels affordable to persons and families of low, very low, or extremely low income.
    - ii) Housing that is subject to any form of rent or price control through a local public entity's valid exercise of its police power.
    - iii) Housing occupied by tenants within the five years preceding the date of the application, including housing that has been demolished or that tenants have vacated before the submission of the application for a development permit.
  - e) The proposed development will be served by a public water system and a municipal sewer system;
  - f) The housing development is not located on a site that is any of the following:

- i) In an area of the coastal zone that is:
  - (1) Between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance; or
  - (2) On tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff.
  - (3) Vulnerable to five feet of sea level rise;
  - (4) On or within a 100-foot radius of a wetland, or on prime agricultural land;
- ii) On either prime farmland or farmland of statewide importance, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction;
- iii) On wetlands;
- iv) Within a high or very high fire hazard severity zone, unless the site has adopted fire hazard mitigation measures such as certain building code or defensible space requirements;
- v) On a hazardous waste site, unless:
  - (1) The site is an underground storage tank site that received a uniform closure letter based on closure criteria established by the State Water Resources Control Board for residential use or residential mixed uses. This does not alter or change the conditions to remove a site from the list of hazardous waste sites; or
  - (2) The State Department of Public Health, the State Water Resources Control Board, the Department of Toxic Substances Control, or a local agency made a determination that the site is suitable for residential use or residential mixed uses;
- vi) Within a designated earthquake fault zone, unless the development complies with applicable seismic building code standards;
- vii) Within a special flood hazard area subject to inundation by the 1-percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency (FEMA) in any official maps published by FEMA. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this or is otherwise eligible for streamlined approval, a local agency shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that local agency that is applicable to that site. A development may be located on a site on the 100-year flood map if either of the following are met:
  - (1) The site has been subject to a Letter of Map Revision prepared by FEMA and issued to the local jurisdiction; or

- (2) The site meets FEMA requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program;
  - viii) Within a regulatory floodway as determined by FEMA in any official maps published by FEMA, unless the development has received a no-rise certification. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this and is otherwise eligible for streamlined approval, a local agency shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that local agency that is applicable to that site;
  - ix) Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act, a habitat conservation plan pursuant to the federal Endangered Species Act of 1973, or other adopted natural resource protection plan;
  - x) Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973, the California Endangered Species Act, or the Native Plant Protection Act; or
  - xi) Lands under conservation easement.
- 2) Prohibits a local agency from applying any development standard that would physically preclude the construction of a housing development meeting the requirements in 1), unless the waiver or reduction of those standards would have a specific, adverse impact on public health or safety, and there is no feasible way to mitigate or avoid the specific, adverse impact.
- 3) Prohibits a local agency from imposing development standards on projects meeting the requirements in 1) that do any of the following:
  - a) Impose any requirement that applies to a project solely or partially on the basis that the housing development receives approval under the BUILD Act;
  - b) Require a setback between the units, except as required in the California Building Standards Code;
  - c) Require that parking be enclosed or covered;
  - d) Impose side and rear setbacks as follows:
    - i) No setback shall be required for an existing structure or a structure constructed in the same location and with the same dimensions of an existing structure; and
    - ii) Notwithstanding (i), a local agency may require a side and rear setback of up to four feet;
  - e) Impose height restrictions less than that of one story above the maximum height otherwise applicable to the parcel;

- f) Imposes off-street parking requirements; or
  - g) Imposes a floor area ratio (FAR) standard that is less than 2.0.
- 4) Prohibits a setback, height limitation, lot coverage limitation, FAR, or other standard that would limit residential development capacity from being required by a local government for an existing structure or a structure constructed in the same location and within the same dimensions as an existing structure.
  - 5) Requires a local agency to ministerially consider, without discretionary review or a hearing, an application to construct housing under the BUILD Act within 60 days of a complete application. Failure to act on the application within 60 days will result in the application being deemed approved. If the local agency denies the application, the local agency shall, provide a full set of written comments to the applicant with a list of items that are defective or deficient and a description of how the applicant can remedy the application.
  - 6) Allows a local agency to disapprove a housing development under the BUILD Act if it makes written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact on public health and safety and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.
  - 7) Allows a local agency to adopt an ordinance to implement the BUILD Act, and specifies that the adoption of said ordinance is not a project under the California Environmental Quality Act (CEQA).
  - 8) Prohibits a density bonus, or any incentives, concessions, waivers or reductions of development standards, or parking ratios from being applied to a proposed housing development submitted under the BUILD Act.
  - 9) Finds and declares that the provision of adequate housing, in light of the severe shortage of housing at all income levels in this state, is a matter of statewide concern and is not 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) Defines “local agency” to mean a city, county, or city and county, whether general law or chartered.
  - 11) 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) Requires a city or county to ministerially approve either or both of the following, as specified:
  - a) A housing development of no more than two units (duplex) in a single-family zone; and
  - b) The subdivision of a parcel zoned for residential use into two approximately equal parcels (lot split), as specified. (Government Code (GOV) 65852.21 & 66411.7)

- 2) Requires a local agency to ministerially approve, within specified timelines, an application for a building permit within a residential or mixed-use zone to create one or more ADUs that meet all state and local requirements. (GOV 66310)
- 3) Requires a local agency to ministerially consider, without discretionary review or a hearing, a parcel map or a tentative and final map for a subdivision resulting in 10 or fewer parcels and a housing development resulting in 10 or fewer units, on certain residential lots. (GOV 66499.41)
- 4) Establishes the Affordable Housing and High Road Jobs Act of 2022 (Wicks), Chapter 647, Statutes of 2022, which allows the development of 100% affordable and qualifying mixed-income housing development projects in commercial zones and corridors. (GOV 65912.100-65912.140)
- 5) Establishes, pursuant to SB 35 (Weiner), Chapter 366, Statutes of 2017, and SB 423 (Weiner Chapter 423 Statutes of 2023), until 2036 a streamlined, ministerial review process for infill housing development projects that meet strict objective standards and are sites that are zoned for residential use or residential mixed-use development. (GOV 65913.4)

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

**COMMENTS:**

- 1) **Bill Summary.** This bill allows up to eight units on lots already containing a single-family home or zoned for up to eight residential units in urban areas or urban clusters, as defined by the U.S. Census Bureau in 2012. These small-scale developments under the BUILD Act would benefit from a streamlined, ministerial approval process. To qualify, the development must meet specific conditions, such as dedicating at least one unit to deed-restricted affordable housing for households earning 80% or less of the area median income, for 55 years (rentals) or 45 years (ownership). This bill takes existing lot conditions into account, by prohibiting the bill from being used on parcels that would require the demolition of affordable housing (either deed restricted or through local rent control), and housing that has been occupied by tenants over the past 5 years. It further excludes BUILD Act developments on parcels in environmentally sensitive areas such as wetlands, high fire zones, or floodplains.

This bill limits a local agency's ability to impose certain development restrictions. Under this bill, local governments cannot impose development standards on developments of up to eight units that would do the following:

- 1) Impose any requirement on a project solely or partially because it qualifies under the BUILD Act;
- 2) Require any setbacks between the units themselves, unless mandated by the California Building Standards Code;
- 3) Require parking to be enclosed (such as garages) or covered (such as carports);
- 4) Require side or rear setbacks for existing structures or for new structures built in the exact same location and dimensions of an existing structure; otherwise, side and rear setbacks may not exceed four feet;

- 5) Impose a height limit that is less than one story above the maximum height otherwise allowed for the parcel;
- 6) Require any off-street parking;
- 7) Impose a floor area ratio (FAR) limit of less than 2.0; or
- 8) Impose any setback, height, lot coverage, FAR, or other standard that would reduce residential capacity for an existing structure or one rebuilt in the same footprint.

Together, these limitations are intended to prevent local jurisdictions from using traditional zoning tools like excessive setbacks, parking requirements, or restrictive height limits to block or downsize qualifying projects. Local governments would be required to act on applications pursuant to the BUILD Act within 60 days of a complete application. Failure to do so would result in the application being deemed approved.

This bill is sponsored by United Way of Greater Los Angeles, Abundant Housing LA, and Inner City Law Center.

- 2) **Author’s Statement.** According to the author, “California’s housing crisis is not just a policy failure—it’s a moral failure. With millions of Californians struggling under the weight of sky-high rents and unattainable homeownership, we cannot afford to let outdated zoning laws and bureaucratic red tape continue to stand in the way of building the homes our communities desperately need. For too long, exclusionary zoning and restrictive housing policies have locked low-income families and communities of color out of high-opportunity neighborhoods—perpetuating segregation, deepening inequality, and denying countless Californians access to stable, affordable housing. AB 647, the Better Urban Infill and Livable Design (BUILD) Housing Act of 2025, is a direct response to these systemic barriers. By streamlining the approval process for small-scale, multi-unit housing in residential neighborhoods, this bill makes it easier to build the homes our state desperately needs—while also expanding access to historically exclusive areas.

“AB 647 also includes strong affordability provisions, requiring that at least one unit in each development be reserved for low-income households. It also maintains key tenant protections and environmental safeguards, so that we build fairly, responsibly, and sustainably. California’s future depends on our ability to build homes for everyone across our entire state. With the BUILD Housing Act, we are making it clear: every community has a role to play in solving this crisis, and everyone deserves a fair shot at the California Dream.”

- 3) **Planning for Housing.** 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.

- 4) **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 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 certain escalating penalties, including exposure to the "builder's remedy" as well as public or private lawsuits, financial penalties, potential loss of permitting authority, or even court receivership. Localities that do not adopt a compliant housing element within 120 days from their statutory deadline also must complete any rezones within one year of their deadline, rather than the three years afforded to on-time adopters.

Among other things, the housing element must demonstrate how the community plans to accommodate its share of its RHNA which is a figure determined by HCD through a demographic analysis of housing needs and population projections. HCD establishes its determination of each COG's regional housing targets across the state for the next five- or eight-year planning cycle. Each COG (or in some areas, HCD acting directly as COG) then sub-allocates the RHNA to each local government within the COG's jurisdiction, and in turn each jurisdiction uses its housing element to show how it will accommodate that number of new housing units, split out by income level and with a focus on certain special needs housing types and on affirmatively furthering fair housing.

- 5) **Distribution of Units.** California is currently in its 6th Housing Element cycle. In this cycle, HCD determined that the state must plan for the development of 2.5 million new homes, including more than 1 million affordable homes. This has prompted an unprecedented volume of rezoning at the local level. However, housing advocates argue that significant improvements are still needed in the Housing Element review and rezoning process. For example, the City of Los Angeles' recent rezoning effort to accommodate over 250,000 new homes has drawn substantial criticism. Despite the fact that single-family neighborhoods make up the majority of the city's residential land, the plan largely excluded those areas from upzoning. Instead, nearly all rezoning was concentrated in already dense, transit-rich areas, particularly Downtown and along commercial corridors. Critics contend that this approach perpetuates racial and economic segregation, misses an opportunity to equitably distribute growth, and places disproportionate pressure on communities that have historically borne the brunt of inequitable planning decisions.
- 6) **Policy Consideration.** As written the bill would allow accessory dwelling units (ADU) and junior accessory dwelling units (JADUs) to be applied on top of the 8 units this bill requires. Existing law requires a local government to approve a number of ADUs equal to the number of units, but no more than 8, on a multifamily parcel. This bill could allow up to 16 units to be ministerially approved on a parcel that could accommodate a single family home.
- 7) **Amendments.** The author has requested that the Committee approve the following amendments:  
SEC 3. Section 65852.22  
...  
(f) An application for a proposed housing development submitted pursuant to this section

shall be ineligible for a density bonus, or any incentives, concessions, waivers or reductions of development standards, or parking ratios, provided under Section 65915.

**(g) An application for a proposed housing development pursuant to this section shall be ineligible to add any accessory dwelling units or junior accessory dwelling units, provided under Government Code 66310-66342.**

~~(g)~~ **(h)** The Legislature finds and declares that the provision of adequate housing, in light of the severe shortage of housing at all income levels in this state, is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this section serves a significant and legitimate public purpose by eliminating potential restrictions that could inhibit the production of adequate housing, and applies to all cities, including charter cities.

~~(h)~~ **(i)** For purposes of this section, “local agency” means a city, county, or city and county, whether general law or chartered.

- 8) **Related Legislation.** AB 956 (Quirk-Silva) allows for the streamlined and ministerial approval of up to two detached ADUs on lots with an existing or proposed single-family dwelling. This bill is pending in this Committee.
- 9) **Arguments in Support.** United Way of Greater Los Angeles, Abundant Housing LA, Inner City Law Center writes in support, “By requiring at least one unit be deed-restricted as affordable for families at or below 80% of the area median income and preserving that affordability for decades, AB 647 ensures that new housing developments serve low- and middle-income families. To qualify for AB 647, projects cannot demolish existing affordable or rent-controlled housing and cannot be located in high-risk environmental areas, balancing housing expansion with critical protections.

“AB 647 is essential to desegregate California and open neighborhoods of opportunity to all Californians. Lower-income households often face a stark choice: pay upwards of half their income to live within a reasonable distance to their jobs, or accept long commutes from their homes. This is because job rich neighborhoods do not provide adequate housing affordable to all households. Essential workers including teachers, post office workers, and grocery store employees work in every neighborhood in California. Unfortunately, not every neighborhood has affordable housing for our essential community members. AB 647 will move California towards remedying this wrong.”

- 10) **Arguments in Opposition.** The League of California Cities writes in opposition, “Cal Cities appreciates your desire to pursue a proposal that boosts housing production. Unfortunately, AB 647 ignores local flexibility, decision-making, and community input, which are critical components that, when coupled with ongoing, dedicated funding, can help spur desperately needed housing construction in the state.

“AB 647 and other ministerial or by-right housing approval processes fail to recognize the extensive public engagement and costs associated with developing and adopting zoning ordinances and state-mandated housing elements that are certified by the California Department of Housing and Community Development. It is concerning that cities are being forced to spend tens of thousands of dollars on housing plans only to have them pushed aside and replaced with one-size-fits-all zoning dictated by the Legislature.”

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

United Way of Greater Los Angeles (Co-Sponsor)  
Abundant Housing LA (Co-Sponsor)  
Inner City Law Center (Co-Sponsor)  
Abundant Housing Pasadena  
Abundant Housing Sunset  
Active San Gabriel Valley  
All Home  
Alliance of Californians for Community Empowerment (ACCE Action)  
Ascencia  
Bet Tzedek Legal Services  
Bike LA  
Black Women for Wellness  
Building Weho  
CA Native Vote Project  
California Community Builders  
California Yimby  
Climate Resolve  
Cty Housing, INC.  
Downtown Women's Center  
Dtla 4 All  
East Bay Yimby  
Eastside Housing for All  
Everybody's Long Beach  
Fathers and Mothers Who Care  
Fieldstead and Company, INC.  
Glendale Yimby  
Greenbelt Alliance  
Grow the Richmond  
Habitat for Humanity California  
Habitat for Humanity Greater Los Angeles  
Healing and Justice Center  
Homes for Whittier  
Hopics  
Housing Action Coalition  
Housing Leadership Council of San Mateo County  
Inland Abundant Housing & Housing and Homeless Collaborative of Claremont  
Inquilinos Unidos (united Tenants)  
Jewish Family Service LA  
Justice in Aging  
Kiwa  
LA Forward  
LA Voice  
Liberty Hill Foundation  
Libre  
Lisc Los Angeles  
Lisc San Diego

Long Beach Forward  
Long Beach Gray Panthers  
Long Beach Residents Empowered  
Los Angeles Neighborhood Land Trust  
Mental Health Advocacy Services  
Mountain View Yimby  
Napa-Solano for Everyone  
Neighborhood Housing Services of Los Angeles County  
Northern Neighbors  
Our Future Los Angeles  
Path  
Pathway to Tomorrow  
Peninsula for Everyone  
Presbytery of the Pacific  
Redlands Yimby  
Restore Neighborhoods LA  
Sacramento Housing Alliance  
Safe Place for Youth  
San Fernando Valley for All  
San Francisco Yimby  
Santa Cruz Yimby  
Santa Monica Forward  
Santa Rosa Yimby  
Sf Yimby  
Social Justice Learning Institute  
South Bay Forward  
South Bay Yimby  
South LA Solid  
South Pasadena Residents for Responsible Growth  
St Joseph Center  
Stories From the Frontline  
Streets for All  
Sunset Abundant Housing  
Sustainable Claremont  
The Good Seed CDC  
The Hmong INC  
The People Concern  
The Sidewalk Project  
Union Station Homeless Services  
United Way Bay Area  
Urban Environmentalists LA  
Ventura County Yimby  
Westside for Everyone  
Yimby Action  
Yimby Democrats of San Diego County  
Yimby LA  
Yimby Law  
Yimby Los Angeles  
Yimby Slo

**Opposition**

California Association of Realtors  
City of Adelanto  
City of Artesia, California  
City of Brea  
City of Buena Park  
City of Coalinga  
City of Colton  
City of Cotati  
City of Cypress  
City of Garden Grove  
City of Hawaiian Gardens  
City of Hermosa Beach  
City of Highland  
City of La Habra  
City of La Mirada  
City of Lakewood CA  
City of Lomita  
City of Los Alamitos  
City of Montclair  
City of Ontario  
City of Rancho Palos Verdes  
City of Rancho Santa Margarita  
City of Rolling Hills Estates  
City of San Bernardino  
City of San Rafael  
City of Seal Beach  
City of Stanton  
City of Thousand Oaks  
City of Tulare  
City of Walnut Creek  
Downey; City of  
Fullerton; City of  
Laguna Beach; City of  
League of California Cities  
Mission Viejo; City of  
South Bay Cities Council of Governments

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